

DÁIL ÉIREANN

DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

TUAIRISC OIFIGIÚIL OFFICIAL REPORT

IMLEABHAR 641

VOLUME 641

Dé Céadaoin, 7 Samhain 2007.
Wednesday, 7 November 2007.

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

Paidir.
Prayer.

Leaders' Questions.

Deputy Enda Kenny: I want to return to the central issue of cancer services. They say a week is a long time in politics, but for the eight women in the midlands awaiting the results of a second test, a week can be an eternity. Yesterday, the Taoiseach stated on the record of the House that the matter in Portlaoise was a systems failure. He stated: "I am informed that there was no systems failure involved". If there was no systems failure does the Taoiseach place the blame on human error?

On 19 February 2002, the then Midland Health Board wrote to town commissioner Kathleen O'Brien stating, "You will recall that a board deputation met the Minister for Health and Children on 11 April 2001". That Minister was Deputy Micheál Martin, following on from Deputy Cowen and preceding Deputy Harney. The letter continues that the Minister confirmed "that the centre of excellence for symptomatic breast disease services was to be developed at the Midland Regional Hospital at Portlaoise".

The letter states that a unit was to be developed

at the Midland Regional Hospital at Portlaoise with both surgeons and radiologists located in Portlaoise. All intervention radiology, triple

assessment and breast cancer surgery for the board's area would be performed in this unit.

That is the confirmation given by the Minister on 11 April 2001, that in the Midland Health Board area there would be radiologists and surgeons in Portlaoise and all intervention radiology, triple assessment and breast cancer surgery for the area would be carried out in that area.

That was the system approved by the Government. The Taoiseach is receiving a running commentary from the Minister for Health and Children to back him up in presiding over this shambles. That was a system the Government put in place and the Minister confirmed to the women and men of the former Midland Health Board area. Why is it that since April 2001 what the then Minister confirmed on behalf of the Fianna Fáil Government did not take place in Portlaoise hospital? Why has there been no triple assessment? Why do we hear complaints about 15 year old machinery? Why were breast cancer surgery services not carried out as was envisaged? This was the Taoiseach's system, his policy and his failure, and he should tell us why the confirmation given by the Minister for Health and Children was never implemented?

The Taoiseach: I was not clear what Deputy Kenny stated. Yesterday, he stated there was a

[The Taoiseach.]

systems failure but I stated there was not a systems failure and I explained what the details were. I am not sure what distinction Deputy Kenny is drawing in that.

As I understand it — I received a briefing on this — over the years radiologists were appointed. They had difficulty in the location recruiting consultant radiologists but they did recruit radiologists. There was no triple assessment. That is correct, as I understand it.

Deputy Enda Kenny: The letter refers to confirmation of triple assessment.

The Taoiseach: Triple assessment was not implemented.

Deputy Enda Kenny: Has it been implemented since?

Deputy Olivia Mitchell: The question is why.

Deputy Bernard J. Durkan: Why not?

The Taoiseach: They had difficulties getting—

Deputy Enda Kenny: I do not want to be disruptive, but the letter states, "All intervention radiology, triple assessment and breast cancer surgery for the board's area would be performed in this unit."

The Taoiseach: As I understand it, while they did appoint consultant radiologists, radiographers and staff, they had difficulties getting staff but they did not bring in triple assessment.

Deputy Olivia Mitchell: Why? The Government stated it would.

An Ceann Comhairle: This is Leaders' Questions. The Taoiseach, without interruption.

The Taoiseach: I want to deal with the other point made by Deputy Kenny. I do not want to get into a blame game in this because a report is being prepared and the consultant will bring in all the facts. I understand that the original images diagnosed by the radiologist involved to determine the cases were used in the re-examination. The report will have to give its verdict on all that. Staff, equipment and quality assurance issues will form part of the report. There were staff and a consultant radiologist in the unit. They were recruited, some of them in recent times. Those staff were carrying out their duties. When this issue was raised by a member of staff the same images that were originally diagnosed by the radiologist involved were used in the examination. We will have to wait for the report by the consultant radiologist at St. Vincent's hospital, Ann O'Doherty.

Deputy Enda Kenny: I am not sure whether the Government, which seems to have removed itself from all reality and expects this to operate by remote control, understands the mentality, mood and anger of people throughout the country. People want a system that will deliver a service they can trust for its integrity so that if a woman has a mass on her breast which requires attention, she will know she will receive the best level of service and attention and will have the best chance of survival.

The letter of confirmation issued by the Minister for Health and Children on 11 April 2001 stated there would be triple assessment in respect of Portlaoise. That did not happen. It is not for me to adjudicate on whether the machinery is inferior or outdated but I know that where two radiologists sign off on every mammogram, the incidence of doubt and anxiety can be addressed. Irrespective of whether a systems failure occurred, the letter confirms that the Government failed to implement its own system.

Deputies: Hear, hear.

Deputy Enda Kenny: Today, we learned about further misdiagnoses in Cork. I am unsure whether the Taoiseach has read the relevant report but I would like him to indicate if he has information from the Minister for Health and Children setting out whether this is true. Will the Minister will issue an instruction today that as and from this moment every mammogram is to be read by two radiologists?

Deputies: Hear, hear.

Deputy Enda Kenny: Consultants and surgeons tell me various stories from around the country. In cases where mammograms are taken, will the Minister issue an instruction to the overabundant, over-managed and in many cases overpaid HSE officials who claim they are dealing with the matter? She is the Minister for Health and Children and she should lay down an instruction now. Can I get confirmation from the Taoiseach that such will be the case so that women can have some hope and faith in a system that has been allowed to fail and has been doomed to fail under what the Government has established?

The Taoiseach: Deputy Kenny raised several points I will try to answer. On the first point, Ann O'Doherty, the consultant radiologist in St. Vincent's University Hospital, is producing an overall report. People's careers are involved so I do not want to say anything—

Deputy Enda Kenny: People's lives.

Deputy Fergus O'Dowd: People's health too.

The Taoiseach: —that concerns the individual staff concerned.

Deputy Seymour Crawford: Is it the Taoiseach's career we are discussing?

The Taoiseach: Deputy Kenny's question referred to cases in which women's lives might be at risk. That is precisely the point I explained yesterday in respect of why 13 units were closed down. Only two weeks ago, I was on the floor defending that position in response to questions put by the Deputy and others regarding why the units were closed. These units are considered to be less safe than they could be if multidisciplinary teams were in place.

Deputy Enda Kenny: I asked about triple assessment in Portlaoise.

The Taoiseach: I will answer the Deputy's questions and I will come to that issue because he does not understand it, unfortunately.

Deputy Bernard Allen: It was the Government's failure.

The Taoiseach: We want to provide safe units for all women. Some 15,000 mammograms are done each year. Two consultants read mammograms in the medical world of this country, Northern Ireland, Britain and, I understand, elsewhere only where numbers are below 500. It is not the practice in the medical world that mammograms are read by two people except where there are very low numbers. That is the position where a cancer is identified. Triple assessment only applies where cancer is identified and, because cancer was not identified in these cases that issue does not arise.

Deputy Olivia Mitchell: Triple assessments were promised.

Deputy Enda Kenny: They were only read by one radiologist. That is why they were misdiagnosed.

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

The Taoiseach: If the value of Leaders' Questions lies in dealing with current issues and misinformation that is what I am trying to do. In this case, the difficulty was that the cancer was not seen when the mammograms were read. Triple assessment only applies where it is read and then referred on. I hope that point is clear.

Deputy Brian Hayes: Why did the Government promise triple assessment?

Deputy James Reilly: Triple assessment takes place when there is a lump, whether benign or malevolent.

An Ceann Comhairle: The Taoiseach must be allowed to complete his answer.

The Taoiseach: Triple assessment may be relevant to other issues and I have already stated it was not in place but in the case under discussion——

Deputy Liz McManus: Why was it not in place?

The Taoiseach: For the women involved, the problem was that the mammograms did not show cancers, so triple assessment would not have taken place. I hope the position is clear.

Deputy Bernard J. Durkan: Why did they not show?

The Taoiseach: On the issue of low volumes, the difficulty is that in our hospitals — I made this point yesterday and have to return to it today — 15,000 mammograms are conducted outside the auspices of BreastCheck. We are endeavouring, with the recent decisions made by the HSE, to designate four managed control networks and eight cancer centres which will be implemented on a managed and phased basis. Professor Keane is due to take up his post in the week commencing 19 November and is expected to quickly designate national clinical leaders of radiation, surgery and medical oncology. Arrangements are in hand to enable him to take control of all the new cancer developments from the start of the new year and all existing cancer services and related staff on a progressive basis. He intends to designate the locations for a range of cancer specialists among the eight centres by early January and will therefore engage in detailed planning to facilitate these designations as soon as he arrives. The breast consultants have already been recruited by this Government in recent years. I am told we probably have more than we require but we need multidisciplinary teams.

The last question raised by Deputy Kenny pertained to Cork. On 14 June, the Health Information Quality Authority published the terms of reference for its independent investigation into the care provided to Rebecca O'Malley. This is a case from four months ago. In addition to investigating the circumstances surrounding the care of Rebecca in regard to her symptomatic breast disease, the investigation will examine the provision of the pathology services provided by the Health Service Executive at Cork University Hospital and the symptomatic breast disease services provided by the Mid-Western Regional Hospital. I stated that in the House several months ago. I am aware Ms O'Malley's consultant surgeon at the Mid-Western Regional Hospital wrote to the pathologist at CUH requesting that the case be reviewed internally by the CUH and externally by the Mater hospital. I am told that at this juncture no additional cases of undetected malignancy have been identified. The HIQA investigation is ongoing and a report is expected later this month. For absolute clarity,

[The Taoiseach.]

HIQA was asked in May to undertake an investigation into the O'Malley case. That investigation is due for completion before the end of this month and includes an examination of the pathology services at CUH and symptomatic breast disease services at the Mid-Western Regional Hospital, where Ms O'Malley first presented for treatment, and the 24 cases form part of that investigation.

Deputy Eamon Gilmore: Today, we learned that the equipment in Portlaoise hospital is 15 years old. A leading radiologist said on radio this morning that the radiology equipment in half of this country's hospitals is also 15 years old. How many Ministers are driving around in 15 year-old cars and how many Departments rely on 15 year-old computer equipment? If that is not good enough for the Government, why is it good enough to scan women for breast cancer?

While we were discussing the issue in this House yesterday, Professor John Crown was speaking on the radio, where he described the Government's approach to health services as insane.

He said the Government is presiding over an apartheid system and that its policy appears to be to make public health care as unattractive as possible. He added that the Government has an attitude to public health care which is like its attitude to the dole — it despises it — and that the Government is being hypocritical in closing public facilities on the grounds that they are too small while opening private facilities that are even smaller.

Professor Maurice Nelligan yesterday at a conference said it is immoral and wrong to run down small hospitals without having in place the promised centres of excellence.

Deputies: Hear, hear.

Deputy Eamon Gilmore: He went on to say that the plan to build private hospitals has more to do with suiting the construction industry than suiting the needs of the patient. He said the Minister and the HSE are in cloud cuckoo land if they believe that patients are not suffering as a result of the Government's health policies. He also said the Minister for Health and Children would have resigned or been sacked from her position if she was in any other country.

In this morning's *Irish Examiner*, Professor Ray Kinsella argues that responsibility rests squarely with the Government and that the policies now being pursued, whatever about the Ministers who are pursuing them, were rejected by the electorate in June. Professor Niall Higgins, who drew up the cancer strategy, has described what happened in the hospital in Portlaoise as "a systems failure", something the Taoiseach said yesterday it was not and which he repeated again here this morning.

These people are respected experts in the field of medicine and health economics. They are not Opposition politicians nor leaders of political parties. They do not have a political axe to grind.

(Interruptions).

Deputy Eamon Gilmore: Hold on one second, these are people who cure people. These are people who do their job responsibly and if this Government was doing as good a job in managing and running the health service as these people are in curing their patients, we would not have the problems in the health service that we have today.

Deputies: Hear, hear.

Deputy Conor Lenihan: The Deputy is very deferential to the professions.

Deputy Eamon Gilmore: They say that what is happening in the health service is the Taoiseach's responsibility and the Government's responsibility. I have one question for the Taoiseach and ask him not to answer me but to answer them. Does he accept responsibility for what is happening in the health service?

The Taoiseach: The Deputy has asked more than one question.

Deputy Bernard Allen: Answer the last one.

Deputy Olivia Mitchell: Answer at least one.

(Interruptions).

An Ceann Comhairle: Deputy Gilmore was afforded the courtesy of silence and the Taoiseach should be afforded the same courtesy.

The Taoiseach: First, I remind Deputy Gilmore that the hospitals in Portlaoise and Cork are both public hospitals, so the issues we are talking about are consultants appointed by the process that exists to do their professional job in public hospitals. These issues did not arise in private hospitals. The Deputy knows my view——

Deputy James Reilly: What about Barringtons Hospital?

The Taoiseach: I said Cork and Portlaoise. I did not mention any others.

Deputy James Reilly: Barringtons had the exact same problems.

The Taoiseach: With regard to equipment, almost every hospital will argue all the time that it should have the most modern equipment. The argument in this case——

Deputy Emmet Stagg: And so they should.

The Taoiseach: I am not disputing that. In fact, we are more advanced in this country than they are across the water and in other countries in moving towards digital equipment.

Deputy Joan Burton: More people die here.

Deputy Liz McManus: We have not even got BreastCheck right.

The Taoiseach: We are more advanced in this country, I am told by the medics, in moving towards digital equipment.

Deputy Dan Neville: The Taoiseach should answer the questions asked.

The Taoiseach: The machine in question was 15 years old. The normal period for a mammography machine would be in excess of 11 years and this machine had been tested on an annual basis. I am not saying that better equipment is not needed, but that is not the point. As I said earlier, it was the same mammograms that were examined by two different teams. It was the same mammograms and had nothing to do with the equipment. The fact is that one person reading a mammogram decided one issue and another person decided another issue, so that is not about the equipment. In any case, the consultant will deal with it.

On the political point — it is a political point — as to whether I accept responsibility for the 120,000 people who work every day in the health service, I expect that when this House votes €15 billion to those staff, when we resource our health service probably as strongly as anywhere in the modern world, when we provide the facilities as best we can — we have improved facilities enormously with the increase from €3 billion to €15 billion in a short period of time — and when we increase staff by 30,000, I expect the staff to be doing their best, as everyone else is in society.

Deputy Bernard Allen: Give them the money and wash one's hands.

The Taoiseach: I am not here to decide whether Maurice Nelligan, when he had that job before he retired many years ago, did his cardiac surgery operations perfectly. Whether he made a mistake or not and somebody died, I am not here to form judgment on that or on any other consultant. I am not here to answer —

Deputy Brian Hayes: We know that is not what the Taoiseach is here to do.

Deputy Bernard Allen: The Taoiseach is not here to take responsibility either.

The Taoiseach: I am not here —

(Interruptions).

An Ceann Comhairle: We must have silence for the Taoiseach.

The Taoiseach: I am not here to answer for the consultants in this country when they are in their operating theatres, doing a perfect job. It does not do this House much good that I am reading out some of the clinical and surgical diagnoses of individual patients. That is not what I should be doing. We provide modern facilities to very well paid people in this country.

Deputy Dan Neville: What about the 15 year-old machinery?

The Taoiseach: The vast majority earn far in excess of what I do in terms of salary.

Deputy Brian Hayes: The Taoiseach must be joking.

(Interruptions).

The Taoiseach: One of the individuals the Deputy mentioned, to the best of my knowledge, has a huge private practice along with his public practice and the best of luck to him.

Deputy Bernard Allen: The Taoiseach is not taking responsibility. He continues to pass the buck.

The Taoiseach: If Deputy Gilmore expects me to come in here every single morning and say that the 120,000 people working in the health service — every one of them, whether in an operating theatre or out in the community — have performed to the highest standards, I cannot do that.

Deputy Liz McManus: What about the Taoiseach himself?

The Taoiseach: I must say, though, that they are well facilitated by this State and I hope they provide that service—

Deputy Bernard Allen: The equipment was 15 years old.

The Taoiseach: —and we will continue to do our best, as a Government, to improve that service.

An Ceann Comhairle: I call on Deputy Gilmore to ask a brief supplementary question. I remind Members that this is Leaders' Questions and it is not open to other Members to interrupt.

Deputy Eamon Gilmore: That is a scandalous, cowardly reply which does not answer the question. The Taoiseach spent a week, as did the people representing him, including the HSE, casting blame around everywhere else, including the people marching on the streets. Now it is the 120,000 people working in the health service and

[Deputy Eamon Gilmore.]

by side-of-the-mouth implication, it is certain consultants or medical professionals who somehow are not coming up to the mark that are causing the problem. That was not the question I asked. The question I asked was a political question. The buck stops somewhere. Where does it stop? In my view, it stops with the Government. In the view of the respected medical professionals who have spoken over the course of the past 24 hours about what is happening in our health service, the buck ultimately stops with the Taoiseach, his Government and the Minister for Health and Children because they have political responsibility.

The Taoiseach is a great man to come in here and cast aspersions on people who are working in the health service. The one thing that he did not do was own up and stand up for the responsibility that he and his Government has. How much longer does the Taoiseach want to make our health service right? He has now served a probationary period of over ten years and it is in a mess. Over 50% of the people in a survey last week said it is worse now than when the Taoiseach started. It is worse now than when Deputy Harney took office.

Deputy Martin Cullen: It is not worse.

Deputy Eamon Gilmore: Those people are entitled to a little better from the Taoiseach, for his management, not the individual staff and consultants who are working in the health service, his responsibility and accountability for the way he spends taxpayers' money on the health service because we are not getting value for the money that is being spent on it. It is a mess and it is time that something was done by the Government, other than casting blame, to put it right.

Deputies: Hear, hear.

The Taoiseach: As I said yesterday and numerous times in the last week, our work must be to try to help the people who are affected by this and not to get lost in all of the other details. Obviously, for those seven people and some other cases mentioned here over the last few years, the services did not work, for one reason or another. I am not the expert to write the reports. There is a person appointed to do that, who has all the qualifications to write an independent report and I will accept that report, whatever it says. I have been very careful not to cast aspersions on the people involved. I have not even used the briefing notes I have had.

Deputy Brian Hayes: The Taoiseach has briefing notes on everything.

The Taoiseach: People are entitled to due process in this investigation.

(Interruptions).

An Ceann Comhairle: The Taoiseach must be afforded the courtesy of silence.

The Taoiseach: We will do all we can.

I would say to Deputy Gilmore that before I took this position, there was not even BreastCheck in this country.

Deputy Kathleen Lynch: There still is not.

The Taoiseach: Before I took this position, the 2,000 people annually who had breast cancer were not being treated in the excellent way they are being treated today where 75% of them get top quality breast surgery in this country. We have a huge success rate in breast surgery.

Deputy Damien English: What about the other 25%?

The Taoiseach: We are doing a top class job for those women which did not happen in the past. I am very proud of the fact we are doing that and of the resources we are putting into our hospitals to do that. Some €0.5 billion per year is being allocated to the capital programme to improve the hospitals.

Deputy Kathleen Lynch: The Taoiseach should come down to Cork.

The Taoiseach: Time and again we have provided additional resources for more staff. I totally reject Deputy Gilmore's view that the health service in this country is inferior to what it was a decade ago because that implies the 30,000 additional staff, along with the 90,000 already there, are, in some way, not doing their job. They do their job well but I am not in this House to say every member of the HSE working in every part of the Twenty-six Counties is doing an excellent job. How could I, or any politician, do that? If I wrote a letter to any consultant and said anything which affected their medical independence, Deputy Gilmore would be the first person into the House ranting and raving that I was interfering. I am not interfering with how they do their job. I make sure they are paid adequately and, if we could finalise the negotiations, would make sure they would be given a good contract.

While I feel sorry for people and I will work might and main to try to improve the position, I reject the position whereby Deputy Gilmore can come into the House and castigate a health service which we put in place and which is a good one.

Ceisteanna — Questions.

Dáil Reform.

1. **Deputy Enda Kenny** asked the Taoiseach

his proposals for Dáil reform; and if he will make a statement on the matter. [16829/07]

2. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he has proposals for Dáil reform; and if he will make a statement on the matter. [18794/07]

3. **Deputy Eamon Gilmore** asked the Taoiseach his proposals for Dáil reform; and if he will make a statement on the matter. [20166/07]

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

As the Deputies will be aware, the matter of Dáil reform is essentially one for the House which, under the Constitution, has responsibility for making its own rules and Standing Orders. While the Government parties are committed to progressing any commitments contained in the programme for Government, it is ultimately the Committee on Procedure and Privileges which progresses Dáil reform. Responsibility for promoting Dáil reform is shared by all parties in this House and the Government will play a constructive part in exploring with those parties opportunities for improving procedures.

Deputy Enda Kenny: I assure the Taoiseach and the Ceann Comhairle that this party is genuinely interested in serious Dáil reform to make this place more effective in the interests of the people. Does the Taoiseach have a view on the place an Oireachtas channel might have in broadcasting Dáil, Seanad and committee proceedings on a regular basis and as a public service? The Whips and persons designated with responsibility will meet shortly to discuss it with the Ceann Comhairle. At present people must rely on current affairs programmes and reflections in news broadcasts. Deputy Rabbitte once famously referred to insomniacs and others watching “Oireachtas Report” at 2 a.m. or later as I saw the other night. Does the Taoiseach have a view on that?

It would be extremely beneficial as a public service for the people in that there is always a measure of support for what is discussed here by interested groups. I understand the technology is available and that the cost is not too great. We would be very interested in pursuing that proposal with the Ceann Comhairle and the Government. It would be important for Monday’s newspapers to be able to publicise what will be discussed in the Dáil that week. Deputy Barrett made the point that in Britain, even during the summer when the House of Commons is not in session, they broadcast reruns of the issues debated by the committees. A dedicated political or Oireachtas channel covering Dáil, Seanad and committee proceedings would be of enormous interest to people and it would be a great public service.

The Taoiseach: I agree with Deputy Kenny on two points and I am aware of the Ceann Comhairle’s efforts to progress reform issues. There is an agenda to which I am open and ready to move on. We could do a lot to improve how we run the House even within the existing hours. Recently I looked at the figures for last year. With Leaders’ Questions, Question Time, the Order of Business and the Adjournment Debate, we continually squeeze legislative time which is the primary purpose of the House, although obviously answering questions is part of that. We could introduce many reforms.

We could also address how we deal with urgent matters which is always a cause of frustration. It could be done better than the way we have done so, or the way in which I have operated for six years or so. I do not have a problem with the current system but one could get more up to date information by involving other Ministers. If the object is to get information — although I am not always sure it is — we could do it in a better way. If the object is just to liven up the House, we probably cannot do so. We should look at that matter. Many useful reports which do not really get too much of an airing could do so.

I am entirely in agreement with Deputy Kenny on a dedicated television station broadcasting unedited recordings of what happens in the House, although perhaps edited if there is repetition. I watch much of what goes on at committees because I have access to committee broadcasts in my office. There are very interesting committees and very interesting presentations are made by all the interested bodies representing all sectors of Irish society, including employers, employees, the public and civic society. Probably the only place they ever make a public presentation is in the Houses of the Oireachtas. I probably only know about 3% of what they say and do, although I try to look at the recommendations of the major reports which come out. Quite frankly, I do not get to read a huge amount of the detail unless it is something in which I am particularly interested, which is a small amount. I regularly watch committees dealing with the semi-States because it is a form of information and is close to what I deal with on a daily basis. Top class reports were issued in the life of the last Dáil.

Presentations made to committees would fill many television stations. Obviously, if the Dáil is being broadcast, everything else could not be but it would be very suitable for running in the evening or at weekends. It might never have high TAM ratings but I do not believe many people watch much of the stuff I happen to flick through when looking for the programme I want to watch. I would say that a lot of the rubbish that is on TV does not get much of a TAM rating, although I have to confess that some of the rubbish gets very high TAM ratings. That is always a point of view one would have.

[The Taoiseach.]

A dedicated television service would help to publicise some of the quality presentations which are made. I suggest to the Ceann Comhairle that the best way to bring this forward would be through the joint administrative committee, which is chaired by Deputy Barry Andrews. Perhaps the committee should consider this proposal as its first project. I do not think it would be too difficult to do that. I understand that it would be easy enough for us to do it. Deputy Kenny made the key point that we should not be worried about TAM ratings anyway. We are talking about the dedicated work of a group of people and the knock-on effect it has on many others. It may be the case that not everyone will watch the channel when groups come before the Oireachtas to represent a substantial number of people.

I had this debate with some of the members of a group representing the credit unions who came to an Oireachtas committee to make a submission. They almost blamed me when they did not get much coverage for raising the issue. I understood their frustration. They made the point that their submission was vitally important because they were representing 2 million members of credit unions. The people in question, all of whom were volunteers, had spent four weekends preparing their submission. It was not the committee's fault that they did not get a second of coverage. I tried to explain to them that such a lack of coverage is encountered here all the time.

The establishment of a dedicated channel, which obviously would be advertised like all other channels, would have a beneficial effect on the House. It would also cover the point about committees being uninteresting and insufficiently covered. They should receive more coverage, in fairness to Members. I understand that Members have to be re-elected. They are always being asked to do this, that and the other. If Members thought the time they dedicate to a committee, or two committees if they are serving on two committees, would be reflected on television, they would have a bigger interest in doing that. That would make life more interesting around this House in the future.

Deputy Caoimhghín Ó Caoláin: I welcome the establishment of the Joint Committee on the Implementation of the Good Friday Agreement. I hope all MPs in the Six Counties will avail of the opportunity to attend meetings of the committee and to participate in its activities. I do not doubt that the Taoiseach will echo my call. In light of the establishment of the committee, where stands the Taoiseach's original proposal regarding the access of Northern Irish MPs to a committee of the whole Dáil? Can the Taoiseach clarify — he has not done so to date — whether he sees the new Joint Committee on the Implementation of the Good Friday Agreement as a substitute for what he initially proposed? Is he

placing on hold the idea of allowing Northern Irish MPs to access certain debates in a committee of the whole Dáil? He will appreciate that I strongly support the latter suggestion. I hope his proposal to proceed with the Joint Committee on the Implementation of the Good Friday Agreement does not mean that the original idea, which other parties were reticent to endorse, is being abandoned. I believe that the initial proposition reflected most accurately the opinions expressed by the all-party committee.

I have examined the proposals for Dáil reform made by one of the Taoiseach's coalition partners. Is he aware of the various proposals which constitute the Green Party's policy in this area? What is his position on them? The Green Party has proposed that the number of Dáil sitting weeks be increased to 45. What is the Taoiseach's position on that? The Green Party has also called for the removal of the power of the Taoiseach to dissolve the Dáil and call a general election. I would be interested to hear the Taoiseach's opinion on this policy of his coalition partners. Does he agree with it? Another very interesting Green Party proposal involves the allocation of committee chairs under the d'Hondt system. As I have not done the arithmetic, I am not sure how it would affect my small interest in this regard. Has the Green Party pursued the development of such an arrangement, or any other proposition pertaining to the allocation of committee chairs, with the Taoiseach? Did it do so during the most recent allocation of such positions, or does it intend to do so in the future? Perhaps the Taoiseach will clarify where he stands on these points. Has the Green Party been pressing him on such matters of Dáil reform?

The Taoiseach: Deputy Ó Caoláin will appreciate that we have always tried to introduce Dáil reforms based on agreement. That is necessary if new structures are to work satisfactorily and not be a source of division in the House. Everything we do is aimed at improving the way we do our business. It is obvious that every party has made an input into the reform process. I have been amused by some of the proposals which have been made over the years. The ideas of the Opposition and the Government are different because they are in different positions. We should look at it from a Dáil point of view. If one follows what some people think to its logical conclusion, I would be in here all day, every day, answering questions.

Deputy Tom Hayes: That will not happen.

The Taoiseach: If I were in here all the time, I would have nothing to answer questions about — I would not be outside doing my work. It is logical — I have to go outside the House to do some work so I can then come in here and answer questions about it.

Deputy Tom Hayes: I would like to know how to get the Taoiseach in here more often.

The Taoiseach: Some people do not understand that I have to be actually doing something to be able to answer questions on it.

Deputy Enda Kenny: Micko was pleased with the Taoiseach's work last night.

The Taoiseach: That is what I spend the other 80 hours a week doing. We have examined the proposals which have been made by various parties about the d'Hondt method and other issues. Deputy Ó Caoláin asked a specific question on the Joint Committee on the Implementation of the Good Friday Agreement. My view on this issue has not changed. I did not write the all-party report, but I agree with it. The Deputy will recall that we deliberated on the all-party report, which was a good report, for a long time. We all made submissions on it. I would gladly implement the report tomorrow if agreement could be reached on that. I have not changed my position on it. As I am a realist, I accept that we have struggled to reach the current position. I appreciate the co-operation of the various party leaders in getting to this stage, at least, because otherwise we would have nothing. We should see how the current arrangements work for a period of some years. Perhaps we could revisit the original report at a later date. We should concentrate our efforts on this report at this time. I have not changed my mind.

Deputy Caoimhghín Ó Caoláin: I welcome the Taoiseach's continued support for the original proposal he made. I would like to restate my own support for it. I hope the other party leaders will note what he has said. I hope too much time will not pass before the original proposition is revisited, which would be of singular importance. The Taoiseach has suggested that some of us would like him to spend much more time answering questions in this Chamber. He is a mighty man for giving replies to the questions which are put to him. The real problem we have relates to whether those replies constitute answers.

The Taoiseach: Ask me again.

An Ceann Comhairle: Deputy Ó Caoláin is not too bad at asking questions himself.

Deputy Caoimhghín Ó Caoláin: I would prefer the Taoiseach to come to the House one day a week and actually answer the questions he is asked, rather than taking the approach he adopts most of the time. The Taoiseach seems unwilling to outline his position on an increase in sitting weeks, on his power to dissolve the Dáil and call a general election or on the allocation of committee chairs under the d'Hondt system. Therefore, I will ask an additional question about a further aspect of the Green Party's policy on Dáil reform.

Will the Government revisit the Standing Order that requires seven Deputies to come together before a technical group can be formed? The Taoiseach will recall that I have raised this matter with him on a number of occasions. Has he given any further thought to the Green Party's policy position, which reflects my continued requests and those of my colleagues? I have to acknowledge that voices of disparate opinion in this Chamber have said they believe that Dáil reform and improved engagement in this House would be aided and abetted if my colleagues and I were given an opportunity to participate in Leaders' Questions, Priority Questions and other areas of parliamentary activity from which we have been excluded since the 30th Dáil was formed.

As the Green Party Deputies have joined with Sinn Féin in the call to reduce the number from seven to five in the past, which would accommodate the four Sinn Féin Deputies and the Independent Deputy now no longer recognised as a Technical Group, has the Green Party pressed the Taoiseach on this issue? Has it raised the issue with him since the establishment of his new three-party coalition with Independent support? What response has the Taoiseach given? Is he still considering and will he accept the urgings of this Deputy that it would indeed add to and enhance the engagement on the floor of the House and be much more reflective of the broad spectrum of opinion in Irish society if debate was not confined to the Tweedledum and Tweedledee of Deputies Kenny and Gilmore, Fine Gael and the Labour Party? There is a third force for change in Irish politics and it is represented by Sinn Féin. The Taoiseach should not be afraid to face us; he has had the experience before.

The Taoiseach: The Deputy has made many suggestions. I am not averse to these issues being discussed between the Whips and in the committees which are examining new arrangements which may be agreed on Dáil reform.

Deputy Ó Caoláin would have to acknowledge that the rules of the House have achieved a fair balance regarding Question Time and questions to the Taoiseach. I have been present in the distinguished visitors' galleries of other parliaments and I note those members are not given the same amount of time as the Deputy is given.

I refer the Deputy to the practice in the previous Dáil. Equal time was given to Deputy Kenny and to the leader of the Labour Party and to former Deputy Joe Higgins who was given time nearly every sitting day. It could be said that this did not reflect a democratic position either.

By using the committee system and in discussion with the Chief Whip I have tried to strike a fair balance. Many Deputies do not receive a fair share of time—

Deputy Caoimhghín Ó Caoláin: With respect, Deputy Joe Higgins was one of only three Deputies, including Deputy Sargent and myself.

[Deputy Caoimhghín Ó Caoláin.]

The time was shared on a turnabout basis between the three of us out of a Technical Group of 22 Deputies, in fact, even one more than the Labour Party.

The Taoiseach: That was out of a total of 166 Deputies.

Deputy Caoimhghín Ó Caoláin: Nevertheless it was still one more than the Labour Party. If the Taoiseach wishes to bring it down to that type of comparison, he had better deal with the facts.

The Taoiseach: Is 22 one third of 166?

An Ceann Comhairle: We cannot have a debate about it.

The Taoiseach: I am here to answer questions. If I were on the opposite side of the House I would probably be far more aggrieved. Twenty-two Deputies out of a total of 166 were given speaking time whereas other Deputies from the major parties were squeezed and needed two minutes of shared time in order to make a contribution while 22 Deputies were given more than one third of the speaking time.

Deputy Caoimhghín Ó Caoláin: We are talking about an Opposition party.

The Taoiseach: I am just speaking honestly. I have been in the Distinguished Visitors' Gallery in many parliaments and I do not think there is a parliamentary system that would give the same amount of time and representation as is given in this House. Far from being aggrieved, the Deputy should come in here every morning and thank the system that is so kind to him.

Deputy Caoimhghín Ó Caoláin: The Taoiseach says I should be really grateful but my gratitude is reserved for the people of Cavan and Monaghan. I would hope he would take on board the sense of establishing that balance and allowing the smaller Opposition parties—

The Taoiseach: I will do so through the committee system.

An Ceann Comhairle: Allow Deputy Stagg. We cannot have a debate on the matter now.

Deputy Billy Timmins: Deputy Ó Caoláin has been speaking for 15 minutes and I am weary of listening to him. The Ceann Comhairle is being very lenient.

Deputy Emmet Stagg: I ask Deputies to be quiet and allow me speak.

I have been a Whip for a long time and as a result I have been involved in talks about Dáil reform and I am nearly afraid to say how long that has been. The most extensive work was done

by Deputies Barrett, Brennan, former Deputy Des O'Malley and myself. We were very close to agreement on a major package of reforms but the election came and caught us and now we start from scratch again with a different set of people.

The Taoiseach may agree that the mistake we made was in trying to achieve a total package rather than the approach of “softly, softly, catchy monkey” and taking it one step at a time. This might have been an easier and perhaps more effective way.

I presume the Taoiseach is aware of the steps being taken by the Ceann Comhairle to act as facilitator on the matter of reforms which would be acceptable to all, such as in Leaders' Questions and the Order of Business, concerning parliamentary questions and better planning of the parliamentary programme, the committee system and topical issues. These are all issues which have been arising and on which there is a large measure of agreement among all sides of the House. It was the case that if a significant issue could not be resolved, it stopped anything else being agreed.

Will the Taoiseach agree it could be desirable, given that the Ceann Comhairle is making his good offices available to facilitate and assist us, to move forward with these measures and try for agreement, which I believe is possible? The further steps needed could then be examined.

I refer to the issue of the special dedicated television channel. A total of 60 channels are available to the country — it could be more now with the digital service — and these can be allocated by the Government as it wishes. Deputies Barrett and Rabbitte made a proposal a long time ago for a dedicated channel for the Oireachtas. Although they may not sit down and watch us all day, the channel would be available to the public as required to enable them see what happens here and in the committees. The Taoiseach has already indicated his support.

One of the issues of Dáil reform most difficult to resolve is the time we spend in the Chamber. Various proposals have been made by both Government and Opposition but all of them would include longer sitting times and shorter recess times. I am not suggesting we argue the point across the floor of the House but it is an issue that needs to be addressed so that more legislative time is provided.

The Taoiseach: It would be unfair of me not to acknowledge that Deputy Stagg has been working on this matter for a very long time.

Deputy Emmet Stagg: I thought I would be promoted by now.

The Taoiseach: I had experience of his good work in the past. I worked on the issue of Dáil reform a long time ago with Deputies Stagg and Barrett and former Deputy Mervyn Taylor and others.

I agree there should be a dedicated television channel. I am not sure what is involved but I have spoken to the Chief Whip and he supports the proposal. I told the new joint administrative committee that a committee would be given the responsibility of overseeing the project, bringing it from A to Z. Deputy Barry Andrews is Chairman of that committee and he has been asked to undertake the project.

Deputy Stagg may agree with me that it should not be just fitted into a defined number of hours but rather should be lengthy enough to televise the House when it is sitting and also include recordings of the main committees or all the committees for that matter, or at least the committees might indicate when they wished to be shown. I note the excellent contributions and work undertaken in committees by Deputies who are rarely given time on the floor of the House. These contributions should be acknowledged. It would be good for the House as an institution.

I am aware of the work being undertaken by the Ceann Comhairle as a facilitator which I support and I appreciate his personal interest. A balance must be achieved in all these matters. Deputy Stagg will be aware that if the Opposition makes requests but gives nothing in return, there will be no balance and nothing will happen.

The proposal for holding the Adjournment Debate at a more crucial time during the sitting day would make the House more relevant. Notice would be required for topical issues, whether that would be within hours or whatever, so that Ministers could reply on relevant issues. I refer to what happens in other parliaments which have longer sitting times. The last time I was in the House of Commons to meet the then Prime Minister Blair he got delayed. I went down to the House of Commons, which has 650 members, on the Friday morning where a vote was taking place, the result of which was 11:0.

Deputy Billy Timmins: The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, would be at home there.

The Taoiseach: We have a concept here that if the House is sitting the whole infrastructure and architecture of the House has to be present. There is no reason we cannot discuss a report here on a Friday or a Monday but it should not have to require the whole structure and formality of the House. As long as we continue to do that we will never get it right. I will have been dead 100 years and it will not be achieved. Reports could be debated for so many hours on a Monday with one of the deputy cathaoirleach present where staff would not have to record every single word. If the rules were changed we could do that, but if we try to keep all the formalities my honest opinion is that we will never get it through.

Deputy Simon Coveney: I do not want to go into Dáil reform in general because my colleague,

Deputy Stanton, has done a huge amount of work on that. I draw to the attention of the Taoiseach one specific issue on which I have done some work, the concept of the dedicated television channel. I spoke to RTE about this issue which states that, from a technical point of view, it is an absolutely viable proposition. The issue is cost. If the Government and the Taoiseach are serious about trying to make this happen in the short to medium term, some money will have to be put aside in the forthcoming budget to facilitate a dedicated Oireachtas channel. I appeal to the Taoiseach, through the Whips office, to liaise with RTE. We can have all the committee considerations we want on this issue but if it is not technically possible to provide that service in terms of cost implications and so on it is a waste of time discussing it.

I suggest a budget be put aside to make it happen and that we liaise with RTE on the cost. Once that is in place we can discuss how it will be implemented and controlled within the Oireachtas and so on. I think it is something that all parties would be in favour of. It would open up the House to the public in a way that has not happened before and it would be a hugely positive development. That is the reason it has happened in so many other countries. RTE has made it absolutely clear that it would be willing to do this and it wants to do it but cannot on its existing budget because the money is not available. Therefore, some budgetary considerations need to be made by the House.

The Taoiseach: Maybe there needs to be some, but I have been very forthcoming in assisting RTE over the years in a very healthy package of a licence fee and for public service broadcasting. If showing the Oireachtas and its relevant committees is not public service broadcasting, I give up totally. If the idea is to cost the project and put it back on to us, that is not very bright.

I was in here on Saturday night meeting Dr. Paisley and I noticed that on the stations, which I knocked off to save electricity, there was a showing of the Dáil. I know it is technically feasible. If one walks into any of the hotels in the area of the House of Commons the test card that is used is the live showing of the House of Commons or, if it is late at night, the Lords. Within the public service broadcasting remit, RTE has a very lucrative licence fee and is in a very healthy position and should be able to carry it. If there are some small costs I am sure we could look at the matter but I do not think it should be difficult for RTE.

An Ceann Comhairle: In order to allow everybody contribute I will group some questions. I call Deputy Stanton followed by Deputy Timmins.

Deputy David Stanton: Will the Taoiseach agree that before we have a television channel we

[Deputy David Stanton.]

need to reform the Dáil to make it more relevant and more interesting for viewers? Will he agree there is a need for reform and, if so, does he have a timescale in mind as to when he would like to see reforms taking place? Will he agree there is a democratic deficit in that many State agencies and statutory bodies do not appear to have direct accountability to the Dáil through parliamentary questions? Will he agree to a change in that area in order that such bodies would be accountable through parliamentary questions to the Dáil?

Deputy Billy Timmins: I was about to ask the Taoiseach on the Order of Business, in a few minutes' time, if time could be made available for statements on the deteriorating situation in Pakistan but if I did that I would be ruled out of order and the Taoiseach would look at me in a sorrowful manner, saying his hands were tied. Following from intergovernmental conferences or Council of Ministers meetings we have a worthwhile precedent where the Taoiseach and the Minister for Foreign Affairs come in and make statements. We do not have any other mechanism in foreign affairs in general other than to get up here and, out of order, plead for time. I ask the Taoiseach to look at the concept in the area of foreign affairs, which is important and is neglected in this House, of making available a few hours per term to make broad statements on general foreign policy.

The Taoiseach: There is not a difficulty with that. Perhaps the committee could be televised because it is a good committee on which much dedicated work is put in by people on all sides of the House. I do not have a problem with providing some dedicated time.

To reply to Deputy Stanton, I defend the House as entirely interesting viewing on television, as against much of the other tripe on TV. Other than sport, it would be far better viewing.

Deputy Bernard J. Durkan: I thought this was sport.

The Taoiseach: On being answerable for agencies, I can never understand that question. I hear Deputies say they table questions and that they are ruled out because of procedures. People are worried that questions are not answered about the ESB, the HSE and so on. I am here every day answering all these questions. This morning I was responsible for 120,000 people in the HSE. Tomorrow it will be probably the ESB.

Deputy David Stanton: The Minister will not answer for the NRA.

The Taoiseach: I am asked about everybody, including the NRA.

Deputy Fergus O'Dowd: The Taoiseach does not answer questions on everything. He refuses to answer questions.

The Taoiseach: I must examine the Standing Order some time but obviously it is written in such a way that excludes the Taoiseach because I answer questions about everything. Maybe all the other people get away with this.

Deputy Michael D. Higgins: I wish to make a personal observation and I will be quick. Those who have studied parliaments in Europe in the past 20 years have reached the conclusion that parliaments everywhere are in trouble. Those who are encouraging a disinterest and cynicism in parliamentarianism have a very great responsibility to carry. A badly resourced committee system that drains energy from the plenary system of parliaments everywhere does more damage than good. I initiated a study last year of 43 foreign affairs committees in every country in Europe and no committee was satisfied with accountability on foreign policy. I do not have the time to go into it but I put it to the Taoiseach that every committee mentioned the absence of a distance between the executive of the day and the committee; in other words the absence of autonomy was a reason given. There were also practical reasons which are relevant to what we are discussing today.

For example, committees frequently wind up on the basis that people have to get out of the committee room because another group is scheduled to come in. There is the simple issue of space. The only committees that were satisfied in that regard were those which owned their own building. There are issues of space and resources. Most Deputies are afraid to criticise any aspect of the media but there is a comprehensive neglect by the media of the committee system.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Michael D. Higgins: In regard to resources for those who work on committees, there is a lack of availability of contributions made because the staff is not available to provide the blacks quickly enough so that people can report in turn to regional and local media on issues that are raised. These are practical issues that need to be addressed if the committee system is to work. The issues I have suggested include absence of autonomy from the Executive, resources, space, staff, media disinterest and so on.

I welcome the Taoiseach's interest in the channel that would cover our proceedings. As a former Minister with responsibility for broadcasting, who was most vigorous in supporting public service broadcasting, it is important to bear in mind that RTE is not simply funded by the licence fee. It is a mixed model of broadcasting. I am now in favour of separate total coverage of

the proceedings of Parliament, which is the only way to get a full range of parliamentary procedure.

These are all issues on which I would be very glad to make a longer submission. It is not a step in the right direction to ask us as elected people whether we are happy as customers. We are not customers or clients. We are representatives and legislators. It is a negative issue to be conducting this kind of trendy irrelevance by asking people about customer satisfaction. That is not the issue in a parliament. The issue is that parliaments are in trouble for many different reasons some of which are contextual. Although it would cost a great deal, would the Taoiseach favour having a separate autonomous complete broadcasting system? That is the only way to avoid issues of editing. It is the only way to be able to respect the national broadcaster. RTE should be free. Because it is dependent on the licence fee it should be separate from Government.

I was a former Minister with responsibility for broadcasting. I wrote a report on digital broadcasting when I was a member of the education and science committee. With the development of technology and particularly the digital facility, it should be left to citizens, schools and other groups to download anything they want from the proceedings of Parliament in plenary, committee or specialist session. They can then make their own programmes, which would be far more democratic and would a better contribution in citizenship than relying on the casualness of editing.

Deputy Eamon Gilmore: The Taoiseach should be commended for going around the corridors at night turning off all the televisions.

The Taoiseach: Only one.

Deputy Eamon Gilmore: It is great to see the Green Party is having such a profound impact at the heart of government. However, it does not appear to be having much impact on Dáil reform. Its general election manifesto proposed that the Dáil should sit for 45 weeks per year, including Monday afternoons and on Fridays up to lunch-time, from 9.30 a.m. to 7 p.m., a total of 180 days in the year. The published Dáil schedule shows that from 26 September, when we came back, to 3 July 2008, when the House is due to rise for the summer, we will have sat for 93 days, which is approximately 20 days fewer than the average sitting time in the late 1980s, when I entered the House, and the early 1990s.

As a practical suggestion towards Dáil reform, why do we not come back in the second week of January? Why are we not due to come back until the end of January? As is the case in many of the parliaments like those in whose visitors' galleries the Taoiseach has been sitting, why do we not continue sitting until late July? Why do we not come back until late September after the summer

recess? Why are we not back by mid-September at the latest? None of those proposals involves technology, television etc. It would simply mean we would be back doing our business.

Deputy Tom Hayes: With all due respect, it is a long time since the Taoiseach was a backbencher. The most frustrating thing for a backbencher in this House is the daily reading of requests to move the adjournment of the Dáil under Standing Order 32. When Deputies raise in a genuine fashion important matters relevant to their constituencies, they are ruled out of order. Time should be allocated every day during which Ministers can answer relevant, simple and basic questions. I urge the Taoiseach to consider this proposal. Many backbenchers do not have the facilities of ministerial office or indeed the kind of support available to Frontbench Members of various parties. I hope the Taoiseach will take some positive action in this regard.

The Taoiseach: RTE and all of the other networks are in a huge period of change in technology and that will have its own reform difficulties for them. Deputy Coveney spoke about a very simple technical proposition. What Deputy Higgins is saying may be right. I have never looked into it, but to do it separately would be incur a big cost factor. On the other points he made regarding the operation of our committees, we have put a huge amount of resources into the committees and their facilities and staffing to try to make the system more efficient. I think it does a lot of good work. It does not get a lot of attention. Maybe other than meeting the various groups and agencies, it could be improved dramatically and that is an agenda.

On Deputy Tom Hayes's point, I know that creates frustration. I think that more current issues could be taken if we could get a system that was not abused. Sometimes these questions are not of huge importance while others are. Given a certain number of hours' notice there could be a time set aside for urgent issues affecting a region or a constituency. I do not think that is an impossible thing to do in Dáil reform.

I answered Deputy Gilmore earlier. I have been Whip, deputy Whip, Leader of the House and of the Opposition. I have held all kinds of positions. Earlier I answered the argument about sitting longer and later. If he really wanted to do that we could have sessions on Mondays and Fridays covering reports on issues. Every time we try to do that, the first thing said by Opposition parties — I have been on both sides of this — is that they will not do that unless there are Questions, including Leaders' Questions, everybody is here and there are pairs etc. That ends the debate. They are not going to get that. Deputy Gilmore lives in the Dún Laoghaire area and I live in Drumcondra, and it is handy for us, but a lot of other Deputies are seven hours away from here. It is just not possible to be toddling in here

[The Taoiseach.]

on Mondays and Fridays. They have to get elected and serve their constituencies. They have to go to other meetings and organise meetings. That is never going to work. It is poppycock. I heard it 30 years ago and if I am still alive I will hear it in 30 years from afar. If we want real reform we can do it, but if it is reform whereby the whole Dáil in its entire structure has to meet from Monday until Friday, I can tell the Deputy not until the cows come in here and sit in the chairs will he see that.

Requests to move Adjournment of Dáil under Standing Order 32.

Deputy Tom Hayes: I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: in light of the recent lack of confidence in the health system, it is of urgent public importance that the Minister for Health and Children confirm when the extra hospice bed in a specialised ward for South Tipperary General Hospital will be approved, as patients in distress are currently in a highly unsuitable ward.

Deputy Martin Ferris: I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: the closing of applications for the farm improvement scheme and the need to make available the necessary funding so that those who have applied in good faith will be able to make the necessary improvements to their holdings in order to meet their obligations under various regulations and to remain competitive and viable producers.

Deputy Fergus O'Dowd: I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: the lack of an effective Government policy to tackle the estimated 100,000 uninsured drivers on our roads who, it is estimated, caused at least 20 deaths last year, injured more than 2,000 people and cost €59 million in insurance claims thus adding €45 to the insurance premium of each law-abiding driver.

Deputy Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: the need for the Minister of State with responsibility for children, Deputy Brendan Smith, to come into the Dáil to make a detailed statement and to answer questions on his intentions with regard to the community child care subvention scheme, the new system of funding for community and voluntary child care facilities which is causing grave concern in the sector with fears that it will result in closure of crèches, loss of jobs, increased fees for many parents and a two-tier system, and the need for clarity in the wake of today's reports that the Minister of State intends to alter the scheme and introduce a new income threshold.

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

Order of Business.

The Taoiseach: It is proposed to take No. 7, Supplementary Estimate for Public Services — Vote 6, back from committee; No. 11a, statements regarding cancer services and the implementation of the HSE national cancer control programme; No. 12, Charities Bill 2007 — Second Stage (resumed); and No. 1, Copyright and Related Rights (Amendment) Bill 2007 [*Seanad*] Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that (1) No. 7 shall be decided without debate and any division demanded thereon shall be taken forthwith; (2) the proceedings on No. 11a shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply: (i) the statements shall be confined to a Minister or Minister of State and to the main spokespersons for the Fine Gael Party, the Labour Party and Sinn Féin, who shall be called upon in that order, who may share their time and shall not exceed 15 minutes in each case and (ii) immediately following the statements, a Minister or Minister of State, shall take questions for a period not exceeding 20 minutes; and (3) the suspension of sitting under Standing Order 23(1) shall take place at 1.30 p.m. or on the conclusion of No. 11a, whichever is the later, until 2.30 p.m. Private Members' business shall be No. 22, motion re Irish emigrants in the USA (resumed), to conclude at 8.30 p.m. if not previously concluded.

An Ceann Comhairle: There are three proposals to put the House. Is the proposal regarding No. 7 agreed to? Agreed. Is the proposal for dealing with No. 11a agreed to?

Deputy Enda Kenny: There are a number of important issues on the agenda but nothing is as important as life. As I said earlier, the Government has had first and second chances on a number of occasions. Women who have been misdiagnosed are being asked to take a chance with their health and their lives. I regard this matter of statements on cancer services as absolutely critical and *mná na hÉireann* deserve more than 80 minutes of our time.

I propose an amendment to the Order of the Business that these statements be taken until 6 p.m. followed by one hour's question time before Private Members' business resumes because I have been approached by Members on all sides who have genuine questions to ask about the divergence in standards and the confusion that exists about the roles of the Minister for Health and Children, the HSE, the Department of Health and Children and, in regard to cancer

services, the role and responsibilities of Professor Keane, who will be appointed shortly. This matter should not be confined by a Whips' instruction that we have 80 minutes discussion. I propose in all earnestness that the debate should enable everybody to have their say until 6 p.m. followed by an hour's question time so that Members can put questions to the Minister for Health and Children in the hope they can get straight answers.

Deputy Jan O'Sullivan: We have just debated reform of the Dáil and making it relevant. If there is any subject to which sufficient time should be devoted, it is cancer services. Everybody is talking about this issue and there is a huge crisis of confidence. Women all over the country who have had mammographies or other tests are concerned that their hospital could be the next one in the news.

Only four speaking slots are assigned in the debate and we cannot accept so little time for such an enormous issue, especially given that the Taoiseach reneged on all responsibility for it earlier and threw it back on the HSE. Somebody has to take responsibility, take the lead and tell us what will happen in the meantime to services while the centres of excellence are established. How will they be resourced? When will they be in place? Who will take responsibility for providing the funding to make them happen? What will happen in the meantime? The Labour Party fully supports the proposal by the leader of Fine Gael. We absolutely must have more time to debate this pressing issue if this Chamber and this Parliament is to have any relevance to the people of Ireland.

Deputy Caoimhghín Ó Caoláin: I too support fully the call by Deputy Kenny for an increase in the time allocation for statements on this important issue. We have to view the proposition in the context of the Minister continually referring the bulk of parliamentary questions to her to the HSE. Up to six in every ten questions are virtually kicked to touch and Members are denied access to the information flow that was ordinarily the experience in the House in previous years. We have only one opportunity in the month to table Priority and Oral Questions. No appropriate forum is provided in the Chamber for engagement on a raft of issues of concern to the populace in the health area. It is incumbent, therefore, on Government, in light of all the information and the critical news breaking daily about women's suffering in this area, that the request be accommodated in a real and substantive way. The request placed to Government by the collective Opposition voice is reasonable and must be acceded to.

The Taoiseach: I would like to clarify that I am being asked that the debate would start following the Order of Business, run until 1.30 p.m., resume

following Question Time until 6 p.m. and be followed by questions between 6 p.m. and 7 p.m.

Deputy Enda Kenny: Yes.

The Taoiseach: Agreed.

An Ceann Comhairle: Is the proposal on No. 11a, as amended, that the debate start following the Order of Business, run until 1.30 p.m., resume following Question Time until 6 p.m. and be followed by questions between 6 p.m. and 7 p.m., agreed to? Agreed.

Deputy Enda Kenny: I thank the Taoiseach and the Minister for Health and Children for their agreement. It will give Members an opportunity to ask questions they consider very relevant and I hope the debate is progressive.

An Ceann Comhairle: Is the proposal for dealing with the suspension of the sitting agreed to? Agreed.

Estimates for Public Services 2007.

Vote 6 — Office of the Minister for Finance (Supplementary Estimate).

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

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December 2007 for the salaries and expenses of the Office of the Minister for Finance, including the Paymaster General's Office, for certain services administered by the Office of the Minister and for payment of certain grants and grants-in-aid.

Vote put and agreed to.

Cancer Services: Statements.

Minister for Health and Children (Deputy Mary Harney): I believe all Members are at one in expressing their sincere sympathy for all the women affected by these failings of the Midland Regional Hospital radiology services. As Minister for Health and Children, I offer an unreserved apology to the women who have been caused needless anxiety since August and, most especially, to the women who have been given false results and whose treatment has been delayed. We are at one in this House in our resolve that they are now to receive the best possible care and treatment, as they should always have done. As Minister, I am also determined that every possible action is taken to minimise the risk of this happening again.

Today is a day for patients first. It is a day when patient safety should come before hospitals,

[Deputy Mary Harney.]

constituencies and the professions and also before cynicism and defeatism about achieving top class quality-assured health services. It is a day for facts and to let facts about ensuring patient safety speak for themselves. It is time to face facts about the changes patient safety demands so that no more patients have to face appalling facts about their own health and treatment.

I wish to set out the facts, therefore, as I know them today. The report of Professor Niall O'Higgins, Development of Services for Symptomatic Breast Disease Services, was published in 2001 and €60 million was made available by the Government to implement it. The report stated that the population of the midland region marginally supported a single breast unit. The report specifically recommended that there was a case to be made for locating the breast unit in Tullamore because of its geographical location in the health board area and because this would fit in with the previous decisions regarding the organisation of oncology and pathology services. The Midland Health Board debated this report, with arguments about the allocation of services between Mullingar, Tullamore and Portlaoise. In 2001, the Midland Health Board decided to locate the breast service in Portlaoise and other cancer services at Tullamore.

By summer 2005, breast radiology services were being provided by two locum consultant radiologists. On 5 July 2005, a consultant surgeon at the Midland Regional Hospital, Portlaoise, Mr. Peter Naughton, wrote to me at the Department of Health and Children outlining his concerns in relation to the breast services at the hospital. His letter went beyond general policy comment, although it did not raise specific cases or mention specific clinical staff. It clearly required attention of HSE and clinical management, and this is what was done on my behalf. Mr Naughton gave his view, for example, that "radiological services were being provided by people who have no expertise in this area".

My officials replied on my behalf on 15 August 2005, advising that his letter had been brought to the HSE national hospitals office for urgent examination and appropriate attention. It was also brought to the attention of Professor Donal Hollywood, consultant radiation oncologist who was then regional director of cancer services in the midland region and was involved in the discussions around this issue in that capacity with hospital management and Mr. Naughton. Essentially, since August 2005 a new permanent consultant post was filled and strong efforts were made to fill another. The details are as follows.

Portlaoise hospital had one permanent consultant radiologist appointed in June 2004. In addition, a recruitment process managed by the Public Appointments Service was underway to make another permanent appointment of a consultant radiologist at the hospital. One person

applied for the post, the doctor who had been a locum beforehand, was offered the position, and took it up on 1 November 2005.

A third consultant radiologist position was advertised in July 2005, interviewed for in December 2005, with an offer being made to the preferred candidate in February 2006 which was ultimately turned down by that individual in July 2006. This post was re-advertised on 30 November 2006, with shortlisting taking place in March 2007. No candidate was deemed suitable for interview. In 2006, a pathologist with a special interest in cytology was appointed to Mullingar with sessions in Portlaoise. Since November 2005, breast radiology services have been provided at Portlaoise by a combination of two permanent post holders and at least two locum radiologists.

The review underway at present covers mammogram readings by the two permanent post holders and any locums that provided services at the time. I understand from the HSE that medical and nursing staff within Portlaoise expressed concern re the mammography reporting of one of the radiologists in question. The main concern was that there was potential over-diagnosis of serious disease. They believed radiological assessment and diagnosis of possible breast cancer symptoms may not have routinely followed best practice. If the consultant's report was at odds with clinical opinion, medical staff requested repeat mammograms in another hospital, St. Vincent's in Dublin. This was happening by December 2006. This referral process confirmed their concerns.

Their concerns were formally notified to the network manager by letter dated 15 August 2007 which caused the full suspension of breast radiology services. I understand the director of nursing at the hospital took a lead role in raising these concerns and I commend her particularly for her courage and commitment to patient safety in so doing.

The consultant radiologists wrote to the hospital management about equipment and those points were followed up by the HSE. The HSE has said that "the latest independent routine inspection report on the machine dated May 18th last indicated that the machine was satisfactory and did not include any identifiable faults".

The most pertinent fact about the equipment is that the review being undertaken at the moment is based on the images taken by that equipment, and the mistaken diagnoses are evident to the expert eye reading those images. Three consultant radiologists have been involved in reading the same 3,000 images and have found diagnoses of cancer on them. I have the utmost confidence that if the images were defective arising from machine defects, this would have been evident and would have already been brought to our attention. I await the full report in this regard.

On 29 August last, the HSE informed my Department, and I was informed personally, that following concerns raised in a letter of 15 August by staff in the breast service concerning approxi-

mately ten false positive mammograms, the HSE had ceased the provision of breast radiology services at Portlaoise, placed the consultant radiologist concerned on administrative leave and set up a review of all breast radiology diagnoses at the Midland Regional Hospital in Portlaoise in the period from November 2003 to August 2007.

I believe the actions of key nursing, medical and administrative staff at Portlaoise and the decision to end mammography services have removed this identified clinical risk to women in the midland region. The HSE has assured me that arrangements are in place to ensure appropriate follow-up and treatment of the women affected.

The review is being led by Dr. Ann O'Doherty, consultant radiologist, St. Vincent's University Hospital and BreastCheck. I have great confidence in the clinical standard and integrity of this review and I believe it will be of considerable assurance to women. The HSE has advised that 3,026 mammograms have now been reviewed, representing the total number involved. This led to 234 women having their diagnostic status and clinical notes reviewed following which 54 women were recalled to clinics at St. Vincent's University Hospital. Of the 54 women recalled to date, seven have been identified as having a diagnosis of cancer. All seven women have been offered appropriate treatment and counselling. The HSE has apologised to these women for the delay in diagnosis.

At the beginning of this week, 19 women were still to be reviewed. Of these 19 women, 13 are clear of cancer. Six have been referred to the special clinic at St. Vincent's University Hospital, four attended last Monday, 5 November, and two are scheduled to attend tomorrow.

The review phase will be completed this week and a full report will be published by the end of November. The consultant radiologist whose practice gave rise to this review remains on administrative leave. A helpline is in operation at the hospital for people who may need further information. I have requested an urgent report from Professor Drumm on the circumstances which led to the decision to suspend the service, place the consultant radiologist on leave and initiate the review. This will help us to identify any lessons which can be learned from these particular circumstances. However, it is most important that we move forward now as rapidly as possible to implement the national cancer control programme. It is absolutely clear that the highest quality, safe specialist cancer services will only be delivered where there are large numbers of consultants working together on large numbers of cases, with continuing competence assurance and audit.

Dr John Hillery, the former President of the Irish Medical Council and chairman of the International Association of Medical Regulatory Authorities, wrote this week in *The Irish Times* that large centres were essential to ensure that both formal competence assurance processes and

informal processes between doctors worked best for patient care in specialised areas. To accept political responsibility must surely mean to act on this consensus of evidence and advice. Therefore, the Government is supporting, and will continue to support, the organisation of cancer and other services that puts patients first. Our commitment to the people is that we will organise and support safe, quality-assured services, as close to people's homes and communities as can safely be provided. In some instances this will mean services not being delivered in hospitals — large or small — but in community-based and primary care settings. In others, it will mean services being delivered in regional hospitals or centralised services. In the most rare cases, it will mean a national centre only.

We use the phrase, "centres of excellence", as if that were a rare and exceptional standard. I want to emphasise two things: there is excellence already in many hospitals and among many clinical services in cancer services and other areas. Of the 2,000 women a year who are diagnosed with breast cancer, the vast majority receive quality care and treatment. Relative survival rates for breast cancer in Ireland have improved from 72.9%, for people diagnosed between 1994 and 1997, to 78.2%, for those diagnosed between 1998 and 2001. We have now ended breast cancer surgery at 13 locations which, between them, were carrying out fewer than 56 surgeries per year. This is far below any safe level. Every form of health care can and should reach a standard of excellence, be it home care, general practitioner services or the work of local, regional and national hospitals. Excellence and patient safety apply to all medical locations and centres.

We simply must act upon the fact that not every location can deliver excellence in every specialist service, no matter what the level of resources, staffing or equipment for local hospitals. This is why we are also committed to recruiting many more consultants on a new contract rather than relying on locums and non-consultant hospital doctors, thinly dispersed across many locations where competence assurance cannot be reliably and systematically maintained. Let this be a day for determination to follow through on doing the right thing now and in the future for female and male cancer patients.

The international radiology standard, and that in Ireland, as covered by the O'Higgins report, is not that two radiologists should read a mammogram, as Deputy Kenny stated in good faith. This is only recommended if there is a very low volume of mammograms, that is, well under 500, which would be the case in exceptional circumstances. It is not recommended by the guidelines that every mammogram should be read by two radiologists.

On triple assessment, money was provided to the HSE, midland area, and elsewhere. There were surgeons, pathologists and radiologists at the Midland Hospital. Generally, where there is

[Deputy Mary Harney.]

a suspicion of cancer, the case should be subjected to triple assessment, whereby the opinions of the pathologist, surgeon and radiologist would be sought. Clearly, in the case in question the seven women were given the all-clear and were not suspected of having cancer by the radiologists reading their mammograms, and therefore the issue of triple assessment did not arise.

Unfortunately, many issues are being raised because we do not have the report. The fact is that three different consultants in Dublin, led by Dr. Ann O'Doherty, each read approximately 1,000 mammograms. I believe there were 3,028 in total. The consultants found seven cancers in the same mammograms that were given the all-clear in Portlaoise. They were using the exact same mammograms delivered by the machinery now being questioned.

Business of Dáil: Motion.

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

That, notwithstanding anything in Standing Orders, the proceedings of No. 11a shall, if not previously concluded, be brought to a conclusion at 7 p.m. tonight, and the following arrangements shall apply: (1) the statements shall, if not previously concluded, be brought to a conclusion at 6 p.m. tonight and the statements of the main spokespersons for the Fine Gael Party, the Labour Party and Sinn Féin, who shall be called upon in that order, shall not exceed 15 minutes in each case; (2) the statements of each other Member called upon shall not exceed ten minutes in each case; (3) Members may share time; and (4) immediately following the statements, a Minister or Minister of State shall take questions until 7 p.m.

Question put and agreed to.

Cancer Services: Statements (Resumed).

Deputy James Reilly: In her speech, the Minister for Health and Children stated: "One person applied for the post, the doctor who had been a locum beforehand, was offered the position, and took it up on 1 November 2005." Is this the same locum about whose expertise the surgeon had concerns? The Minister might answer this later.

I accept totally the Minister's statement that the same pictures taken by the mammography machine were presented to other experts to be read. This raises two points. Regardless of whether international guidelines are concerned, the case demonstrates clearly that it would be wise to accept a guideline stipulating that two radiologists read each mammogram. With modern technology and digital imaging, this can be done from a remote location anywhere in Ireland irrespective of where the mammogram is taken. However, having said that, it is crucial to remem-

ber that Portlaoise Hospital was designated as the breast care centre for the midlands, as announced by the Minister's predecessor and committed to by the Government. The commitment amounts to an old machine that the Government would not replace. What does this say about the resourcing of and commitment to a service? It beggars belief.

The Minister stated the surgeon raised the issues in question because of false positives rather than false negatives. Nobody is disputing this but the point is that, having put somebody on administrative leave, the Minister's answer to this crisis and the people of the midlands is to close down the service rather than employ another competent radiologist to resume it. It is all very well talking about centres of excellence but the *modus operandi* of the Government seems to be one of saying, "Live horse and you will get hay". One cannot expect those with a breast lump, who need a mammogram tomorrow, to wait for a centre of excellence that will be created some time in the hazy future.

Over recent months we have seen the harsh reality of the consequences of the Government's neglect and mismanagement of the health service. Regardless of what the Minister said, women all over Ireland have suffered as a result of bad equipment and poor practice where an individual professional is left isolated while reading mammograms. Best practice should involve reassuring people that human error will be reduced to a minimum by the system.

The problem is not isolated in one centre in Portlaoise because the horror story is repeated in Limerick, Cork and Galway. On Monday we heard of yet another tragic case in which a woman who had previously been given the all-clear for breast cancer has now been diagnosed as having the disease. We therefore know for sure that a total of eight women have been misdiagnosed at Portlaoise Hospital. A further 19 women from the midlands have yet to find out whether they have also been diagnosed incorrectly. It is tremendously difficult to even begin to understand how these women and their families and friends feel today. Being diagnosed with cancer at any stage is an enormously distressing and frightening experience for them and the consequences of late diagnosis can be devastating. I hope and pray this will not be the case but we know that all the evidence shows that the longer one delays a diagnosis, the more likely the outcome will be negative rather than positive.

Last May, the diagnosis of Rebecca O'Malley was delayed for 14 months because of an error made in Cork. In August, a woman from County Tipperary had two separate tests taken at Barringtons Hospital. On both occasions, the samples were sent to University College Hospital, Galway, and were given the all-clear, yet, when her own doctor had the results rechecked in Cork, it was revealed she had the disease. We learned recently that the Department of Health and Children was aware of specific concerns at

Barringtons Hospital as long ago as January 2006, yet it failed to take action for 19 months. Rather than taking action, it allowed questionable practices to continue. How many women's lives were put at risk during this period and how long did it take for the HSE's midland area to act on the information on the state of its machine sent to it by the radiologists, who requested a modern digital machine?

By the Minister's own admission, through the Taoiseach, it was stated the normal life of these machines is ten or 11 years. Many of those in use are older. If the Government is truly committed to health care and centres of excellence, there must be ring-fenced funding and we must know where it is coming from. It is not good enough to say a reorganisation of the health budget will achieve this. Frankly, I do not believe the Minister in this regard, nor does anybody else at this stage.

The Minister's credibility is on the line because there were cutbacks in spite of her saying on the national airwaves that their would be none. The list in this regard grows longer and includes Sligo, Galway and Beaumont hospitals, the National Rehabilitation Hospital, home care packages for the disabled and home care for the elderly. The Minister opened a theatre in Louth County Hospital with great fanfare in April, just before the election. It remains closed because the doors of the two theatres, which cost €5 million, do not work.

Deputy Mary Harney: I did not open a theatre; I launched a CT scanner.

Deputy James Reilly: Perhaps it was not a theatre but that does not take from the fact that there was major investment in two theatres that cannot be used because the doors do not operate. It is like an episode from "Keystone Cops".

The Minister then told us that cutbacks were being made but that they would not affect patient care. However, they clearly have affected it. Patients' procedures right across the country have been cancelled. Surgery has been cancelled in Beaumont Hospital and Our Lady's Hospital in Navan and we are told surgery has also been cancelled in Tallaght Hospital, although this has not yet been confirmed.

How much more must go before we open our eyes? The people on the ground do not need to open their eyes because they see surgeries for them and their loved ones being postponed and cancelled. I know of a lady in the south east who had a brain tumour removed several years and who was booked into Beaumont Hospital three or four weeks ago. The couple have seven children and her husband took three weeks off to mind them while she went up to Beaumont because, given her symptoms, it is likely that there has been a recurrence of her problem. She is having fainting fits at home and badly needs to

be seen. She was told there was no bed for her on the day before she was due to go in.

I rang the surgeon about this and asked him whether he could look after this lady. His words to me were "my choice is between this lady who shouldn't have to wait but who can and a man who is unconscious or somebody else who's got an intracranial bleed". This is 21st century Ireland, supposedly the second wealthiest country in the OECD, and this is reality of our health service. The Minister talked about facts. These are facts which affect real people; they are not figures in the ether.

We already mentioned the Midland Regional Hospital in Portlaoise, which was designated in a report by Professor Niall O'Higgins as a centre for the treatment of breast disease in the midlands, but which has been starved of resources. We have seen the consequences and so, sadly, have the women of the midlands. We saw the cancer specialist in another designated centre in Cork resign in frustration three years ago because there was not even a cancer ward at the hospital. When we begin to look at commitments and promises for action and we have this sort of history to back it up, I am afraid it does not give any of us any faith or confidence in the Minister's ability to deliver.

There are so many examples of broken promises in respect of health that the list seems endless. What seems to be the spin that the Minister and the HSE are broadcasting to the good people of Ireland is that "we will build you centres of excellence some time in the future but in the meantime, we're taking away your existing service". This is the reality for people on the ground. Where will the people of the midlands go to now for their breast cancer services? Where will the people in Ennis, whose mammography unit was closed down, go? They are supposed to go to Galway, which has been designated as a centre of excellence, yet a letter from the medical board there states that the cutbacks mean there will be more patients on trolleys, less beds available in the hospital and the breast cancer service may have to be reduced from a five to a three-day service. This is our centre of excellence. The Minister can see that words are cheap but real action is a bit more difficult. The people on the ground in the west and south east are seeing for themselves the result of the mismanagement of our health service.

I was told that yesterday on the radio an individual from the HSE referred to Cancer Care Alliance as being one of the groups who, with their protests, delayed the implementation of these centres of excellence. This is the group that, through public protests in 2004, triggered the release of funds for BreastCheck around the country, a programme which still remains to be rolled out.

While we are dealing with the issue of credibility, I will refer to cervical cancer screening. The Minister told this House some weeks ago that this

[Deputy James Reilly.]

would be rolled out in January 2008. It is now the middle of November. Christmas will intervene so there are not even six weeks left to that point. Can we really believe this is going to happen when there is only one accredited laboratory in the country and the HSE's commitment has been not to resource further laboratories and build up facilities and resources, but to ignore them and outsource to the US? Furthermore, as far as I know, no arrangements have been made with those who must administer the smear tests — family planning clinics and GPs. Credibility is becoming a serious issue here and everywhere we look we see very little to give us hope that the Minister's credibility is something she can stand over.

The scenario of “live horse and eat hay”, which involves telling people that they can have everything they want tomorrow but that we will take away what they have today, cannot go on. It can no longer be tolerated by people who have paid their taxes and who expect a health service that delivers safe, efficient, reliable and timely care. What is required is to put in place digital scanners which will allow for cross checking of scans by a second expert either locally or at a second centre down the line, for example, as I mentioned earlier, in Dublin, Cork or Galway. This is common practice in the world now and in the Whitfield Hospital in Waterford where scans are read remotely by a leading world expert. Distance is no object with current technology. We need to think outside the box.

I return to what the Minister said a few minutes ago. A report in today's *The Irish Times* says that the BreastCheck service double reads mammograms for safety. However, the Minister and the HSE say that double reading is not a requirement at symptomatic breast disease centres. The logic defeats me. Somebody has a lump, it is symptomatic and she is worried. Her mammogram will only be read by one person but in the screening service for the country, it would be read by two people. The Minister had better correct that because it is wrong and is putting patients at risk. We have seen how it has put patients at risk.

I do not want to blame any single professional. The Minister's inquiry will show up the truth of the matter at the end of the day but the bottom line remains that the risk of human error must be reduced in a system by cross referencing and cross checking. That is what the airline industry, which has the best safety record of all, does. It will tell one straight up that if different people are making the same mistakes, it is the system that is wrong, rather than the individual. The Minister can try to hang out the Midlands Regional Hospital in Portlaoise as the bad place for cancer services but the reality is that the problem is found in Galway, Cork and Limerick and nothing has been done about it.

I will now discuss a matter which was mentioned earlier in the House by the Taoiseach and

echoed by the Minister, which is that triple assessment does not take place unless the cancer is diagnosed.

Deputy Mary Harney: Or suspected.

Deputy James Reilly: Bunkum. If one has a breast lump, one needs a mammogram, a clinical examination and a biopsy unless one has a past history and they can see clearly that it is not cancer. One cannot determine that with a mammogram alone. It needs clinical examination. That is the triple assessment. It does not involve three people reading a mammogram. It involves the pathologist looking at the histopathology from the biopsy, the surgeon who has examined one and taken the biopsy and the radiologist who has read the mammogram. I do not know from where the Taoiseach or the Minister get their information and I do not expect them to be doctors. However, I do expect the people who advise them and who are paid handsome salaries for it to advise them appropriately. This practice is current in some hospitals. I concede that it is not being done in all of them but it should be. If we are really concerned with delivering excellence in care, excellence is what we should be after, not second best.

Is the Minister really interested in it or is it a case of continuing to close down the public services of today while promising nirvana tomorrow — a tomorrow that never comes? She rushes around the country opening private facilities. We have had a long debate here in the past over the airways——

Acting Chairman (Deputy Seán Ardagh): Deputy Reilly's time has concluded.

Deputy James Reilly: I will be very brief. I will make this valid point.

Deputy Mary Harney: I do not think I have opened any private hospitals.

Deputy James Reilly: The Minister has certainly been seen at some of them.

Deputy Mary Harney: I have been in them but I have not opened them.

Deputy James Reilly: If we are interested in excellence, can the Minister tell me how many breast cancer surgeries have taken place in the Beacon Consultants Clinic, the Blackrock Clinic, the Hermitage Clinic or the Galway Clinic? Is she concerned about the low numbers of surgeries being carried out there when she talks about the public service? It seems that this is an example of spin or smoke and mirrors to allow the Minister to close down public services while she promotes the private area of health. The big question for this country must be that if we have a free secondary care service — free hospitals for everyone in the country — why have 53% of the population

chosen to take out health insurance which many of them cannot afford? It is because they have lost faith in the ability of the public service to deliver in a timely fashion. With these recent events, they are losing faith in the actual medical delivery as well. This is a terrible thing to say after all the years during which people could, at least, trust that if they could get into hospital, access the service and get a diagnosis, it would be the right diagnosis.

I call on the Minister to take control of the health service and to instruct the HSE to replace this outdated equipment with digital scanners with immediate effect. People cannot wait for the Minister's nirvana of centres of excellence. We all support the concept but we deeply suspect whether they will ever happen because the Minister has not ring-fenced funding for them. The women of Ireland cannot wait for her centres of excellence. I know there is no culture of resignation in the Minister's Government but I ask her to take responsibility and act now before more women and men are put at risk.

Deputy Jan O'Sullivan: I acknowledge the Minister's apology in the Chamber to the women who were affected so appallingly. I agree that it is a day to put patients first. The problem with the Minister's speech and the Taoiseach's response to Deputies Kenny and Gilmore is that there is no evidence of the Government taking responsibility as opposed to apologising and examining what happened.

There is no evidence that the Government is making the necessary links between the events that have eroded confidence in the service. Listening to the airwaves over the past few days and from the phone calls to Members recently, there is a genuine crisis of confidence in diagnosis, particularly with regard to breast disease. Women are wondering if their local facility will be the next on the list. This morning we heard about concerns in Cork University Hospital. I do not know if these concerns are justified. People have lost confidence and the only people who can restore confidence are those who are charged with responsibility for policy and resources in the health services, namely, the Government, particularly the Minister for Health and Children. I have not heard that this responsibility is being taken on. Instead of trying to find a way to restore confidence, the Taoiseach was defensive in the argument, particularly with my party leader.

The issues in Portlaoise are not isolated. The Minister has outlined the events in so far as she knows but we cannot isolate it from what Susie Long and Rebecca O'Malley have said to us, the Barrington's Hospital affair and testing in University College Hospital Galway. All are connected and together they have eroded confidence. One cannot deal with situations in isolation. There is a suggestion that those in opposition are opposed to the centres of excellence, but we have

fully supported the concept and will continue to do so. They will not be established for some time to come. We do not know what resources are available, nor the timescale.

In the meantime, we see a rundown of services, as was the case in Portlaoise, based on what I have heard so far. Someone brought attention to the age of the equipment in the hospital. The issue was first raised by someone in Portlaoise on 5 July 2005. The Department responded but it was not adequate, otherwise what happened would not have happened. On behalf of the people, Members cannot be satisfied with the answers we are getting. We must know how and when resources will be available to the centres of excellence. Otherwise, Members are not doing their job of being responsible to the people who elected. We must ensure they can have confidence in the system to the extent that if someone finds a lump in her breast tomorrow, there must be a service that tests properly and provides an accurate result and timely treatment in an appropriate setting.

I am not just making this up, nor is it merely what the Opposition is stating. People throughout the country, including highly respected medical people such as Dr. Maurice Nelligan and Dr. John Crown, believe this. Some are not going public but are concerned, as the Minister knows. One cannot respond by saying that these people have a political agenda. Those in the medical services do not speak with a political agenda. We support what is said to us.

The series of failures of the health services to deliver safe, reliable and timely diagnosis and treatment to cancer sufferers, culminating in the fiasco at Portlaoise hospital, has caused enormous trauma and suffering to the women concerned and their families. Furthermore, there is now no public confidence in the system and that is a national crisis that must be addressed. I can only imagine how it must feel to have symptoms of breast cancer; to go through the testing process and the anxious wait for results; then to experience the relief of being given the all clear only to find out months later that the whole thing was an awful mistake and that one must go through the whole experience all over again. In addition, as one of the unfortunate ones facing a diagnosis of cancer, a patient would be doing so having lost those vital weeks when early treatment could have improved the likely outcome and recovery. Eight women in the midlands have gone through this awful trauma and others still do not know their fate. Women all over the country are wondering if their hospital will be the next one in the news. Already this morning there are suggestions in the media that Cork University Hospital is recalling a number of patients.

I am disturbed at the blame transferred to the public and patients who are campaigning. How is the patient who is referred for testing to know how many experts are judging the case, if the testing equipment is up to scratch, if the images the

[Deputy Jan O'Sullivan.]

experts are examining are clear enough to read or if the resources have been provided for a hospital such as Portlaoise? The public must trust the system when people are sick or fear they are sick. I call on the Minister for Health and Children to take responsibility to restore people's trust. She cannot devolve responsibility to anyone else, such as the CEO of the HSE. We cannot continue to lurch from crisis to crisis and see the spectacle of everyone involved apportioning blame but taking no responsibility for doing something about it. How do we get from the current situation to the concept of centres of excellence? I accept the Minister's point that we should already have centres of excellence in Ireland. The O'Higgins report in 2001 recommended centres of excellence. People working in the so-called centres of excellence are not satisfied with the resources provided.

Professor Gupta, who does excellent work, publicly stated that his unit is not adequately resourced to address the needs of the region in a timely fashion. As I do not wish to cause fear, I must state that the centre is doing excellent work but it does not have adequate resources. People choose to have mammographies in private hospitals because they are done quicker. We know that private facilities do not have the necessary throughput or the triple assessment to which Deputy Reilly referred. People choose private health insurance because of the wait in the public system. We must provide resources for the centres.

Brave women like Rebecca O'Malley and Susie Long went public on their personal pain because they wanted to make a difference and bring about change. The responses I have heard from those who are charged with running the country and running the health services give me no hope that they have been listened to. The Minister provided an account of the situation at Portlaoise but questions remain. We must know what was going on, why only one person read mammographies and why those read for a second time gave a different result. Clearly there was concern about what was happening, which was not in accordance with best practice or the original intention in setting up that centre.

A specialist radiographer stated on radio this morning that national standards had been under discussion since 2002. One of the implications of what he said is that such standards have not been adopted because of the serious cost implications involved. If that is the case, then the situation is extraordinarily serious. We must have national standards and also standards relating to laboratories and quality assurance. If such standards do not already exist, they must be put in place as quickly as possible.

We must go beyond simply carrying out a thorough investigation of what went wrong and why at Portlaoise. We must be informed as to what

will be done, when it will be done and how it will be resourced and funded.

The term "centre of excellence" sounds very good and reassuring but this particular emperor has no clothes. How are we supposed to believe that what is envisaged will happen, particularly in light of the track record to date? Centres of excellence were proposed by Professor O'Higgins in 2001. We debated this matter with the Minister a couple of weeks ago when she announced the plans but she did not provide any information regarding how the centres will be established, not to mention indicating when they will be in place and fully operational. If people who are being asked to give up their local services were informed of the latter, they could at least believe that something better will be established to take their place.

I wish to add to what Deputy Reilly said in respect of patients in various parts of the country who do not know what lies ahead for them. People in Clare have been informed that they will be obliged to travel to Galway for treatment but a reduction in services has taken place there. How will these individuals be accommodated? I was also contacted by the Cancer Care Alliance, whose members are extremely disturbed by the fact that they were considered to have obstructed a process of moving towards establishing centres of excellence. The alliance has been campaigning strenuously and successfully in respect of Waterford and Limerick regarding centres of excellence, radiotherapy treatment, etc. The Minister must address this matter because the organisation in question is of the view that it has been wronged.

Instead of obtaining the information we need, we are faced with a situation where high expectations have been placed on Dr. Keane, who is returning to Ireland from British Columbia, to resolve this matter. Members of the public require far more information. We, their representatives in Parliament, cannot accept that responsibility for this matter will be given to one person, expert though he may be, with no commitment of resources. If we accept this, we will be informed, when we raise questions in the years ahead, that the Minister and the HSE are not responsible. Responsibility has been shifted to a gentleman, Dr. Keane, whom I have never met. That is not good enough. We must know, before responsibility is transferred, how the Minister proposes to resource and fund the centres of excellence.

The Minister must provide a commitment today in respect of resources. I do not believe that the centres can be established in the way she outlined on last night's "Prime Time", namely, through a redistribution of existing resources. What are those resources and have they been audited? Can staff be transferred? What are the building requirements? The Minister stated that fewer than 56 procedures are being undertaken at the 13 locations that are being closed. Surely this does not indicate that there is a significant

level of resources available to be transferred from those hospitals. I imagine that many of the surgeons involved are doing other work and cannot simply be transferred.

We do not know the answers to any of the questions I have posed. We are aware, however, from the information provided by the radiologist who spoke on radio this morning, that national standards do not exist. Such standards must be put in place as a matter of urgency.

The Minister must engage with us in dealing with these matters. It is her responsibility to restore trust. It is not enough to say that an expert will come here from British Columbia and resolve everything. I lived in British Columbia for one year and I am aware that it has a completely different population distribution to Ireland. When I was there, it also had a much more advanced health service than that which existed in Ireland at the time. One cannot simply transfer what may have worked there to a totally different and very complex system here. Before the centres come into being, we must be informed as to how their establishment is going to be achieved.

We are not going to let Deputy Harney off the hook regarding her responsibilities as Minister for Health and Children. This is not about placing blame, it is about taking responsibility. Unless credible answers are supplied in respect of the questions raised by Rebecca O'Malley, Susie Long, the women from the midlands, the professionals who work in the health service and Members who will contribute to this debate on behalf of those who elected them, this issue will remain on the Dáil agenda.

In the question and answer session to take place at the conclusion of this debate, I hope the Minister will address the question of resourcing and indicate how we will put in place the system she is proposing. That system is merely a concept at present and we do not know how it is going to come into being. People, particularly those who have been campaigning for cancer services, are not willing to accept something that is just a concept; they want to know exactly how the system will be put in place. We will not allow the Minister to wash her hands of the matter. We want to know exactly how the system will be established.

Deputy Caoimhghín Ó Caoláin: People throughout the country have been appalled at the plight of the women who were given the all clear after breast cancer screening but who have now been diagnosed with cancer. Many more women may well be affected. Our sympathy and solidarity goes out to all of them.

It is scandalous that so many women should have been let down so badly. A total of 3,000 mammograms have been reviewed in the Midland Regional Hospital in Portlaoise alone. The same may be required in other hospitals. There are now conflicting claims regarding what lies at the root of the mammography scandal at Portlaoise. There is an urgent need for a thorough

investigation. Any investigation must be open and transparent.

Thousands of women must feel betrayed and bewildered as they listen to the conflicting claims. Neither the Health Service Executive nor the Minister can shirk their responsibility for this situation. The HSE is directly responsible for public hospital services and it has a duty to ensure that proper standards are maintained. It is disgraceful for the HSE's chief executive, Professor Brendan Drumm, to try to shift the blame for this situation onto the people of Portlaoise and the midlands because, like those in other regions, they opposed any threatened downgrading and loss of services at their hospital.

The claims of the Minister and Professor Drumm in respect of the mammography scandal have been totally undermined by the letter revealed yesterday. The letter to management at the Midland Regional Hospital, Portlaoise, dated 13 December 2006, from the radiology department advised that to deliver the highest standard of patient care an imaging system that could produce mammograms of the best possible diagnostic quality was required. The correspondence expressed concern regarding the age of the mammography machine and advised that a digital system was needed instead of the film system, which at times was affected by dirt from the dark room environment.

This morning, another radiologist, David O'Keeffe of Galway, stated that there is inadequate regulation of radiological equipment in our hospitals. He pointed out that it has been recognised since 2002 that standards were required but that there had been no agreement in respect of them. Most damningly, he claimed that agreement is still being delayed as a result of the reluctance of the HSE and the Department of Health and Children to replace old equipment. I want to hear the Minister's response to Dr. O'Keeffe's remarks. If his claim is true, it is a great scandal in itself. Are patients being denied proper screening because the Government and HSE will not spend the required money on new equipment?

So much for the claim made by the Minister for Health and Children that the problem in Portlaoise arises from the absence of centres of excellence. So much for Professor Drumm's disgraceful attempt to blame the people of Portlaoise and the midlands for this scandal. One can only gasp with astonishment at the Minister's statement in response to this crisis. I remind her that she stated, "It has happened because of our failure in the past to put in place centres of excellence, which could never have happened under the old health board regime". The Minister referred to "our failure" as if it were the failure of Irish society as a whole. However, she and the Taoiseach have been in Government continuously for over a decade. They have had at their disposal resources undreamed of by any previous Administration. Those resources are the fruit of

[Deputy Caoimhghín Ó Caoláin.]

the most prosperous era in the history of the Irish economy. Yet the Minister has presided over failing, chaotic and inequitable health services. She failed to meet the needs of the people at national, regional and local levels. She promised us a world-class health service but we have a two-tiered, disorganised, disjointed and ailing health service, and the Government's so-called solution is privatisation.

I totally refute the gross misrepresentation by the Minister and the HSE chief when they claim that people are opposed to centres of excellence. I have not heard anyone speaking in opposition to such centres or heard anyone say that there should be centres of excellence for cancer at every hospital in the country. What has been said and rightly so is that properly resourced existing cancer services cannot and must not be taken away in the absence of centres of excellence, which is what the Government and the HSE are trying to do.

Consider the debacle over the provision of radiotherapy, a key component in centres of excellence. The Minister wanted these provided by public private partnership. A report to the HSE stated this process would take until 2015. We then heard a series of conflicting statements from the Minister and Professor Drumm, with the HSE chief stating that the public system can provide the radiotherapy facilities — agreement with him at last. We heard conflicting dates for the provision of centres of excellence, including 2009, 2011 and 2015. The need for these centres was clearly established and officially identified in the millennium year.

The Minister for Health and Children, Deputy Harney, and Professor Drumm castigated local campaigners, but I applaud these people. A year ago, I stood on a platform with Co-Operating for Cancer Care North West in County Donegal. It demanded a cross-Border centre of excellence for cancer care in the north west which had been completely left out of the Government's plan. It rightly pointed out that Donegal people could not be expected to rely on a tentative arrangement with already hard-pressed services in Belfast.

Yesterday, the group met the Minister for Health and Children and, as is reported in *The Irish Times* and other print media today, it was positive afterwards that progress would be made on delivering such a centre in the north west. I hope this is the case and that the Minister will clarify that in certain terms in her closing address today. This emphasises very strongly the need for local and national campaigns to vindicate the health care rights of communities. It is only because of the heroic efforts of people such as Noelle Duddy and those campaigners in the north west that the prospect of siting such a facility in the north west, it is hoped in Donegal, will be realised. The Minister should state clearly exactly what she intends.

The Minister's plan for the location of centres of excellence with radiotherapy only in Dublin, Waterford, Cork and Galway is not sufficient. It leaves the northern half of the country very badly served. I have repeatedly stated and I repeat again that nobody seeks these facilities at every crossroads. We seek regional coverage and not discrimination based on where one lives. I urge the Minister to proceed with the centre in the north west and to re-examine the gap in the HSE north-east region and in the adjacent areas north of the Border. As a representative of the people of Cavan and Monaghan I state that we, and the people of Louth and Meath, need a similar cross-Border solution to that proposed for the north west.

This latest crisis over mammography exposes the overall lack of coherent policy and planning by Government and the gross mismanagement at HSE level. Hospitals such as Portlaoise have outdated equipment while in hospitals such as Dundalk the HSE has allowed the new CT scanner to lie idle for months. This CT scanner was unveiled by the Minister in the period immediately before the general election. Where is the coherence and good management that we were promised in the brave new world of the HSE heralded by the Minister on the floor of the Chamber?

The crisis in mammography is mirrored in the situation with cervical screening. The Well Woman organisation expressed concern over the ongoing outsourcing of smear tests to the United States for analysis and at the absence of clear information as to what cytology laboratories will be used to underpin the national cervical screening programme from January 2008. The outsourcing of cervical smear tests for analysis to private laboratories in the USA could lead to inconsistencies in the interpretation of results by Irish doctors, which could have ramifications for women with abnormal smears.

Before any roll-out of the national cervical screening programme, the Well Woman organisation is anxious to have the following questions on smear analysis answered and I urge the Minister to do so as part of her response today. If United States laboratories are used who will take responsibility in Ireland for making judgement calls in borderline cases? Will that person be a suitably qualified and experienced cytologist?

Well Woman takes more than 9,500 cervical smears each year. In the key age group of women aged 25 to 40, it estimates that 8% of these patients will need to be referred to the hospital system for further investigation and colposcopy. It points out that the colposcopy service in Dublin is patchy. The service in Tallaght hospital operates efficiently with acceptable waiting times whereas the north side of Dublin is extremely poorly served, with entirely unacceptable delays before women with potentially significant cervical pathology can be seen.

This pressure on the north side was made worse recently by the ending of colposcopy

services in Beaumont Hospital, putting added pressure on the colposcopy clinics offered in the Rotunda and the Mater hospitals, which have not increased their capacity sufficiently to meet this extra demand on services. Well Woman perceives a greater need for colposcopy services in areas of social and economic deprivation, as can be illustrated by statistics from Well Woman's Coolock clinic. I ask the Minister to take note of all that detail, which is hugely important. That information proves a significantly higher rate of referral for GMS patients as opposed to private patients, including those who live in the same geographic area.

Well Woman informs us that to date it is unaware of any communication from the national cervical screening service to primary care doctors over details of the service contract, payment to smear takers, reporting requirements, compilation of the population register, start date, how women will be contacted and so on. Well Woman believes that at this stage, this makes the quoted roll-out date of January 2008 unrealistic. I ask the Minister to address that problem also. All this is very worrying and must be addressed as a matter of urgency if we are to avoid a repeat of the mammography scandal in cervical cancer screening.

I also ask the Minister to address the issue of cancer services in Tallaght hospital. I am told the hospital features in a referral guide issued by the HSE in May 2007 as a hospital for patients to be referred to from general practice. The document is called General Practitioners Cancer Referral Guides and was issued after extensive consultation by the regional oncology director of the HSE. The hospital is trying to ascertain the position — the Minister should note this — as it was part of the regional cancer plan in May and was removed from the plan in September. What is the position? Why, as we advance towards mid-November, does the administration in that hospital not know the full detail of same?

The current crisis in mammography is being used by the Minister and the HSE to justify their drive to over-centralise our hospital services and downgrade local hospitals. That is a disgrace and is the opposite of what is needed. The women concerned need answers as to what went wrong. Women need these services to work and be seen to work. Our whole population needs comprehensive cancer care provided in the public health care system and available to all based on need, regardless of their ability to pay or geographic location. I have made that point repeatedly and make it again to the Minister because I do not believe it can be raised with her often enough. There can be no discrimination. We want a service that is equitably delivered and accessible by all.

Deputy Niall Blaney: I listened with much interest to Deputy Ó Caoláin's contribution regarding cancer services in the north west. His comments were slightly tinged with hypocrisy

given that former Northern Ireland Executive Minister for Health, Social Services and Public Safety, Bairbre de Brún, MLA, decided to divert health services in the Six Counties to Belfast. I do not think she was wearing her all-island hat on the day she made that decision. Thankfully, the Government is addressing that issue.

I pay tribute to the two cancer lobby groups in County Donegal. Only one group formerly existed but a split since occurred. I do not know if political personnel were responsible for the split but others may tell the full story and County Donegal now has two good lobby groups.

Following consultation with Government Deputies, the Minister is working with her counterpart in Northern Ireland to ensure that the north west, that is the area west of the River Bann and County Donegal, receives the radiotherapy therapy service it deserves. The Minister and her counterpart in Northern Ireland are making progress in that regard and I look forward to a good outcome.

The new Oireachtas Committee on Health and Children, of which I am a member, met yesterday. Members on all sides adopted a proactive approach to the committee's work. We do not want to be a "yes" type committee or meet groups of all persuasions for the sake of holding meetings. We intend to make a real input into the provision of health care in this country and help achieve the world class service which the Minister is striving to put in place. I have every confidence that she will be successful.

In recent days, Portlaoise hospital has been the subject of extensive debate in this House. The Chairman of the Oireachtas committee, Deputy Moloney, made me aware of several facts in that regard which I wish to share with Deputies. In 1996, the then Minister for Health, Deputy Noonan, introduced a plan similar to the current proposals for centres of excellence. He intended to move services from Portlaoise to Tullamore hospital, for which he had the backing of Deputy Moloney but was opposed by his party. After political persuasion by his rainbow coalition colleagues, he changed his decision. Deputy Moloney nearly lost his seat as a result but his stance has since been proven correct because when this Government came to power in 1997 it took responsibility for dealing with that fiasco and has been working on it since then.

A number of references have been made to the hospital equipment used by the consultant radiologist. That equipment was quality checked in May. I am sure any faults of which people are aware will be set out in Dr. Ann Doherty's report when it is published at the end of this month.

I look forward to Professor Keane taking up his new job of rolling out the cancer centres of excellence. The fiasco in Portlaoise highlights the need for such centres. It is somewhat hypocritical that Deputies opposite call for better quality

[Deputy Niall Blaney.]

services when they will not take the crunch when it comes to providing cancer services in hospitals. They all want the services to be delivered in their own backyards, which is not logical. It is mere political opportunism to run around the country calling on party colleagues to organise rallies and it does not help to put in place any of the Minister's proposals.

I look forward to the establishment of the new centres of excellence and I am particularly pleased that the Minister has included Letterkenny General Hospital as an outreach facility because we face significant geographical problems in County Donegal. The Minister has recognised that we are much further from Galway and Dublin than the people of counties Sligo and Mayo. Even though services are now being provided in Letterkenny, people in parts of the county are probably further from Letterkenny hospital than the remotest parts of counties Mayo and Sligo are from Galway.

We should all get real about this issue and have the common sense to stop using it as a political football. Let us treat these proposals with the respect they deserve. I look forward to the establishment of the new centres of excellence, Professor Keane taking up his new role and ensuring this fiasco is not repeated.

Deputy Enda Kenny: For the information of the Minister, I stayed for this debate because I have to go to Brussels this evening, which means I will not be present when she takes questions. I welcome this debate on cancer services and hope it will result in her being able to answer the questions raised by Deputies.

Women are not fools and they are not going to attend a service they consider to be substandard or which does not offer the best chances of survival. However, the issue is not confined to women because every woman is a daughter, sister, wife or girlfriend of somebody else. It also affects men in that sense.

I have been pilloried in regard to the extent of my acceptance of centres of excellence. While I support the concept of such centres, competing forces are at play and clarity and decisiveness of agenda are needed. The Department of Health and Children has been removed from the mainstream on the issue and is only now re-emerging.

The HSE is a creature of Government, set up by the Government to implement Government policy. However, when the HSE was set up it abandoned the Hanly report — a report to which my party objected — and pursued its own initiative, giving the impression that the HSE is a creator of policy. It seems, arising from the very unfortunate case in Portlaoise, that there is now a new rush to create the aforementioned centres of excellence. Obviously they should be put in place as expeditiously as possible but the Port-

laoise situation is being used as an example of why we need the centres of excellence. However, the very legitimate question remains as to what people, and women in particular, are to do in the meantime.

According to the latest update on the Portlaoise case, the consultant radiologist whose practice gave rise to the review remains on administrative leave. When the Taoiseach spoke here this morning he said that the radiologists in Dublin examined the same images as those examined by the radiologist in Portlaoise and found seven cases of misdiagnosis. I do not care what international best practice is, we can improve on it, either by having digital mammography, as referred to by Deputy James Reilly, or a second radiologist reading the images. If, in the case of Portlaoise — regardless of bad imaging or dirt in the machine — two radiologists had read the mammograms and if there was any instance of concern, doubt or a belief that something was present, the seven cases would not have gotten through the screening process. That is the kind of standard of integrity and professionalism that women need. They need to have a demonstrable belief that the service they are getting is as good as can be obtained anywhere else. It is not about 75% of people, as the Taoiseach said this morning, getting a very high standard of service. It should be about 100% of people getting the very best service possible to give them the best opportunity to survive. I understand that six more cases of the 19 under review have been confirmed as positive for cancer. That speaks for itself.

The creation of the HSE has brought about an over-managed, over-manned and, in some cases, over-paid system. Now we have Professor Keane coming here from British Columbia on a two-year contract to implement the new cancer services strategy for breast cancer. That is a very difficult schedule for him. In the 13 cases where services were closed down, there was a very low incidence of activity and that was, unquestionably, the right thing to do. However, when the Health Information and Quality Authority carries out its audit of performance next spring, what will be the position in the case of a hospital, for example, Tralee General Hospital, that measures up to the standards of excellence now, where there is triple assessment, a full multidisciplinary team and where 100% of cases are assessed, discussed and given the highest standard of treatment possible? If a hospital achieves the standards set out in the National Quality Assurance Standards for Symptomatic Breast Disease Services, what will be the impact of the HIQA audit of performance, assuming the hospital measures up in everything except volume, because it cannot have the volume required by the standards when it is not serving a population of 300,000? If, on every other level, a hospital measures up to the standards set, will that have any impact or will the fact that the

Government has already made a decision to develop only eight centres of excellence be the overriding factor?

I know my own constituency best and have had intensive involvement with the consultants, radiologists and surgeons at Mayo General Hospital. The O'Higgins report was based on the movement of surgical services to centres of excellence but it is not the surgical element of the service which has failed here, but the diagnostic element, whether it was undertaken in Cork, Galway or Portlaoise. That is a cause of serious concern.

The HSE announced details of its cancer programme on 26 September where it outlined the various services to be provided. It referred specifically to the outreach activity which is proposed for Letterkenny. The presentation states that outreach activity "if undertaken, should be incorporated in a rigorous process and outcome audit as though the activity took place at Galway to ensure that the provision of such an outreach service does not serve to place patients availing of it at any disadvantage compared with patients treated in Galway". I accept that; this is as it should be. It is precisely the reason that, in Mayo General Hospital, seven years ago agreement was reached with the professionals in Galway that the Mayo hospital would be an outreach centre monitored and supervised by, and working in co-operation with, Galway University College Hospital.

In the intervening years, my analysis of the Mayo service indicates that it measures up to the standards set out by the HSE, with the exception of not being able to achieve a volume of 150 new cases per year because the population base does not allow it. The consultant surgeon at Mayo General Hospital, Mr. Barry, has already carried out 80 procedures this year, based on a population of 100,000. The facilities at the hospital are excellent. A questionnaire was sent to Mayo General Hospital recently. The following questions and answers are of interest:

Is there a breast multi disciplinary team meeting held in your hospital? Answer: Yes.

What percentage of new patients with breast cancer are discussed at the mdt meeting? Answer: 100%

What percentage of new, benign, patients are discussed? Answer: Between 10% and 20%

Who attends at the multi disciplinary team conference? Answer: The consultant breast surgeon, the consultant pathologist, three consultant radiologists, the consultant medical oncologist, the clinical nurse specialist, the oncology liaison nurse, the oncology nurse, five NCHDs and five female surgical ward nurses.

All of the aforementioned people attend when every case of new cancer is discovered, assessed and discussed at the hospital. That happens in consultation with the professionals in Galway,

who have a very strong liaison with Mayo General Hospital. Yet, the centre at Mayo is to be closed down. If a hospital has reached the required standards already, why should the excellence that has been achieved be stood down? That is why 10,000 people took to the streets and not, as Deputy Niall Blaney argued, because of political opportunism. It is because they believe in the service they have and do not want it taken away. If somebody from the HSE, Professor Keane, or some other expert told me that the service currently provided in Mayo is inferior, inadequate and life threatening to women — the colon and rectal cancer services will also go, once the breast service is moved — that would be fine, but the hospital has already achieved the high standards set by the HSE. Women voluntarily took to the streets because of their belief in the service, which is closely related to Galway and was deliberately set up thus so that a situation like the one in Portlaoise could not arise, where an inferior service is delivered. High standards are employed and there is clarity of agenda and decisiveness. That is what we need on a country-wide basis.

I ask the Minister for Health and Children to address this matter in her reply, although I will not be in the House to hear her. The HSE proposes to set up an outreach centre in Letterkenny based on the model successfully operating for the past seven years between University College Hospital, Galway and Mayo General Hospital. In these cases, where the rates of survival and standards of assessment, diagnosis and treatment measure up, I see no reason to take that away in the context of setting up of the centres of excellence the Minister proposes.

I mentioned six more cases being confirmed in Cork. They have been confirmed as needing further assessment.

Deputy Dara Calleary: We all welcome the new strategy and the centres of excellence. It is unfortunate this debate is happening in the context of the occurrences in Portlaoise and possibly in Cork. I join with other Members in expressing my hope that those occurrences will not be repeated and I send my best wishes to the women involved.

Like Deputy Kenny, I know only too well the services on offer at Mayo General Hospital but would rather not have had to in the past number of years. All cancer services currently available in Mayo General Hospital are delivered in conjunction and in association with Galway, which is a proposed centre of excellence. This is done as part of a formal network arrangement which was brokered by the Department of Health and Children in 2000. Indeed, the arrangement in place was so successful that it is being used as the model in this new cancer strategy for the outreach arrangements in Letterkenny.

[Deputy Dara Calleary.]

The arrangement means that all cancer cases referred to Mayo General Hospital are considered in conjunction with the teams at UCHG. There are formal consultations on a daily basis and there is a weekly multidisciplinary team, MDT, meeting held on site in Castlebar involving oncologists from Galway, surgeons, radiologists, nurses and other staff in Castlebar. Each case referred in that week to Mayo General Hospital is discussed and the appropriate treatments are agreed and undertaken in Castlebar.

This arrangement and the manner in which it has developed over the past seven years is delivering positive outcomes on a daily basis to cancer sufferers in the west. No cancer sufferer who has used that facility in the past number of years is currently disadvantaged or was mistreated because of its location.

This year over 80 breast surgeries will be carried out at Mayo General Hospital. In the context of the population of Mayo, that is quite a substantial number. All breast surgeries in Mayo General Hospital are done by one surgeon and another surgeon takes care of colon surgeries. Both Dr. Kevin Barry and Dr. Ronan Waldron are highly qualified excellent surgeons in international demand at conferences because of their work and their work on the network. If both surgeons are to transfer to the new centre of excellence in Galway, they will each perform fewer surgeries annually thus reducing their individual exposure to each treatment.

In addition to the surgeries, 2,000 mammograms and 1,500 colonoscopies will be completed at Mayo General Hospital this year. There is a policy in Mayo General Hospital of double reading of these examinations to ensure accuracy. We have five consultant radiographers in Mayo General Hospital, three of whom have specific training and education in breast treatment. They can provide a diagnosis within 24 hours if required and that is an absolute weapon in the fight against cancer. One can see why we passionately believe we already have a centre of excellence in Mayo General Hospital delivering positive outcomes on a daily and weekly basis to the highest possible standards. We look forward to the HIQA audit next spring which will confirm our feeling on that. I welcome the Minister's remarks that the existing services are excellent because there was annoyance in Mayo General Hospital that because centres of excellence were being created, there was an implication the services currently on offer were not good.

The new proposals will mean breast surgery, colorectal surgery, mammograms and colorectal examinations will be withdrawn from the hospital and transferred to Galway. Post operative treatment, such as chemotherapy etc., may no longer be consultant supervised. It is fair to expect that the staff involved in the delivery of services in

Mayo General Hospital will leave the hospital in pursuit of their chosen specialties. Patients will have to travel from all around Mayo to Galway for surgery which is currently available in Castlebar under very high standards and conditions, as I have outlined. For many, a trip to Galway can be a five hour one.

I wish to give the House an idea of what is actually involved. A constituent wrote to me in regard to her treatment at Castlebar and her subsequent treatment in Galway. She said:

The treatment in Castlebar was dealt with by Mr. Barry and his team in an extremely friendly and efficient manner. Having it in such a central location meant that my husband, family and friends were able to visit on a regular basis, which naturally made the whole experience far more bearable. This would not have been possible on anything like the same scale if my treatment had taken place [elsewhere] as maintaining a full-time job while travelling for the periods mentioned below would be completely untenable.

The radiotherapy I subsequently underwent in Galway was again performed to a very high standard. [We endorse the standards of care in Galway.] However, the daily return trip was an ordeal, to put it mildly. With city traffic to take into account, it was necessary to allow 5-6 hours per day for travelling, regardless of the time spent inside the hospital. This took place from three to five times per week for six weeks. If [this strategy] is followed, patients would have to undergo these travelling conditions for such common procedures as mammograms, as well as for the surgery involved in cancer cases. In my view, this would represent a major step backwards, impacting upon an extremely vulnerable group of people.

I endorse the views of that constituent in regard to the reduction of services under this proposal.

The model we have in Mayo General Hospital and the model proposed for Letterkenny on the back of it was originally backed on to, and was done in association with models in Scotland and in North America, in particular the US. The model which has evolved is an Irish solution to Irish conditions. We hear of international best practice and international excellence but given the conditions we have in terms of transport facilities or lack of them in terms of road infrastructure and otherwise, we must look at a very Irish condition. We do not have the highways they have in the United States to get people to centres.

I welcome the opportunity for questions and answers later and will ask a number of questions, if possible. The HIQA audit, which will be forthcoming next April, will add to the reputation of Mayo General Hospital and show that the services on offer are of an international standard

and are delivering positive outcomes. What impact will that have on the national cancer strategy going forward?

I query the method of selection of the eight current centres of excellence. I am particularly concerned that not one of those centres is located on a line north of Dublin to Galway. It does not make any sense that the eight centres of excellence are all located in one part of the country. Were the centres of excellence chosen by the membership of the national cancer forum, membership of which is drawn from centres of population or hospitals on that line? What role did the national cancer forum have in the selection of the eight centres of excellence?

I welcome the fact we are creating the position of director of the national cancer strategy and I wish Professor Keane every success. Was there an international competition for that position? Did recruitment for that position take place across the oncology community throughout the world? Was the vacancy made known around the world?

Will non-surgical treatments in the new cancer strategy, such as chemotherapy, be consultant supervised in a situation where the centres of excellence are established? When can we expect full details on what will be involved in these centres of excellence? Will there be extra buildings, facilities, beds and staff? It is very difficult to try to justify a centre of excellence and the selection of such a centre when one cannot even park one's car in University College Hospital Galway when going for treatment. It is well-known that there are not sufficient car parking spaces for patients and people visiting them. That is not to downgrade the treatment available in the hospital where the team performs to its very best. If one is a cancer sufferer going for chemotherapy, the least one can expect are basic facilities, such as easy access and being able to park one's car without having to drive around for 40 minutes to an hour, which we hear from patients on a daily basis.

We all agree with the centres of excellence. However, I disagree with my colleagues in that the protests last weekend were not political and people did not go out for the sake of protesting. There were 7,000 people all of whom had experience of, and daily dealings with, the services available. There were people who put their faith and their lives in the hands of the team at Mayo General Hospital, to whom many of them owe their lives.

Family members of mine have been through that hospital and cancer centre in the past ten years and I stand over the current level of treatment there. The centre works and delivers outcomes. If we are to use that model to expand the cancer service into the north west, it does not make any sense to lose what we have in Mayo General Hospital.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

Murder Rate.

39. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if, having regard to the fact that the murder rate in the State is now the highest since the Civil War, he will outline the steps he proposes to take to deal with the matter; and if he will make a statement on the matter. [27353/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The number of murders is a matter of concern to me and the Government. I have been informed by the Garda authorities that 57 murders have been recorded to date in 2007, whereas 60 murders were recorded in 2006 as a whole. I have also been informed that 35 of this year's murders have been detected, which corresponds to a detection rate of 61%. Some 36 of the murders which took place in 2006 have been detected, which corresponds to a detection rate of 60%. The detection rate for murders in 2007, excluding those in which a firearm was used, is significantly higher at 78%. I have been informed by the Garda authorities that the number of murders to date this year involving firearms, most of which are attributable to so-called "gangland" or "organised" crime, is 17. This shows no increase on the figure for the same period last year. Therefore, the increase in the number of murders so far this year is not due to an increase in gang-related activity. Having said that, the level of such killings clearly remains a cause for great concern. Many murders involve acquaintances as victims and as perpetrators. It is regrettable that some killings stem from domestic violence. As the figures I have just given indicate, the Garda Síochána has an excellent record in apprehending the perpetrators in such cases. Detections in cases of organised crime are more difficult to achieve, however, as some people will stop at nothing, including killing others, to protect their drug or other criminal activity. Not only are they prepared to intimidate witnesses and their families, but they are also forensically very aware and skilled in destroying evidence.

The number of deaths involving knives is a cause for concern. We have strong penalties for offences involving knives, but we have to continue to get the message across to young people, in particular, that carrying around knives is dangerous and wrong. As part of its policing plan for next year, the Garda plans to launch an education and awareness raising programme aimed

[Deputy Brian Lenihan.]

at discouraging people, especially young people and teenagers, from carrying knives. The force will also take rigorous action under the criminal law against people found carrying knives. A new agency, COSC, has been established to give priority to tackling the broad issue of domestic violence, with a particular objective of treating all instances of domestic violence as the appalling crimes they are. The Garda Commissioner has recently announced significant enhancements to the way in which the investigation of major crimes will be managed by the Garda Síochána.

Additional information not given on the floor of the House.

In addition to the recently announced appointment of 21 divisional detective inspectors and additional regional detective superintendents, a senior investigating officer will take charge of each serious crime investigation. Each serious crime will have a designated incident room co-ordinator. Over the lifetime of this and the last Government, we have significantly increased the strength of the Garda. The programme for Government reaffirms the commitment to a Garda strength of 15,000 by 2010 and commits the Government to increasing the strength of the force further to 16,000 by 2012. The Garda budget for this year stands at €1.44 billion compared to just over €900 million five years ago. This increase in resources is enabling the strength of the force to be increased and providing for high levels of overtime and increased civilian support. The force is pursuing an extensive programme of building, fleet modernisation, purchase of protective equipment and training. A major programme of investment in technology is under way, including a new national digital radio system, a major incident computer system and an automated fingerprint identification system. While we have seen extensive changes in the criminal law in recent years, I will introduce further legislative proposals, including a Bill to create a national DNA database. This will assist the Garda in bringing perpetrators to justice, including in cases of murder.

Deputy Charles Flanagan: I would like to comment on the statistics produced by the Minister in response to my question. The forces of law and order in the State appear to be losing the battle against so-called “gangland” or “organised” crime. The 21 fatal shootings in 2005 led to just two convictions. The 27 gun murders in 2006 led to just five prosecutions, with no convictions to date. There have been 17 gangland gun murders this year, with just one prosecution pending. Such statistics are causing serious concern in communities throughout the country. Does the Minister agree that an intense and sustained programme of pressure is needed if we are to combat gang

lords, bosses and members? Will the Minister give the House details of the legislative response he is considering? When the Taoiseach recently addressed this issue, he mentioned the possibility of introducing special courts to deal with crimes of this nature. What is the Minister’s response to that suggestion? When speaking in Templemore recently, the Minister suggested that legislation could be introduced to accord greater powers of surveillance to the Garda. He proposed that the force be allowed to use bugging devices, for example. Can he expand on his ideas in that regard?

Deputy Brian Lenihan: I would like to speak about the resources that have been allocated to deal with serious crime. The Garda budget for this year is €1.44 billion, compared to just over €900 million five years ago. Garda overtime will cost approximately €140 million this year.

Deputy Charles Flanagan: I did not ask about that.

Deputy Brian Lenihan: A great deal of that money is being spent as part of Operation Anvil, under which the relentless pressure advocated by Deputy Flanagan is being placed on criminal gangs. The events of recent days show that results can be obtained if patience is exercised. Such results are being obtained by the Garda.

I would like to speak about the steps being taken by the Garda to combat the growth of organised crime. The Garda authorities utilise intelligence-led operations to target organised crime gangs. All available intelligence is fully analysed and used in the strategic deployment of local and specialised operational Garda units to target particular gangs. Organised crime is being targeted on a number of fronts. Uniform and plain-clothes gardaí are overtly and covertly disrupting known criminals in the course of criminal activities. Specialist units from the national support services are also assisting operations which are dealing with various aspects of this type of criminal activity. The organised crime unit of the National Bureau of Criminal Investigation, which was established in November 2005, has been expanded. It now has 70 members working full-time to target the various criminal groups which operate throughout the country. The unit works closely with other specialist units, including the Garda national drugs unit, the special detective unit and the emergency response unit, to target those suspected of involvement in organised criminal activity. Operation Anvil, which started in 2005 and was expanded regionally last year, is an intelligence-led policing initiative. The focus of the operation is the targeting of active criminals and their associates who are involved in serious crime by preventing and disrupting their criminal activity through extensive additional

overt patrolling, such as static checkpoints by uniformed officers and mobile and foot patrols.

Deputy Charles Flanagan: Can I take——

An Ceann Comhairle: The time for this question has expired.

Deputy Charles Flanagan: In fairness——

Deputy Brian Lenihan: The other matters are down for reply under separate questions.

Deputy Charles Flanagan: In fairness to the House, the Minister made no reference to the points I made about legislation or the question I asked about the Taoiseach's comments on special courts.

An Ceann Comhairle: The Chair has no responsibility in relation to——

Deputy Charles Flanagan: I would like it recorded.

An Ceann Comhairle: ——the answer that a Minister may or may not give.

Deputy Brian Lenihan: The Deputy referred to the Civil War in his question.

Deputy Charles Flanagan: I would like it recorded that the Minister is clearly abdicating his responsibility to the House.

An Ceann Comhairle: We must move on to Question No. 40. The time for Deputy Flanagan's question has expired.

Deputy Charles Flanagan: I accept the Chair's ruling.

Crime Levels.

40. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform his views on the Central Statistics Office crime statistics for the third quarter of 2007; his further views on the continuing high level of crime and anti-social behaviour; the steps he will take to deal with this situation; and if he will make a statement on the matter. [27394/07]

Deputy Brian Lenihan: The provisional headline crime figures for the third quarter of 2007, which were released by the Central Statistics Office recently, show that there was no increase in headline crime in the 12-month period to 30 September last. This positive outcome has been achieved despite the continuing steady rise in the population over that period. There was an increase of 2.8% in headline crime in the third quarter of the year, compared with the same quarter last year. This compares with an increase

of 4% in the second quarter of this year. Some successes in combating crime are reflected in the improving trend, but a great deal of work remains to be done. The biggest challenges to be faced are the level of gangland crime and the number of murders being committed. The detection rate achieved by the Garda for murders which are not committed by firearms is excellent. Detections for murders related to organised crime, which account for most murders committed by firearms, are more difficult to achieve. This is a matter of concern, even if such murders make up a minority of all murders — 17 out of the 57 murders recorded to date in 2007. The significant improvements in the way major crimes are investigated, which were recently announced by the Garda Commissioner, will help to improve all detection rates, including those for murders connected with organised crime.

We recently learned of a number of successful operations by the Garda which resulted in the arrest and charging of a number of people following the recovery of drugs and firearms and the foiled robbery of cash in transit. It is relentless activity of this type by the Garda Síochána, under Operation Anvil in particular, which has contributed to the statistics for the third quarter showing significant reductions in the number of robberies of cash and goods in transit, down 71% in the quarter, and of robberies of an establishment or institution, down 12%.

Additional information not given on the floor of the House.

I welcome the increases in the number of detections for possession of drugs for sale or supply, up 26% in the year to date, and of cultivation, manufacture and importation of drugs, up 55%, which were also the result of such police work directed against those involved in organised and drug crime.

I am pleased to note that the third quarter figures also show a reduction in the overall figure for sexual crimes, down 5% in the quarter and 9% in the year to date. All five sexual crime categories showed a reduction or no change during the quarter. The figures for sexual crimes no longer show the steep declines experienced in earlier quarters. I hope that any reluctance on the part of victims to report sexual crimes, as a result of publicity surrounding court cases last year, has now dissipated and the figures better reflect the underlying reality.

The Garda Síochána Act gives the Minister the power to determine priorities for the Garda Síochána. I recently published the policing priorities for 2008. These priorities set clear objectives for the Garda Síochána which the Garda Commissioner must take into account in drawing up his policing plan for 2008. The priorities I have set show what the Government and I consider should be the focus of policing activity in crime prevention and detection.

[Deputy Brian Lenihan.]

One of the policing priorities I have identified for the Garda Síochána for 2008 is to combat, in co-operation with other agencies and the community generally, the problems of public disorder with particular emphasis on alcohol-related behaviour, including under age drinking. Combating public disorder and anti-social behaviour has been a Garda priority for some time. Operation Encounter was commenced in 2002 and targets public disorder and anti-social behaviour by specifically targeting offences contrary to public order and intoxicating liquor legislation, including the sale and consumption of alcohol by under age persons.

I am informed that all members of the Garda Síochána proactively target public disorder and anti-social behaviour and pay particular attention to areas subject to such behaviour and which have been identified as hot spots by local Garda management. Additional foot and mobile patrols are directed to these areas during the times when these offences are most likely to occur. All such incidents detected by gardaí or reported to the Garda Síochána are dealt with as quickly as possible and suspected offenders are dealt with in accordance with the law.

I recognise, as does every Member of the House and all public representatives, that anti-social behaviour can cause great distress to individuals and communities. I wish to assure Deputies that we will continue to take all measures which are open to us to address this issue.

Deputy Pat Rabbitte: The report from the Central Statistics Office makes grim reading, as I am sure the Minister will agree. Deputy Flanagan has asked a question about gun murders so I wish to ask about anti-social behaviour. I will instance my question by telling the House about a man who visited my clinic last Saturday. He is a single man and a night worker. Local youths know his pattern of work. They break into his property frequently; they urinate through the letter-box; they damage his property; and they send for takeaways in order to have people call to the door to test if he is in. He is forced to stay at home on occasion to defend his property when the windows are broken. He is now threatened by his employer who cannot continue to tolerate this man's absence from his duties as a night worker. Yet, the housing authority will not respond and neither will the Garda Síochána. What is that man supposed to do? I ask the Minister to instance in simple language three things he will do differently from his predecessor in this area of anti-social behaviour.

Deputy Brian Lenihan: I readily accept that anti-social behaviour can make a person's life a misery. One of the priorities in dealing with anti-

social behaviour is the need to address alcohol-related behaviour. I have set this priority out in my policing priorities for 2008. The Garda Síochána will drive forward the establishment of inter-agency activities working with the local authorities against anti-social behaviour, including the deployment of CCTV in urban areas. The Garda Síochána should identify local public order and anti-social behaviour hot spots and develop responsive actions and plans. The programme for Government outlines measures which will further tackle anti-social behaviour.

Extensive powers exist under the Criminal Justice (Public Order) Act 2003, which enable the Garda Síochána to deal with street violence and anti-social behaviour. The 2003 Act also provides the Garda with additional powers to deal with late night street violence and anti-social conduct attributable to excessive drinking. The 2006 Act provides for the anti-social behaviour orders and this regime includes—

Deputy Pat Rabbitte: In practical terms, how does that affect my constituent who, like in the Minister's own constituency, is not alone? Anybody who is alone or old or vulnerable is targeted by these young thugs. They do not necessarily have any alcohol on board, yet they torment and persecute people living in their homes. The Minister points reasonably to the powers that exist but these powers are not being exercised. This man can get no relief either from the housing authority or the Garda Síochána. Community policing is under-resourced in the area and his life is a misery. He is only one of a large number of people known to me in the belt of west Tallaght, such as women living alone, lone parents, immigrants and people of a different race. This is a problem not only in the gun murder area and it is an intolerable situation. What practical advice can the Minister give to my constituent?

An Ceann Comhairle: The time for this question has expired and I must move on to Question No. 41 in the name of Deputy Charles Flanagan.

Deputy Charles Flanagan: Time waits for no man.

An Ceann Comhairle: I remind Deputy Flanagan these are Priority Questions and there is a reason for it.

Deputy Charles Flanagan: I can suggest a couple.

Victim Impact Statements.

41. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the changes he proposes to introduce on the matter of victim impact statements submitted to the

courts in criminal cases; and if he will make a statement on the matter. [27354/07]

Deputy Brian Lenihan: I propose to answer Questions Nos. 41 and 50 together.

An Ceann Comhairle: Unfortunately, the Minister cannot take Questions Nos. 41 and 50 together because Question No. 50 is an Oral Question and Question No. 41 is a Priority Question and a Priority Question may not be grouped with another Oral Question. The Minister will be required to answer Question No. 41 on its own.

Deputy Brian Lenihan: I apologise to the House.

Victim impact statements are among the most effective mechanisms available to ensure the interests and concerns of the victims of crime are brought to bear on the criminal justice process. As section 5 of the Criminal Justice Act 1993 puts it, the court, before passing sentence, is required to take into account any effect, whether long term or otherwise, of the offence on the person in respect of whom the offence was committed. This is one of the rare instances where the court is specifically directed as to a matter to be taken into account at the sentencing stage; courts otherwise, other than in murder cases, have a very large measure of discretion as to the matters to be considered in the context of determining the appropriate sentence. As a result of the procedure under section 5 of the 1993 Act, victims can expect to have a level of involvement beyond that of a mere witness.

I am aware of the recent debate about victim impact statements which I have followed with close interest. As we are all aware, the debate arises from a particularly difficult and tragic case. In those circumstances, I felt it was better for me as Minister not to become involved in the discussion. That is not to say that either I or my Department are not reflecting on the issues and may, if considered necessary and appropriate, bring forward proposals which will address any defect in the current arrangements or which may enhance further the role of the victim.

The reflection I have referred to takes account not only of the recent debate but also includes consideration of the very helpful comments made by the balance in the criminal law review group, chaired by Dr. Gerard Hogan SC, in its report earlier this year. With regard to the current arrangements under section 5 of the 1993 Act, the review group suggests the section may be too restrictive in so far as it permits a statement by or on behalf of the direct victim only.

Additional information not given on the floor of the House.

It suggests there is a case for expanding the definition of victim to include other persons intimately affected by the crime. This is frequently

the case in homicide cases where the victim is, of course, unavailable but a close relative is, at the court's discretion, permitted to make or provide a statement.

The review group also goes on to discuss the possible use of victim impact statements at the parole or remission stage and places this issue in the context of restorative justice, that is, the victim would have an opportunity to address the perpetrator directly, to make him or her realise more fully the harm that has been done.

In a further recommendation, the review group addressed the possibility of inappropriate use of statements and raised the possibility of restrictions on publication in certain circumstances, at the direction of the court.

I will continue to reflect on and consider how the current system can be improved. In my considerations, I will endeavour to ensure that the victim is allowed as much opportunity as is reasonably possible to have his or her experiences taken into account. However, I must also ensure that, in the interests of all parties, we preserve the integrity of the criminal process and that due process continues to be observed.

Deputies will appreciate the issues involved are complex and require careful consideration. It will, therefore, be necessary to take some time to ensure any proposals are appropriate and well grounded.

Deputy Charles Flanagan: It was my intention to formally invite the Minister to make an official comment on recent matters with particular reference to the very trenchant contribution of Mr. Justice Paul Carney and a further contribution of some gravity to the debate by Ms Justice Fidelma Macken, where she spoke in terms of the possibility of warning a victim and went so far as to suggest that perhaps penalties might be imposed on certain victims in certain circumstances. I would have thought it timely for the Minister to respond but I understand he has declined the invitation to make a statement. Does the Minister acknowledge the right of a victim to make a statement? Does he intend to give greater rights to victims of crime by way of access to information and by granting them an entitlement to speak before sentencing? Will he indicate what type of examination is under way within his Department, having regard to the fact that he would rather not comment on the matter?

Deputy Brian Lenihan: I indicated that I preferred not to comment on the matter at the time of the controversy and I welcome Deputy Flanagan's tabling of this question. I do not propose to introduce legislation which will penalise a victim in any way. I understand the reason for Ms Justice Macken raising that possibility but I am not disposed to doing that. An examination is being conducted of two of the legal principles

[Deputy Brian Lenihan.]

involved in particular. One relates to the definition of who is a victim for this purpose. The current arrangement contains a narrow definition of the direct victim. There is a case for expanding the definition of victim to include other persons intimately affected by the crime. This is frequently the case in a homicide case where the victim by definition is unavailable but a close relative can be permitted to make or provide a statement.

With regard to the inappropriate use of statements, the review group suggested that publication and circumstances might be restricted at the discretion of the court and I believe this is a matter we will have to consider.

Deputy Charles Flanagan: Will legislation be required?

Deputy Brian Lenihan: That would require legislation because any interference with the publicity of the administration of justice has to be specified in legislation. It is clear that were we to give the trial judge power to direct the reporters not to publish particular material which a victim put before a court and which the judge believed would be inappropriate, having regard to his or her sentencing function, then in that situation we would have to consider legislation.

Family Law Courts.

42. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the recent report (details supplied) commissioned by the Courts Service, which described the Irish family courts system as shambolic and overcrowded; if he will implement the recommendations made in the report; and if he will make a statement on the matter. [27395/07]

Deputy Brian Lenihan: Last week, I welcomed the publication of the report of the family law reporting pilot project undertaken by Dr. Carol Coulter at the request of the Courts Service. This project has made a major contribution to our knowledge of the operation of family law in the courts. It has shed much needed light on the family law area and has assisted in debunking many of the myths prevalent in this area, particularly in relation to disputes on child custody and access. I was very pleased to hear that the board of the Courts Service has decided to continue the pilot reporting project for a further year. I pay tribute to my predecessor who laid the legislative foundation for this exercise.

Many of the recommendations fall outside the remit of my powers as Minister and I am glad to hear from the Chief Justice that the board of the Courts Service is to establish a special committee to review the report and implement its recom-

mendations. I look forward to seeing the outcome of the committee's proceedings in due course.

I assure the Deputy that I fully appreciate the seriousness of delays in the hearing of family law cases. The recent Courts and Court Officers (Amendment) Act 2007 provided for an additional 14 judges: six judges of the District Court, four ordinary judges of the Circuit Court and four ordinary judges of the High Court. These additional judges were appointed to deal with delays and speed up the judicial process.

Another issue highlighted by the report is the concern about costs in family law cases. This is a matter I have examined since my appointment. Earlier this year, the Department published the report of the legal costs implementation advisory group. It is my intention to commence work on the drafting of a new Bill to reform the manner in which disputed legal costs are assessed with the allied objective of making the market for civil legal services more predictable, more consistent and more transparent to the consumer. The Bill will also provide for significant improvements to be made in the quality and quantity of the information that a solicitor is required to provide to clients and the manner in which it is to be supplied.

Additional information not supplied on the floor of the House.

I have asked my Department to examine the recommendations concerning the expansion of the Civil Legal Aid scheme and to report back to me as soon as possible.

The report acknowledges the dramatic improvement in court buildings and facilities. The antiquated and shabby court facilities that used to confront users of the family courts are becoming a thing of the past. In Dublin, for example, three new family law courts are now available in Phoenix House, Smithfield. I am advised that these courts, which hear 98% of Dublin's judicial separation and divorce cases, are equipped with eight consultation rooms and other facilities for court users. The Family Law District Court in Phoenix House is currently being upgraded to provide for five new and enlarged courtrooms with adjoining judges' chambers and additional consultation rooms.

Throughout the rest of the country, the capital building programme of the Courts Service has prioritised family law facilities. Over 40 major refurbishment projects have been completed since the establishment of the service and family law facilities have been provided at all major venues. Dedicated family law facilities are also being provided at current and future projects throughout the country.

The report also makes a range of recommendations to enhance the role of mediation. I agree that mediation is important in the key area of dispute resolution and I understand that this

approach will be addressed in new Circuit Court rules. The Legal Aid Board is also taking action to promote the use of dispute resolution mechanisms in family law cases. This has incorporated the collaborative law approach as well as structured negotiation techniques and has the potential to be of considerable benefit to those who find themselves in difficult family situations.

The report recognises the value of case progression, that is, ensuring that cases are prepared for trial in a manner that is just, expeditious and likely to minimise costs. I understand that a draft set of case progression rules for family law proceedings in the Circuit Court has been presented to the Circuit Court rules committee for consideration.

The report highlights the value of judicial conferences and training. Funds have been made available by my Department to the Judicial Studies Institute, which was established by the Chief Justice for the purposes of judicial training. I will carefully consider any future proposals in this regard.

This is an important report and it provides a valuable benchmark against which we will be able to monitor future improvements in how we conduct, organise and arrange family law business in our courts.

Deputy Pat Rabbitte: In this report Dr. Coulter says it is remarkable that the system works at all. She talked about it being shambolic and overcrowded, the lack of uniformity, court lists overcrowded, courts meeting late into the night and a number of other defects were identified and recommendations were made in 1996 in the Law Reform Commission report and not acted upon. I wish to ask the Minister a couple of specific questions. With regard to her recommendation that there ought to be a separate family law division of the Circuit Court, what is his disposition in that regard? On the issue of access by the press to the family courts, with certain restrictions as recommended, what is his attitude to that? In regard to the criticisms by the organisation for separated fathers who have the very definite perception that in many cases they do not get a fair hearing and do not get reasonable access to their children and so on, what is the Minister's view of the complaints advanced in recent years by that organisation? When he talks about the cost of access to the family courts, as he did in his reply, does he intend to take any steps in that regard? It is remarkable that divorce by consent can cost a number of thousands of euro outside of Dublin but many times that in Dublin or in Cork. Why is it more expensive to get divorced in the jurisdiction inside Chapelizod and relatively less expensive outside it?

Deputy Brian Lenihan: In regard to the question of family law division the current practical

arrangement in the Dublin Circuit Court is that for all practical purposes there is a family law list administered by a number of judges. The Circuit Courts outside Dublin do not have a similar dedicated list which is heard by a group of judges or by a judge sitting alone exclusively dedicating himself or herself to family law cases. That is an issue I propose to address. The more wide-ranging recommendation which was made by the Law Reform Commission for a separate family law division would involve the appointment of judges exclusively to family law cases. I am not satisfied that it would be possible to recruit a corp of judges to do this work exclusively. That said, I am open to change in the sense that I believe judges within the Circuit Court system and within the other courts that had jurisdiction in these matters should be assigned on a permanent basis for a period of years to deal with these cases on a dedicated basis. That is something that was advanced in the report which I have asked my Department to examine.

On the question of press reporting, one of the reasons this area has not come to light for some years is that there is not accurate reporting and there is no publicity. The constitutional presumption is that justice should be administered in public. That is an important presumption because it allows full and fair criticism to take place of court decisions. My predecessor and the Oireachtas enacted the necessary legislation in 2004 that allowed this research project take place which has thrown light on the operation of the courts system. I very much welcome that. Further recommendations are made in the report about extending publicity in these matters and they are under examination in my Department.

Deputy Pat Rabbitte: What about the unmarried fathers?

Deputy Brian Lenihan: On that issue, it is not appropriate for me to comment on individual decisions or even the trend of decisions in the courts but I believe the publicity thrown on these matters by this report will be helpful in addressing the concerns raised. In regard to costs I am happy to say that mediation is important in these matters.

Asylum Applications.

43. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of asylum applicants who have gone missing from State provided asylum accommodation; and if he will make a statement on the matter. [27601/07]

Deputy Brian Lenihan: The question appears to imply that asylum seekers are not free to leave state accommodation centres. That is not so. Asylum seekers are not prisoners. They are free to leave such centres, or opt not to avail of the facili-

[Deputy Brian Lenihan.]

ties that lie therein from their day of arrival in the state.

However, there is an obligation on asylum seekers to keep the relevant authorities, namely, the Refugee Applications Commissioner and the Office of the Refugee Appeal Tribunal, informed of their current address.

In relation to under aged minors, their accommodation is not the responsibility of my Department, but of the Health Service Executive. Any question which the Deputy may wish to raise on this matter should be put to the Minister for Health and Children.

Deputy Denis Naughten: The Minister will play with words. The fact is that 328 children have gone missing from asylum accommodation provided for children. How many people are there within the asylum process who are unaccounted for? Is it not the case that 5,630 people, based on the Minister's figures, are evading deportation orders and what steps are being taken to ensure those deportation orders are being imposed?

Deputy Brian Lenihan: In regard to deportation orders, the Garda National Immigration Bureau enforces these orders and has carriage of this matter and seeks to apprehend these individuals. Flights out of the State are arranged at regular intervals. Persons are apprehended for the purposes of deportation and they are deported. That is how deportation arrangements take place. The Deputy will appreciate that in a free society, such as ours, the resources available to the Department for the enforcement of deportation orders are not limitless. We do not have a compulsory system of registration, for example, of our identification. We do not have the kind of intrusive powers available to the Garda Síochána that would permit it in all cases to instantaneously enforce a deportation order. Likewise our powers of detention in this area are not as extensive as those in other jurisdictions. That said, the Garda National Immigration Bureau is a dedicated part of the force that monitors this issue, monitors trends and movements and keeps a close eye on those who are a threat to our security, public order or who may commit offences. They certainly maintain close surveillance on all these matters and arrange for deportations from time to time.

Deputy Denis Naughten: It is not the case that right throughout Europe the asylum process is being used as a mechanism to facilitate human trafficking? We had an example of that a couple of weeks ago. The Minister is unable to give me any figures for the number of people who are unaccounted for within the asylum process. Is it not the case that there is the possibility that some of these people are being trafficked in to the sex industry? Is it not the case that the Minister has

not got a clue what is going on in this area, that there is no way of tracing these people, and whether in regard to deportation orders or people who are unaccounted for within the asylum accommodation system we do not know what is going on? There are no records, no traceability and the whole thing is a sham.

Deputy Brian Lenihan: I do not accept the whole thing is a sham or that we do not know. We are part of a common travel area with Great Britain and because of that there is a substantial amount of movement between both jurisdictions on which we are doing much study at present. It is clear that quite a number of the unaccounted for asylum seekers are in other jurisdictions.

The Deputy is aware that trafficking legislation is now before the House and that Operation Pentameter, which is an intelligence-driven operation to detect the incidence of trafficking throughout these islands, is now under way with the Garda Síochána working closely with the numerous police forces that exist in Great Britain and Northern Ireland to tackle this phenomenon. Regarding asylum claims being used as a cover for trafficking, a number of different routes are used to try to evade our border control legislation. It would not be fair for me, as Minister, to single out the asylum applicant in isolation in that context. There is evidence that persons who have an expired visa and presence in the United Kingdom transfer to this jurisdiction and claim asylum.

If a person being trafficked is from outside the European Union frontiers a variety of devices can be resorted to, whether by seeking a holiday or student visa or by making an asylum claim, that can lead to the person being brought into the jurisdiction. The circumstances are legion in a world of globalisation with a great deal of international movement of persons. However, the Garda is keeping a vigilant eye on the phenomenon and threat of trafficking in this jurisdiction.

Other Questions.

Garda Investigations.

44. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the progress to date with regard to the Garda investigation into the murder of two persons (details supplied) in Walkinstown on 5 October 2007; and if he will make a statement on the matter. [27369/07]

Deputy Brian Lenihan: I am informed by the Garda authorities that the investigation into the murders referred to is ongoing. A dedicated investigation team of 40 officers is being assisted by specialist units from Garda national support services, including the national bureau of criminal

investigation and the Garda technical bureau. The investigation includes taking statements from witnesses, viewing CCTV footage and visiting premises and establishing vehicle and foot checkpoints for the purpose of obtaining completed questionnaires. A number of lines of inquiry are being pursued to establish a possible motive for the murders.

I am further informed that Garda management is satisfied that sufficient resources are allocated to the investigation. As this is an ongoing Garda investigation it would be inappropriate for me to comment further at this time.

I am sure all Members of the House will join me in calling on all members of the community to provide any information and support they are in a position to provide to the Garda Síochána to enable it to bring those responsible for these crimes to justice.

Deputy Pat Rabbitte: I do not want to probe the appalling crime too deeply either. Is any breakthrough anticipated by the Garda authorities in this regard? The figures we had earlier showed there has been a 50% increase in gun murders in the third quarter, which is an appalling level of carnage by a small number of gangsters running areas of our city. We have had 137 such gun murders since 1998, with only 20 convictions, which is less than 15%. Is that not an alarming level of detection and conviction? What legislative proposals does the Minister have in an attempt to combat this phenomenon? Was the Minister's answer in respect of surveillance and the use in evidence of information secured through surveillance given off the top of his head as he seemed to indicate on television the other night, or is it a considered proposal that the recommendations of the Law Reform Commission made in 1998 and as yet unimplemented will now be implemented? Why does the Department seem minded not to implement those recommendations over the years since 1998?

Deputy Brian Lenihan: The Deputy has asked a number of questions. Of course it is a matter of concern that detection rates are not higher in crimes of the character to which he referred. However, it is the case and the Garda intelligence suggests that a number of those involved in the commission of these crimes have been apprehended, charged and convicted on other charges and are now in detention. If we are to discuss the phenomenon of gangland crime we need to face up to the fact that the basic need is to ensure that the membership of these gangs are put behind bars.

On surveillance, I indicated the other evening that the question had been put to me out of the blue but that I had on my own account asked the Department to examine the question some time previously. The Department is carrying out an examination of surveillance. However, the Law Reform Commission report to which the Deputy

referred simply seeks to put on a statutory basis the investigative powers of the Garda Síochána regarding surveillance. The question of employing surveillance techniques against the gangland criminals is not restricted to the issue of simply having them put under surveillance. It is a matter of knowledge and notice in this House that such individuals are put under intensive surveillance by responsible Garda units. It is a matter of deciding whether the fruits of surveillance can be led in evidence and made admissible in evidence against these individuals. The practice in the State has always been that a great amount of surveillance material is not led in evidence in court. I have asked my Department to examine whether we should maintain the traditional arrangement where surveillance evidence is not generally led in court, for example evidence arising from a wiretap or from visual and auditory surveillance, or render such evidence admissible on a statutory foundation — in practice some of it is admissible already. That issue was not examined in the Law Reform Commission report.

Deputy Pat Rabbitte: In other jurisdictions such evidence can be led in court and is admissible. Given the gravity of the situation that confronts the law enforcement agencies, why should it not be made admissible in this jurisdiction?

Deputy Brian Lenihan: It raises major operational questions because, of course, when such evidence and the method of obtaining it is disclosed in court the investigative authorities are exposed and the criminals are advised how they can be located and caught. A fine judgment needs to be made about the use of such evidence. It is not quite as straightforward a matter as it can be represented to be.

Deputy Pat Rabbitte: I am sure it is not straightforward and a judgment call would need to be made in certain cases. However, I am at somewhat at a loss to understand how it might alert the criminal as mentioned by the Minister. If these individuals are already under surveillance as he suggested and the Garda is gathering intelligence on them anyway as it ought to be, what more precisely does the Minister mean by saying that it would alert them? Surely they know that the purpose of the Garda is to put them behind bars. I can understand in a particular case why it might betray a wider operation to reveal in court evidence gathered as a result of an interceptor, bugging device or whatever. However, generally I am having some difficulty struggling with the concept of alerting criminals.

Deputy Brian Lenihan: I am surprised that the Deputy has difficulty grappling with any concept. Of course the range and sophistication of equipment that can be used to exercise surveillance has been increased dramatically in recent years. A parallel inquiry into these matters is taking place

[Deputy Brian Lenihan.]

in the United Kingdom at present where similar concerns have been raised that the disclosure of the techniques of surveillance would alert the criminal to the possibility of exposure.

Deputy Charles Flanagan: For the third time I ask whether the Minister is ruling in or out the suggestion by the Taoiseach of the introduction of special criminal non-jury courts to deal with this issue.

Deputy Brian Lenihan: I am glad the Deputy has had an opportunity to ask the question because I was not refusing to answer it. The constraints of time that the Ceann Comhairle must properly implement prevented me from dealing with the question. As it is, the Director of Public Prosecutions can have recourse and can determine that a prosecution should take place in the Special Criminal Court. The Taoiseach did not indicate there were legislative proposals relating to the Special Criminal Court. His comments were made prior to recent successes the Garda Síochána has had in this area. He indicated if gangland crime continues unabated and undetected, we would have to examine the question of the extended use of the Special Criminal Court. The Taoiseach was, therefore, postulating a future examination of this subject if current measures were found inadequate to deal with the persons concerned.

Joint Policing Committees.

45. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform the reason his Department and the Department of the Environment, Heritage and Local Government are only now, at the end of 2007, in discussion with local authority representative bodies regarding the disbursement of the funding to joint policing committees provided for 2007. [27398/07]

Deputy Brian Lenihan: Joint policing committees provide a forum where a local authority and the senior Garda officers responsible for the policing of that local authority's area, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area. The establishment of these committees has great potential to ensure that policing is responsive to local needs. The committees are provided for by the Garda Síochána Act 2005 and operate under guidelines issued by me, after consultation with the Ministers for the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs. In view of the innovative nature of the committees and the number that will be established — there are 114 local authorities in total in the country — the committees are being piloted in 29 local

authority areas for a limited period under initial guidelines.

I plan to provide for the establishment of a committee in each local authority area in the State as early as possible in 2008, following consultation with my ministerial colleagues. Before doing so, it would be useful to consider the experience gained in the operation of the 29 committees currently established. As part of this process, the Minister for the Environment, Heritage and Local Government and I have decided to hold a consultation seminar on 29 November. The purpose of the seminar, which we will attend, will be to consider the lessons from the operation of the pilot committees. The outcomes of the seminar will be used in the process of preparing the guidelines under which the committees will be rolled out to all local authority areas. It is planned to invite representatives of the participants in the committees, which will include members of the Garda Síochána, the relevant local authorities, the Oireachtas and representatives of the community and voluntary sector and the representative associations for local authority members and city and county managers. The committees, established last year and this year as part of the pilot phase, have focused on the issues that they consider have the highest priority for them and on finding the most suitable methods of working. They have made good progress and the discussion of their experience will contribute to the outcome of the consultation seminar.

My Department and the Department of the Environment, Heritage and Local Government will provide financial assistance for the general support of the committees. It is envisaged that this will cover such areas as training and development, travel expenses for representatives on the committees of the community and voluntary sector and a contribution towards support for staffing for the committees in the larger local authority areas. Provision is made in the Garda Vote and by the Department of the Environment, Heritage and Local Government for this assistance. While none of this funding has yet been drawn down by the committees, this has not restricted their operation.

Additional information not given on the floor of the House.

During the pilot phase, discussions between the Department of the Environment, Heritage and Local Government and the office for local authority management have taken place on a number of matters relating to the operation of the committees, including the use of funding available. My Department is in close contact on a continuing basis with the Department of the Environment, Heritage and Local Government on all matters concerning the committees. A meeting will take place in the near future between the two Departments, the County and City Managers Association and the office for local authority management to discuss a range of issues relating

to the committees, including utilisation of the funding available. If it is believed necessary, consideration will be given to retrospective support and I expect that any outstanding issues will be resolved, particularly in the roll-out of the committees.

Deputy Aengus Ó Snodaigh: In reply to a parliamentary question I tabled recently, the Minister indicated, as he confirmed in reply to this question, that none of the €500,000 allocation has been drawn down, which is strange considering JPCs have been in existence for more than a year. The Department is only getting around to resourcing the committees at this stage. Will the Minister encourage council officials and the chairpersons of the JPCs to deliver on one of the functions that has an implication for funding, which is to host public meetings concerning matters affecting the policing of local authority administrative areas? Does he agree holding such meetings would ensure the public is aware of the existence of the committees and it might also encourage Members to liaise with them?

My feedback is that attendance by Members and, in some areas, councillors at committee meetings is low because they believe the committees are nothing more than talking shops. The Minister may agree that unless the JPCs are resourced properly and can conduct all their functions, including holding public meetings, they are in danger of becoming nothing more than talking shops. Will he provide a special additional budget to guarantee these meetings, which are provided for in the terms of reference of such committees, take place so that the public can have maximum input and table questions? There is a future for JPCs and it is vital they are fully resourced to ensure policing becomes a matter at the lowest level.

Deputy Brian Lenihan: I agree with the sentiments expressed by the Deputy. In replying to Deputy Rabbitte earlier about one of a number of cases he instanced of difficulties which vulnerable individuals in the Tallaght area have with anti-social behaviour targeted at them, I stated that the operation of these committees could be great value in ensuring effective community policing on the ground to address such issues.

A meeting will take place in the near future between the two Departments, the County and City Managers Association and the office for local authority management to discuss a range of issues relating to the committees, including utilisation of the funding available. If necessary, consideration will be given to retrospective support. It is envisaged that the funding the two Departments is providing will be used to cover such areas as training and development, travel expenses for the representatives of the community and voluntary sector and a contribution towards the support of staffing of the committees in larger areas. The committees function as local

authority committees and facilities such as location and secretarial facilities are provided by the relevant local authority, as are councillors' travel and subsistence expenses.

Deputy Joe Carey: When does the Minister expect the scheme to be rolled out throughout the State, given the committees have been very successful in the pilot areas?

Deputy Brian Lenihan: It is clear from my reply that the scheme will be rolled out next year. The harmonisation of Garda divisional boundaries is an important issue to be addressed, but it will not delay the roll-out.

Deputy Pat Rabbitte: Is the Minister amenable to tweaking the guidelines? I am a member of a joint policing committee and my experience is that it is entirely too clumsy. The committee comprises 23 public representatives and representatives of community organisations, which means that the last thing it has is a qualitative interchange with the senior gardaí present. With all due respect to the county managers and senior gardaí, their meeting is not likely to devise structures that will make the process more valuable in exercising civilian oversight of the quality of policing in local communities.

Deputy Brian Lenihan: I am open to constructive suggestions on the guidelines. One of the first steps I took at my initial meeting with the Commissioner was to ask him to initiate a review of Garda boundaries to ensure individual policing areas correspond with the remit of the policing committees because that is a major difficulty in servicing the committees from the Garda's perspective and in the context of the structural character of the committees.

Deputy Michael D'Arcy: With regard to the recommendations that will be made by the committees, I hope they will not become talking shops. It is vital that recommendations which are passed through the chain of command do not end up like local authority strategic policy committees and become a justice version of an SPC that will be ignored.

Deputy Aengus Ó Snodaigh: What steps will the Minister take to address the lack of community and voluntary representation on some of the committees? Some community and voluntary representatives were appointed but their appointments have lapsed. It is difficult to keep people such as these in particular involved, which was one of the key features of these committees when they were set up.

Deputy Brian Lenihan: Again, arrangements are in place, in the legislation and in the system, for community and voluntary representation. I understand some of the community pillars have continued to operate under the current system.

Prison Building Programme.

46. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position in regard to the proposed Thornton Hall Prison plan; the latest estimate available to his Department of the expected cost, including the cost of the site, the provision of infrastructure and ancillary services and the cost of construction and fitting out of the prison; the implications for the overall timing of the prison project; and if he will make a statement on the matter. [27374/07]

Deputy Brian Lenihan: Negotiations are under way with a preferred bidder, who was selected following an EU tender procedure, for the design, construction, finance and maintenance of the proposed prison facilities at Thornton Hall, north County Dublin. The project aims to replace the prison facilities currently located at the Mountjoy complex which, as is widely acknowledged, is in urgent need of replacement with a modern and operationally cost-effective prison facility that will provide a range of services and living conditions for offenders comparable with international best practice.

The new prison complex is being procured under a public private partnership model which will include the construction of the prison facilities with the ancillary infrastructure, including services etc. The relevant development consent procedure for the project is set out in Part 4 of the Prisons Act 2007. The Act provides for an environmental impact assessment and public consultation in respect of the proposed development. These procedures will afford all interested parties an opportunity to make their views known and have them considered prior to a decision on the development. Subject to satisfactory completion of the statutory phase and the successful conclusion of the contract negotiations it is expected that construction work will commence next spring.

It is not possible, for commercial and public procurement reasons, to provide details of the overall likely costs of the project. Indeed, the disclosure of such information is, in any event, specifically precluded under Department of Finance guidelines on public private partnership projects.

I can confirm that a total of €36,444,050 has been spent to date on the project. The cost of the site acquisition was €29,900,000. An additional 8.7 acres has been acquired to provide a dedicated access route to the main site. This was done following representations from the local community which reflected concern in relation to the effect of increased traffic generated by the prison project. The cost of this additional land was €1,305,000.

A total of €5,239,050 has been expended to date on preliminary site works, including surveys, landscaping, security and maintenance of the property, archaeological and topographical stud-

ies etc., and professional fees, including legal and specialist technical advice.

Deputy Pat Rabbitte: The Minister has drawn heavily on the word processor from the last day. This site, as we know, cost €30 million when the commercial valuation, locally, was in the order of €6 million. Does the Minister intend to put steps in place to surcharge his predecessor, or some of the senior civil servants who facilitated this folly by his predecessor? Do I take it from what he has just said that he intends to proceed with it? Can he give an explanation to the House for the fact that the Minister of State at the Department of Agriculture, Fisheries and Food, Deputy Trevor Sargent, is now in support of it?

Thanks to the word processor, I have the terms of the Minister's answer from 9 October. Matters have not changed much.

An Ceann Comhairle: Quotations are not allowed at Question Time, as Deputy Rabbitte well knows.

Deputy Pat Rabbitte: The Ceann Comhairle is absolutely right. Will the Minister explain something to me, because I was trying to figure it out the last day? He said: "In addition to allaying these concerns the new roadway will provide significant additional benefits both during the construction and operational phases of the project." What does that mean?

Deputy Brian Lenihan: The roadway will provide a dedicated access route to this particular prison complex from the old Ashbourne-Finglas road. That is the former main road that existed before the recent complex got under way.

Deputy Pat Rabbitte: Presumably there was always going to be access to this famous site.

Deputy Brian Lenihan: There was access through the existing network of country roads which led to the complex, but the position was that extensive works would have been required on these roads that would have been more expensive than the option of a dedicated access road. The acquisition of the access road has been in ease of the project.

As regards the valuation which Deputy Rabbitte puts on the land—

Deputy Pat Rabbitte: No, commercial valuers locally.

Deputy Brian Lenihan: That is all very much part of a dispute which has been discussed in this House before. The reality I am faced with as Minister for Justice, Equality and Law Reform is that the acquisition of this site was completed—

Deputy Pat Rabbitte: The Minister has reversed other bizarre decisions of his predecessor. Will he not reverse this one?

Deputy Brian Lenihan: The site has been acquired and I certainly do not intend to throw away millions of euro in taxpayers' money which has been invested in what is a very fine site. It is a site which will provide a fine location for the establishment of this complex.

Deputy Michael D'Arcy: Some 8.7 extra acres have been purchased for little more than €1 million, in the region of €130,000 or €140,000 per acre. How many acres does the original site comprise? When one compares the figures for adjoining lands at €130,000 or €140,000 per acre to the original purchase price, something does not add up. One figure that jumps out is €5.25 million for professional fees, which seems outlandish, without a brick having been laid on the site.

Deputy Brian Lenihan: As regards professional fees, I am sure the Accounting Officer can be questioned about these matters at the Committee of Public Accounts, as he was as regards the site acquisition, in respect of which he gave an extremely good account of the management of this issue by the Department. As regards consultants' fees and various other fees expended to date, this is a major project. It is the most substantial prison building project since the foundation of the State. It is a major development and we certainly need to get it right in terms of the construction and design of the complex, ensuring that best international practice applies. All these matters must be taken into account in developing a project of this type.

Deputy Michael D'Arcy: I have one final question. Is there an end figure for the site to include professional fees as well as site purchase and construction costs, or is it open-ended?

Deputy Aengus Ó Snodaigh: The cost of the road being put in to service this complex was never taken into account when the Minister's predecessor, former Deputy Michael McDowell, kept saying he had got value for money, despite the skulduggery involved in the purchase of the site and the fact that it rode roughshod over the local community. Has the local community been kept informed about the lie of this land and the acres bought to service the site and what additional services or facilities will be built there other than the prison, the court and possibly the central remedial facility which was——

Deputy Pat Rabbitte: There is to be an organic garden, with the Minister of State, Deputy Sargent, tending to it.

Deputy Aengus Ó Snodaigh: He would love to do that, but what other services are being planned

for this of which the community or this House have not yet been made aware?

Deputy Brian Lenihan: I have the honour of representing this local community in Dáil Éireann and it gave me very substantial support notwithstanding the fact that I was the only candidate in the constituency who refused to oppose the project. On the question raised by the Deputy about what other projects will be located here, there will be a Garda station, as there is at every prison complex.

Deputy Aengus Ó Snodaigh: There is no Garda station at Cloverhill Prison.

Deputy Brian Lenihan: There will be a Garda station at this prison complex as there was at Mountjoy. The question of a forensic science laboratory and the Garda Technical Bureau being located at a secure location of this type has also been considered. It is considered that the location in question would be suitable for such a facility. The present phase of the development relates exclusively to the development of the prison complex, which project is under way. The Deputy will have to table a question to the Minister for Health and Children about the development of the Central Mental Hospital.

On the figures and the question of the access road, it was my view and that of the Department that the dedicated access road represented a preferable arrangement at the site.

Deputy Charles Flanagan: I have a brief supplementary question.

An Ceann Comhairle: We have exceeded the time allowed.

Deputy Charles Flanagan: It is a one-liner. On the question of the proposed transfer of the Garda Technical Bureau and the forensic science laboratory, the Minister stated the site was considered suitable. Does this mean the offices will be moving?

Deputy Brian Lenihan: Given the time available, I would prefer if the Deputy tabled a separate question. The question of redeveloping the forensic science laboratory on the site of the Garda depot in the Phoenix Park was examined. However, because of the presence of the underground railway tunnel beneath the park and the depot, the site was found to be unsuitable. The opportunity was taken by the Government to agree the acquisition of the necessary lands at Thornton as part of the access road arrangement that would facilitate the development of the forensic science laboratory.

Deputy Aengus Ó Snodaigh: Last year, when I asked specifically whether trains on the route would be endangered, the former Minister for Justice, Equality and Law Reform, Michael

[Deputy Aengus Ó Snodaigh.]

McDowell, denied the underground railway was next to the facility.

Deputy Brian Lenihan: I am happy to make myself accountable here.

An Ceann Comhairle: Deputy Ó Snodaigh was not called at all.

Criminal Prosecutions.

47. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 to date in 2007; the number of such cases in which prosecutions for murder were initiated; the number of such cases where convictions were secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [27366/07]

Deputy Brian Lenihan: The information requested by the Deputy concerning the numbers of cases of murder recorded in which firearms were used in each year from 1998 to date in 2007, prosecutions initiated and convictions secured is set out in the following table. Figures provided for 2007 are provisional, operational and liable to change.

The table shows that, in the relevant period, there were 142 murders in which a firearm was used, in respect of 39 of which proceedings were commenced. This gives an overall rate of 27%. Murders in which firearms are used are often, but not always, connected with gangland crime and are by their nature difficult to detect. All killings, regardless of the persons or circumstances involved, are the subject of a rigorous investigation by An Garda Síochána. The identification of the motive and the evidence available in its support are key elements of the investigation and prosecution process. On completion of such investigations, a file is forwarded to the law officers who direct what charges, if any, are to be preferred. It is then a matter for the courts to decide a person's guilt or innocence.

My highest priority is to bring gangland killings to an end and to bring those involved in gangland activities to justice. In recent days, we have witnessed a number of successful operations carried out by An Garda Síochána to deal with gangland crime. I am sure all Members of the House will join me in commending the Garda on these successes. Many have already done so. I cannot comment on the detail of what took place since the operations form part of criminal investigations and court proceedings, but I can say that this type of relentless activity by An Garda Síochána, under Operation Anvil in particular, will continue to be used to deal with these gangs.

Last week, I published the policing priorities I have determined for An Garda Síochána for 2008, as provided for in the Garda Síochána Act

2005. The first priority relates to targeting gun crime, organised crime and drug trafficking. The priorities refer in particular to the use of specialist units and targeted operations such as Operation Anvil; profiling, intelligence gathering and threat assessments of individuals and groups involved in this type of crime; and the pursuit by the Criminal Assets Bureau of the proceeds of crime, including through the presence of enhanced liaison arrangements between bureau and Garda divisions.

The Government and all Members of the House will support the Garda fully in its efforts. For our part, we are providing unprecedented resources not just to the Garda Síochána but to all the agencies involved in the criminal justice system.

Additional information not given on the floor of the House.

We have considerably strengthened the criminal law. For example, we have made it more difficult to obtain bail in drug trafficking and firearms cases. The Criminal Justice Act 2006 updated offences and penalties for firearms offences and introduced minimum mandatory sentences of between five and ten years therefor. We have extended the periods for which the Garda can question people suspected of involvement in serious crime and we have updated the law on the right to silence. However, in any criminal justice system it takes time for legislative changes to have full effect in practice. In the immediate period ahead, we need to support fully the operational measures being taken by the Garda to target all of those involved in these activities.

The number of murders recorded in which a firearm was used, proceedings commenced and convictions for the years 1998 to 2006 and in 2007 up to 1 November 2007.

Year	Recorded	Proceedings Commenced	Convictions
2007 (to 1 November)	17	1	0
2006	27	5	1
2005	21	2	2
2004	9	5	4
2003	20	4	2
2002	11	5	4
2001	9	2	2
2000	12	6	2
1999	12	7	5
1998	4	2	1

Figures provided for 2007 are provisional, operational and liable to change.

Deputy Pat Rabbitte: I join the Minister in congratulating the Garda on recent apparent successes, especially the Celbridge operation. This demonstrates the resources and degree of patience required for such operations.

Given the very low level of detection and conviction that the tabular response shows, are there plans to make internal changes within the Garda Síochána to target the gangster leaders? I am always interested to hear, within hours of a gun murder, one newspaper crime correspondent or another outlining on a radio programme details on those involved, including their seed, breed, generation and background, in addition to information we all should have known and the suspects' previous records. This implies that the information is well known to the Garda and that, in most cases, comes from it in the first instance. If the Garda has such information, is it not possible to reorganise the force such that there could be more interceptions like the one that took place in Celbridge?

Deputy Brian Lenihan: I thank Deputy Rabbitte for wishing well the Garda. The Government conveyed such wishes to the force after its meeting yesterday. The Garda is as organised as the Deputy desires. Incredible patience is often required in operations that seek the conclusion we witnessed last week. While the Garda has a great deal of information and intelligence at its disposal, the question of how one assembles a case for presentation in court is an entirely different matter. The assembly of legally admissible evidence that will establish the guilt of an accused person beyond reasonable doubt is a considerably greater task than accessing information and intelligence. This is the challenge that faces the Garda in all investigations of this type.

The Garda has a policy of engaging in relentless confrontation with all those involved in gangland activity. In some jurisdictions, a decision is taken to simply target one group at the expense of another and to apply relentless pressure on it to the exclusion of all others. The Garda is satisfied it can maintain pressure on all the operations and organise specific, dedicated operations, when appropriate, to seek to apprehend those who are about to commit a particular offence.

Deputy Michael D'Arcy: There is not a citizen in the State who would not applaud the Garda. Deputy Charles Flanagan has done so on behalf of Fine Gael in respect of what happened in Kildare. Everything has a cause and effect and one of the effects of Operation Anvil is that some of these ne'er-do-wells are flying below the Garda radar and moving out of the city. They move out of the city for five or six days per week and reappear back for their social welfare payments. Operation Anvil is applying pressure in Dublin and therefore the individuals targeted just move somewhere else. This is a particular problem where residents are not living in their houses on a full-time basis and are living partly in holiday homes. I have referred to Courtown previously in this regard.

Some of the major players leave Dublin because the pressure is applied there but the minute they leave there is none on them. The gardai in Courtown, which has 2,500 houses, are operating there on a part-time basis. The minute suspects cross the Dublin border into Wicklow, Meath, Kildare or Wexford, the authorities behind Operation Anvil need to chase them. The gardai in each of the relevant divisions outside Dublin need to be informed.

The Minister referred previously to the Criminal Assets Bureau and local lieutenancies. It is essential that additional funding be put in place to ensure that local lieutenancies can be set up and funded correctly. There is no point in giving them names and the opportunity to do something without sufficient funding. They constitute what I have described previously as a reasonable version of the Criminal Assets Bureau.

Deputy Aengus Ó Snodaigh: Is the Minister concerned about an article written by Mick McCaffrey, a former confidante of the former Minister for Justice, Equality and Law Reform, which was published in a newspaper last Sunday? This study found that only 5% of fatal shootings resulted in convictions. Is the Minister concerned about this finding? Is there a need for additional training for the Garda Síochána to ensure that when preparing cases, no technicalities exist in their preparation that would allow some of these criminal elements to escape conviction?

What measures will the Minister take to tackle that and the point raised by Deputy Rabbitte, namely, the fact that there seems to be a continuous leakage from the Garda Síochána to the newspapers of every detail of the individuals under investigation and the investigation itself? What steps will be taken to secure information within the Garda Síochána until successful convictions are achieved?

Deputy Charles Flanagan: The question refers to firearms. We have had amnesties and initiatives, all of which have failed. Does the Minister agree that there have never been so many illegal guns in this country? Will he tell the House where these guns are coming from? Are they primarily brought in by east European gangs? There is a problem with stolen legally held firearms as thousands of them have been stolen in recent times. What about republican guns coming in from Northern Ireland which do not have the same use as they had before? What initiatives will the Minister undertake to take the guns out of society because we have never had such difficulty with firearms being used on a daily and regular basis?

Deputy Brian Lenihan: In response to Deputy D'Arcy's question, Operation Anvil was extended to the entire country in 2006. However, I take his point that there is a particular need to keep an eye on the very large new suburbs that have developed in the Leinster area, cognate

[Deputy Brian Lenihan.]

areas in Munster outside Cork and Limerick and in areas outside Galway. I certainly will bring this to the attention of the Garda authorities.

Operation Anvil does apply outside Dublin. One of the matters which has been progressed in recent months is the appointment of divisional profilers in each division to liaise with the Criminal Assets Bureau in respect of local intelligence about persons with unexplained assets in rural and provincial communities. That network of profilers has been established in recent months.

In respect the point raised by Deputy Ó Snodaigh about Garda information, we all know that a certain relationship exists between the news gatherer and the news provider in every walk of life. However, I can say that at Garda headquarters, a new head of communications in the form of a civilian post has been now established and appointed and I believe there will be considerable analysis of Garda communications in the month ahead.

In respect of Deputy Charles Flanagan's query about guns, this is a subject in itself. There is no doubt that the widespread use of guns in Ireland resulted from the outbreak of the Troubles in Northern Ireland from the 1960s onwards. Unfortunately, the ending of the Troubles has not seen the end of the proliferation of guns and their use in criminal activity. The reverse has happened and we have seen the habituation of their use in the criminal culture. As Deputy Charles Flanagan is aware, very strict legislation was enacted during his temporary absence from this House which provides for very severe penalties for possession and for the tightening up of the regime. An amnesty was also offered to those who would surrender such weapons.

Despite all these measures, a considerable problem with firearms remains. The information available to me is that, much like drugs, they are being smuggled into the country and that it is very difficult to put this down. The incidence of gun trades worldwide has increased with the fall of the Iron Curtain and the putting on the market of a very large number of weapons in many different jurisdictions. Weapons are being smuggled into Ireland. Indeed, one of the Garda Síochána's successes last weekend was the seizure of a substantial amount of such weapons at a location in County Kildare.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Tom Hayes — in light of the recent lack of confidence in the health system, the fact that it is of urgent public importance that the Minister for Health and Children confirms when

the extra hospice ward for South Tipperary General Hospital will be approved, as patients in distress are currently in a highly unsuitable ward; (2) Deputy Fergus O'Dowd — to discuss an issue of national importance, namely, the refusal of the Taoiseach to answer a Dáil question as to when his Department's media monitoring unit, which costs the taxpayer over €373,000 annually and is staffed 18 hours a day, first became aware of press reports relating to the Aer Lingus Belfast-Heathrow proposals and the action taken by that unit as a result; (3) Deputy James Bannon — to outline what if, any, plans are in place for a cohesive policy to expedite the development of slurry-generated electricity; (4) Deputy Ulick Burke — to indicate the reasons for the delay in publishing the conditions and guidelines for the implementation of the mid-Shannon tax incentive scheme which was announced in the budget of 2006; (5) Deputy Joe Costello — to outline Government proposals for communicating the contents of the reform treaty to the people of Ireland; (6) Deputy Eamon Scanlon — the dissolution of joint ownerships of land and the resulting difficulties for farmers; (7) Deputy Deirdre Clune — the need to ensure the regeneration of the Cork docklands area is facilitated through tax incentives; (8) Deputy Martin Ferris — the closing of the farm improvement scheme; (9) Deputy Simon Coveney — the Cork Airport debt issue; (10) Deputy Thomas P. Broughan — the need to change the guidelines on the governance of integrated local development companies and urban-based partnerships to ensure that the social partners and local and regional community leadership are fully represented on the boards of those companies and partnerships and to ensure that successful corporate governance models used in the past by companies such as the Northside Partnership are maintained and allowed to flourish; and if the Minister for Community, Rural and Gaeltacht Affairs will make a statement on the matter; (11) Deputy Jack Wall — the procedures that will be put in place by local authorities in respect of the changes from the care of elderly grant scheme to the new grant scheme for older persons and whether the local authorities will now put in place a number of units that will carry out the work previously carried out by units in the Health Service Executive, namely, house repairs; (12) Deputy Pat Breen — a matter of extreme importance, namely, this morning's fire in a commercial business in Ennis, County Clare and the reported lack of water pressure in the town restricting the valiant efforts of fire fighters to bring the fire under control — thankfully, there was no loss of lives but families were evacuated from their houses — and the need for the Minister for the Environment, Heritage and Local Government to immediately fast track the Ennis water augmentation scheme to address this problem; (13) Deputy Dan Neville — the construction of a new primary school at Kilfinane, County Limerick;

(14) Deputy Seán Fleming — the question of why people who are over 80 years of age in respect of whom the qualified adult allowance is being paid do not receive the addition of €10 per week as is payable to claimants over 80 years of age on the State pension; (15) Deputy P. J. Sheehan — the suspension of the farm improvement scheme; (16) Deputy Rory O’Hanlon — the need to discuss the infrastructure, including pylons, for the cross-Border interconnector; and (17) Deputy Jan O’Sullivan — the need to launch a public service obligation application on the basis of regional policy and sustainability for the Shannon region and the west of Ireland.

The matters raised by Deputies Eamon Scallon, Simon Coveney, Jan O’Sullivan and P. J. Sheehan have been selected for discussion.

Cancer Services: Statements (Resumed).

Deputy Olwyn Enright: I wish to share time with Deputy Joe McHugh.

It was a mistake that shouldn’t have happened even once. And now I can’t believe that here has been yet another botched cancer test in our health system.

These are not my words but those of Rebecca O’Malley, which were published on 8 August 2007. I wonder how she feels today knowing that it is no longer one mistake or two but several mistakes in several hospitals affecting several women. One could be put down to human error; at this point, crises seem endemic in our system. When one reads her words and when one meets those affected by the latest scandal in my constituency, it brings it home that these are real women with real families who placed their trust in the health system and who were let down and failed utterly. This is the central point and nothing we do in the future will change this reality for them.

Due to a failure by the Government to get any sort of handle on the health service, 3,026 women who had been through the Portlaoise centre in a four-year period had to wait by a ticking clock while a review was carried out. Now eight women have received the worst possible news, six more must get further checks and 13 still await confirmation while the clock is still ticking. Early diagnosis was stolen from these women.

I reiterate a clear fact in this case. This Government chose the Midlands Regional Hospital in Portlaoise as a designated centre for breast cancer care for the midlands area in 2000. However, the follow-through on this designation, in terms of adequately funding that supposed commitment, providing the most up-to-date equipment for a designated centre and ensuring enough staff were available to take mammograms, read results and check them, never happened.

In October 2005, the Minister for Health and Children personally made a commitment at a

press conference in Emo that the cancer unit would be up and running within the next 12 months, with interviews taking place to find staff. It is easy to make a designation and the Government did that but then it effectively walked away. What confidence can we have that its attitude to the newest forms of designation, the centres of excellence, will be any different?

The Minister outlined today that she first became aware of problems at the Midlands Regional Hospital in July 2005 when she was told that the radiological service was being provided by people who had no expertise. Yet, apart from passing the issue around for examination, nothing seemed to change. There seems to be some contradiction which I ask the Minister to clarify in respect of her speech. She said the hospital had one permanent consultant appointed in June 2004. She then said that in the summer of 2005, breast radiology services were being provided by two locum radiologists. What happened to the permanent one appointed in June 2004? One permanent post was then filled in August 2005.

I am also concerned by the delay between advertising posts, holding interviews and making job offers and the fact that the person offered the position is allowed such a long period of time in which to turn it down. I ask the Minister to respond to this point and to address the question of why it is so difficult to recruit staff to the Midlands Regional Hospital. Thousands of people are moving into the area. People are commuting from there to Dublin and elsewhere, yet it seems to have been a particular problem to get staff for the hospital there, which is a reflection on the entire issue.

What response was given to the radiology department when it expressed concern about the age of the mammography machine and advised that a digital machine was needed? The HSE said a routine inspection on 18 May indicated that the machine was satisfactory. We are told that it was operating correctly. However, the complaint was not about it operating incorrectly. It was about it not being up to the job and the need for a digital system, rather than a film system. Was any inspection carried out in the intervening five months? They were warned, in black and white, about the possibility of delayed or wrong diagnoses. How much clearer did it need to be? Did this, together with the earlier warning to the Minister, not at least spark any little ember of concern or suggestion that maybe we need to look a little bit closer at this issue? I do not know whether the machine was at fault but it is clear that staff had legitimate concerns.

Professor Drumm’s job is to implement the policy laid down by the Government, or so we were told when he was appointed. He blamed this crisis on “an inherited fragmented system of care”. It is time to get a grip on the facts. Practically the only difference is that the actual health boards were abolished. At the time the health

[Deputy Olwyn Enright.]

boards in the midlands were dominated by Fianna Fáil. As far as I can see, since the creation of the HSE, the same people are in the same jobs but with fancier titles, in mostly the same places, being presided over by the same Government. Nothing has changed.

Some people have questioned the commitment of Fine Gael to centres of excellence. I make no apologies for raising questions. Deputy Enda Kenny read out a letter where the Minister, Deputy Micheál Martin, then Minister for Health and Children, clearly outlined what the Government committed to Portlaoise on designating it as the midlands centre for breast care. Key components of that promise were reneged upon. The Government did not honour its promise to the women of Laois-Offaly so for me to accept, on blind faith, these new commitments by the same Government without question would be a total failure on my part to represent the women and men who put me here to hold this Government to account. The Minister must show me where the money will come from to build these centres, prove that she has the right numbers of qualified staff ready, show me where those women who need examination and treatment in the meantime will go, prove that this will not further delay them getting appointments, give me start and end dates for each centre and prove to me that transport will be provided. If she does, there will be no buts.

I was sickened listening to the Taoiseach reply to questions today. He seems to take umbrage at answering questions on this issue. He has attempted to wave the problem away. According to him, he gave the HSE the money and it is up to the HSE to decide what to do with it. That will not help these women who have had a dangerous disease fester in their bodies after being told they were not sick. He told the House that the Government is “doing a top class job for those women”. He stated: “While I feel sorry for people and I will work might and main to try to improve the position, I reject the position whereby Deputy Gilmore can come into the House and castigate a health service which we put in place and which is a good one.” What frightens me is that he is so far out of touch with reality that he believes it and does not realise it is not a good idea. I have seen many failures of accountability in this House but today has taken it to a new level and a new low.

I accept that the Minister has apologised but the system is not working. It failed the women of the midlands, women in Cork, Susie Long and Rebecca O'Malley. How many more names will be on the list before someone in Government has the courage to realise that there is more to the job of government than making announcements, that it is about follow through, responsibility and accountability above all?

Deputy Joe McHugh: I thank the Minister for meeting one of the representative campaign groups yesterday, Co-operating for Cancer Care NorthWest, and her ongoing communication with another group, Donegal Action Cancer Care. I listened to the remarks of my colleague, Deputy Niall Blaney, who stated that this should not be a politicised issue. We sing from the same hymn sheet with regard to equal access and best practice patient care. The only effort at politicising this debate comes from the Fianna Fáil Party, which has attempted to spin the fault for this problem onto the desk of the Minister for Health and Children, Deputy Harney. No one person can achieve the radical overhaul of a system on his or her own.

We must call everyone to account, particularly the Taoiseach. A few weeks ago, on the Order of Business, he stated that he was listening to what the people are saying on the street. Obviously he listened but did he hear? The ongoing debate is vociferous and those involved in campaign groups seeking proper cancer care provision are those with cancer. They have been through the mill and are talking sense; they not just being parochial by seeking a centre in their backyard.

Naturally I am being parochial in referring to the north west but the Minister is open to the idea of a satellite radiotherapy centre accessible to the public, as desired by those on both sides of the Border. She will meet with Minister for Health, Mr. Michael McGimpsey, next week. There is no reference to this in the Hollywood report but I plead with the Minister to maintain her openness to this idea. She should also demonstrate her commitment to Letterkenny General Hospital. Three weeks ago she indicated that Letterkenny would be the site of an outreach cancer service provider. Letterkenny must be a pivotal centre for the area as far as Sligo and Altnagelvin Hospital.

People are debating this matter but they do not have access to transparent information. I tabled a question to the Minister last week about communication with private developers in Letterkenny about a private hospital. I was delighted to receive a response because that usually presents problems. The Minister replied that she had met with them but would delegate responsibility to the HSE to continue communication. It is important that the Minister remains focussed because she has an important role to play.

The debate on co-location and private versus public requires information. I ask the Minister to keep us informed on what is happening in Letterkenny with regard to private hospital development.

Deputy Seán Fleming: As a representative of Laois-Offaly, it is with a heavy heart that I speak on this matter. The past week has been a sad time for us. The women affected as a result of the misdiagnosis are our friends, family, relations and

neighbours. Some seven patients who were given the all clear have been diagnosed with cancer. Some six women live in fear for their lives. Although there is overall political responsibility, the debate must be patient centred rather than an exercise in political point scoring. We must speak more about the patient than politics. Those who are suffering from cancer live in fear of it, which causes stress, which in turn causes cancer. It is a vicious circle. The sooner the six women are put out of the fear they suffer at present, the better.

The three most important aspects of health services are the patient, the patient and the patient. I thank the Tánaiste for being honourable and courageous in issuing an apology to those who have suffered as a result of late diagnosis. I hope the treatment will not be too late, that they will make a full recovery and receive counselling. There is an additional trauma to carry. Every cancer patient considers what would have happened if it had been detected earlier. These people have this doubt proved positive.

The Minister for Health and Children, Deputy Mary Harney, was very good to patients of Dr. Michael Neary in Louth. She learned lessons in that process, as we all did. The

4 o'clock humanity she displayed at that time is present now. I can understand the families telling us where to go with our apologies. They are suffering and are right to be angry. I understand that people vent their anger at those elected to run the country, who are ultimately responsible for delivering health services. We must accept that there are good times and difficult times in politics and we must endure the latter as well as enjoy the former.

I am sickened by the use of the hackneyed phrase "centre of excellence" in this debate. Each health facility should be a centre of excellence. If one's local GP cannot provide an excellent service, he or she should not be in business. The concept that there can be eight centres of excellence and that every other facility is somehow operating to a lower standard is wrong. The phrase "centre of excellence", which should be banned from the medical lexicon, demonstrates the hierarchical approach taken by those who use it, namely, that what is done in the main centres is better than what is done at smaller centres. As a result, those who work in the former look down on their counterparts in the latter. I address my comments in this regard to the medical profession because phrases such as that to which I refer emanate from medical reports — they are not invented by members of the public. If one attends one's dentist, one expects to be provided with an excellent service. We expect the same level of service provision from the entire health service and not just from the eight regional centres.

Members of the medical profession have been at odds with one another on this issue. As the Minister stated, in 2001 Professor Niall O'Higgins, who was involved in the overall

national service, suggested that the midland region should have one centre of excellence and that this should be based, for geographical reasons, in Tullamore. Not long after and having discussed the matter, the then Midland Health Board decided to locate the breast service in Portlaoise and other services in Tullamore. In recent times Professor Drumm scrapped the entire approach and essentially stated that there should be no such centre whatever in the midlands. Tullamore was subsequently removed from the list of the centres of excellence.

I represent County Laois, which is situated not much more than one hour's journey from Dublin. If a better and more comprehensive service can be availed of in Dublin, patients will travel to the capital. Most of the complaints I receive about cases where people are obliged to travel long distances to avail of hospital treatment involve the difficulties, particularly those relating to parking, experienced by families and friends trying to visit these individuals. It is only on occasion that a patient will complain and this is usually in circumstances where he or she is obliged to attend for regular blood tests or check-up. People would be happy to have their treatment in Dublin and if they are obliged to have some of their follow-up treatment here, well and good. I accept that families, relations and friends have been discommoded and have dominated the debate relating to transport and access. If these individuals asked their relatives or friends suffering from cancer how they felt, their opinion would change.

We cannot flinch. Professor Brendan Drumm has been charged with delivering the service. He employs his staff and has been running the service for a number of years. In addition, the HSE has been in place for some time and responsibility lies with Professor Drumm. I will put it as mildly as possible by saying that he made a sad choice in the words he used when blaming members of the public and patients for causing this problem. The responsibility lies with Professor Drumm and the staff are his. The Taoiseach stated that a systems error was not involved. I can only take that to mean that there was human error somewhere along the line. If that is what the report shows, then we must accept it. One cannot blame the public for mistakes made by one's staff.

I praise the consultant and other staff at Portlaoise hospital who highlighted the problems that came to light. They did their best, within the structures of the HSE, to ensure that information was passed up the line.

I am pleased that the recovery or survival rates relating to breast cancer improved from 73% to 78% between 1994 and the early years of this decade. I would like to see a breakdown of these survival rates on a hospital-by-hospital basis because I want to be sure that the rates at the new centres of excellence will be much higher than those which obtain in the facilities that are being closed. I am not pleading for a local service,

[Deputy Seán Fleming.]

I am seeking the best service to be provided for all. Location is not the issue. Perhaps information in this regard is already available. However, I have never seen it. If it is available, I would like to be directed to where I can obtain it.

I am not in favour of the provision of overall national statistics. It must be remembered that hospitals such as that in Portlaoise contributed to the improvement in breast cancer survival rates during the period in question. It is not fair to scapegoat Portlaoise on foot of human error. There are many dedicated staff in Portlaoise hospital and some of them are extremely upset about this matter. There is much good activity taking place in the context of the maternity, paediatric and psychiatric services on offer at the hospital. This matter will be a blow to the morale of everyone involved in the health service and the sooner the cloud hanging over Portlaoise hospital is lifted the better.

I wish to follow up on the point raised by Deputy Enright, namely, why the post of a third consultant radiologist at the hospital, which was advertised in July 2005, has not been filled. Perhaps it is difficult to recruit staff to some of the smaller hospitals because they do not offer the same range of training and promotional prospects or the opportunity to deal with as varied a caseload as bigger hospitals. Those issues will have to be addressed, not only in the context of cancer services but also in respect of the appointment of further consultants. If we progress matters relating to the new consultants' contract and move towards a consultant-led service, perhaps there will be more consultants working in our smaller hospitals. I am not saying that Portlaoise is a poor hospital but it does not compare to some of its larger counterparts.

Funding was provided a number of years ago in respect of investment in breast cancer services in the region. I suspect that more money has been spent on the PPARS system than on cancer services in Portlaoise hospital. Staff in the midland region are included under the 40% of staff in the PPARS system. I understand that it cost €158 million to put the system in place in respect of those staff. I am an accountant but I will not break down this figure because I am fearful of the answer I will obtain. However, I reiterate my suspicion that more money has been spent on PPARS than on breast cancer services at Portlaoise hospital. Perhaps information relating to this matter could be provided at some stage.

Debates of this nature are no good unless lessons are learned. It is in that context that the Minister will do well. We are undergoing a difficult and traumatic period of change as regards the delivery of health services. The Minister will have the support of Deputies in respect of this matter. I do not want Deputies to fly the flag on behalf of their local areas just for the sake of doing so. We want people in the midlands to

receive a service that is similar to that received by everyone else. Results tend to be better on the east coast. I do not know why but perhaps it is that there are better facilities in the Dublin region. I would also like to see figures in this regard.

I hope all the women who were diagnosed with breast cancer make a full recovery.

Deputy Joan Burton: At 8.30 a.m. tomorrow, an event on the calendar of the Dáil, which has been eagerly awaited since the general election, will take place. The event in question is one of the meetings — there are usually two per year — involving Members of the Oireachtas and Professor Drumm, the head of the HSE. Professor Drumm is expected to appear and give most Members the only glimpse they will probably get of the supremo of the health service. It will be a hot ticket. The meeting takes place in the private dining room and if it is similar to previous gatherings, there will be standing room only. People of all parties, ranks and distinctions from the Dáil and Seanad will crowd in to try to obtain some answers from the man for whom Members on all sides have much goodwill, particularly in the context of our hopes that some improvements will be brought about as a result of the allocation to his organisation of €15 billion.

As on previous occasions, I am sure Professor Drumm will be accompanied by some of his top advisers. I do not know if the Minister or the Ministers of State will be present. Certain members of the Government attended previous meetings and, like Opposition Members, they did so to ask questions. Even though they have privileged access to the notes from Departments to Members on the backbenches and Front Benches on the Government side of the House, they could not make sense of what was happening. The Minister must bear in mind that because of the crucial significance of the health service to everybody in this country, nobody on the Opposition has anything except a desperate hope and longing that some of what the Minister set out to do will improve the lives and chances of the men, women and children who use our health services.

I hope when the professor shows up in the morning with his top team at the top table they will have answers for us. On previous occasions they lectured us on what we as politicians lack in our attitudes and where we have not reformed robustly enough our mental approach to this issue. The professor outlines scenarios such as centres of excellence. We are all rational people. Nobody has a difficulty with the concept of a centre of excellence. However, we have a difficulty with the concept of a centre of excellence that will not exist until after 2009. In the meantime, what will happen to the poor little people who need excellence? Why, if one pays €50 to go to one's GP, is one not entitled to a sense of excellence? Everything we hear from the new

structure is that *mañana*, next year and the year after we will have a health system with public confidence.

I examined closely comments made about the health system during recent weeks. The Taoiseach quibbled in his comments and replies to the leader of the Labour Party this morning when Deputy Gilmore mentioned four eminent people on the doctor consultant side of the health services who pointed out difficulties. At a conference yesterday, Professor Neligan stated the HSE chief and the Minister “have alienated all the caring professions, all the nurses, all the doctors, so it will be very hard to get dialogue and co-operation going again.”

This is a disastrous indictment of the health service. I know from having worked as a Minister of State, and the Minister has enough experience to know, that the culture of the public services is very different from that of private industry and private business. If the workers in the health service, such as doctors, consultants, nurses and paramedics, do not acknowledge, recognise and look to the political and executive leadership, that leadership is in an extremely difficult situation.

The crisis in the health service is not simply down to the drive to modernisation and change, which is always difficult in any institution. Even politicians find changing constituency difficult. Change is not easy to manage. However, it is an incredible indictment that the people most proud of their contribution to the health services and who are well paid for it now indicate the system has large elements of chaos, shambles and lack of accountability.

Today, at the beginning of her contribution, the Minister was kind enough to make a fulsome apology to the women and families involved. This is important and is a mark that the Minister, if not the Taoiseach, is prepared to accept some level of responsibility for what has happened, however detached.

I want to discuss the debate that took place in this House on creating the Health Service Executive. I recall the Minister and politicians in the Government parties arguing for key features to be built into the system. The new structures were to have a fundamental lack of democratic accountability because it was deemed by many of the interests in the old health board system, not least the civil servants and perhaps the Minister, that politicians at local level interfered too much.

I assume the Minister was the architect of the critical transfer of functions from the Minister for Health and Children to the chief executive of the new body, effectively reducing severely the role and accountability of the Department of Health and Children and the Minister. The manifestation of this is most alive to politicians through the public affairs division of the HSE. As far as I can see, it now occupies the entirety of space in Stewart’s Hospital. Six or seven months later it

answers queries which at times are so unreferenced that one can no longer work out what exactly they were about.

I defy anyone to understand the fuzzy management structure of the HSE. Earlier this week, Fintan O’Toole wrote in *The Irish Times* about the review done by the review body on higher remuneration where Professor Drumm, with Ministers, judges and the Garda Commissioner, received significant increases in their wages above benchmarking and the level of inflation. However, the review body on higher remuneration withheld similar increases to the second tier of managers in the HSE because it could not work out what they did. The reporting lines and the definition of their jobs were not clear. It could recognise that people work hard and to the best of their ability but without purpose in the context of an overall coherent plan. This middle level of managers grew by 37%, from 521 to 713, between late 2005 and June 2007. Most Dáil Members who attend a Health Service Executive function meet managers who are traumatised.

With regard to BreastCheck, the present position is difficult for women. They are damned if they go for a mammogram because of the major uncertainty — everyone who has had a mammogram has a doubt in the back of her mind about whether the results are as indicated — and they are also damned if they do not go because they are holding back. At present, the sense of trauma is such that women do not know what to do. Why go and be tested by a service that is so poor that perhaps it is better not to have it done? As Deputy Fleming stated, the people involved could save themselves endless stress. The system is in chaos and is a disgrace, but I thank the Minister for her apology.

Deputy Mary O’Rourke: I came in to do as Deputy Burton did, to thank the Minister for her apology to the House this morning and to the women who feel so let down by what has happened in the health service. It is also to the credit of the Deputies who agreed so readily that we are having this full debate. We are constantly told the Dáil does not reflect what is in ferment in the country but the state of the health service, particularly breast cancer services, has the country in ferment at present. While running an errand to Brown Thomas during Priority Questions, 11 women stopped me between here and Grafton Street to describe what had happened to their relatives and neighbours and all had awful tales to tell. I admit, however, that we also meet people at our clinics who have had positive experiences of treatment for maladies other than cancer. No doubt a great deal of good service is also provided.

I am astonished Professor Drumm actually said that people marching caused the misdiagnoses. We have a constitutional right to assemble and march. We do not live in a State which forbids us

[Deputy Mary O'Rourke.]

to attend an assembly. I understand the connection he was trying to make but it was surprising that he said it so baldly and badly.

Deputy Charles Flanagan: He was also factually incorrect about marches in County Laois.

Deputy Mary O'Rourke: There were no marches in 1999 in County Laois. It was jarring that a person of his calibre and status would seek to denigrate a woman in her moment of need. Lest people think I do not want to face him tomorrow, I have already sent my apology because I must attend another engagement. I telephoned his office but, of course, I spoke to seven different people and do not know who eventually received my message.

Deputy Joan Burton: That is typical.

Deputy Mary O'Rourke: I have no vested interest in this issue because even though Athlone is bursting at the seams, it lacks a hospital. We have an excellent care service which treats older people with dignity and love but we have no hospital. Centres of excellence make sense but the transition must be charted from what we have now to the point at which the centres are established. People will otherwise be left in a vacuum, unsure of whether they should continue to attend their local services or wait until the magnificent centres of excellence appear out of the gloaming to the wonder of us all.

I recall being told in the 1980s that mental hospitals should leave their Victorian settings so that people could live in private houses with care assistants. The mental health system eased itself in that direction but it took a long time to do so. In the meantime, the mental hospitals remained open for those who were not ready to move to private homes. The centres of excellence, about which we feel guilty if we are not supportive, are somewhat of a mirage. It is as if one is in a desert and constantly sees a great city.

I am in despair about the health services in Ireland. Thankfully, I have not yet had personal cause to experience them, although members of my family who have passed away were beautifully treated in the Mater Hospital. I do not know how the Minister can continue because there are always dragons in her path which must be slain. She has made a good effort at slaying them but fresh dragons keep emerging. Will Nirvana or Hy Brassil ever appear? Will we ever see the promised land in health? I do not think so, regardless of how much admonishment we receive from Professor Drumm or the Minister, although hers is given kindly.

Deputy Burton spoke about how the HSE makes us feel when we receive correspondence from it. By the time we receive the letters, weeks have passed and we have forgotten the query and must tune into the issue once again. I received a

letter which began by asking me if I realised that I had complained about a care home for troubled adolescents. Of course I was aware it was a care home but that did not explain why the young inhabitants were not being properly minded. I was made out to be unfeeling because I dared to bring it to the attention of the HSE that the young people were running wild in the town. The letter was astonishing in its implications.

We need to see exactly where the centres of excellence will be located. I am puzzled because Professor O'Higgins outlined 12 centres of excellence but there are now eight. We know where the remaining eight are to be located but I would be happier if I knew what happened to the missing four. What pitch has been made in respect of the finance for the centres, given that they will be hugely expensive? Have we made allowances for that in our financial forecasts? The hospitals which are currently providing good care should continue their operations. We cannot suddenly send everybody down the road to centres of excellence without allowing for the phasing out of the centres where services are currently provided.

I wish the Minister well but there are so many dragons in her path that I do not know whether she will have sufficient swords to slay them. It is depressing that the dawn is always supposed to be brighter if we deal with the consultants or mollify this or that group when the dawn never arrives. The health services remain in the doldrums despite all the positive stories which appear to give hope to people. The HSE has become a giant which cannot come to grips with its many parts. The Minister must preside over it because I do not agree that all responsibility should lie with Professor Drumm. We will now have another person like Professor Drumm, the Czar for cancer, and all the problems will be heaped upon him. I wish Professor Tom Keane well and hope he has a kindlier manner, a better way of approaching people and an appreciation of the enormous worry all this has caused. I wonder how women who have had mammograms sleep at night. If they sleep, their first thought when they wake up must be "Oh my God, am I due, am I one of the people who is going to be called out or will I have to go again? Is that what my fate will be?"

Deputy Charles Flanagan: I wish to share time with Deputy Kieran O'Donnell.

I call on the Minister for Health and Children to ensure that the Portlaoise inquiry is independent because what is happening is not sufficient. An appalling wrong has been perpetrated on the women of the midlands and their concerns and welfare must remain paramount throughout this debate.

Seeking answers as to why some mammography screenings failed at the Midland Regional Hospital is not about identifying a scapegoat but

about finding out what went wrong, why it went wrong and taking lessons from this appalling situation to ensure that nothing like this will happen again. Professor Drumm's recent outburst, blaming the people and scapegoating professionals and health care workers is unbecoming of a man of his position. To blame the public is to miss the point. People and health care professionals are not trying to hamper progress. All they want is a decent health service. The HSE has been critical of people for not accepting the rationalisation of local hospitals in exchange for so-called centres of excellence that are not in place. In such circumstances, who would not object to the removal of services? The responsibility to deliver health care services to the taxpayers of Ireland lies with the HSE, an agency that is funded entirely at the taxpayers' expense.

In 2002, the Minister for Health and Children, Deputy Micheál Martin, designated the hospital in Portlaoise as a centre of excellence for symptomatic breast diseases in the midlands. The cynicism of the Government in making that decision has only now been revealed to the public. It has become clear that the funding to meet that commitment never materialised. It turned out to be an empty gesture with appalling consequences.

The recent situation in Portlaoise has captivated the attention of many people because we are all well aware that the situation there is not unique. It is not the only hospital in the State that has no system for the independent auditing of mammograms. In a majority of hospitals, quality control and maintaining adequate standards have become serious issues due to the absence of a commitment to appropriate funding by the Government and the failure of the Minister and the HSE to engage constructively with radiologists. The chain of responsibility for what happened in Portlaoise goes right to the top. In the past seven years the former Midland Health Board, the HSE and, ultimately, the Department of Health and Children were responsible for budgets and staffing. Fundamental questions must be addressed about the impact of decisions taken at senior management level at the coalface.

I have a number of specific questions for the Minister for Health and Children which I will put to her now in order that her officials will have the opportunity to seek some answers before she responds to this debate.

Contrary to best practice, why was the sole radiologist frequently responsible for interpreting mammograms in Portlaoise on her own? Who sanctioned that situation? Is the internal inquiry focusing on the work of one person or of all those working in the radiology department at the hospital? What of X-rays other than mammograms carried out by radiologists, having regard to the fact that mammograms only comprise some of the work of radiologists? What of the qualifications, academic and professional, experience and accreditation of those attached to the X-ray

unit in Portlaoise? What are the terms of reference of the inquiry under way?

It is on the record that the radiology department formally wrote to the hospital warning of the "potential of misdiagnosis" and "delayed diagnosis of tumours", but it appears that no action was taken by management. Why was the letter not acted upon? Where is the response to it? What action was taken? When was the letter received by the HSE in Tullamore? What action was taken by the HSE following receipt of the letter? Will the report detail the many pleas for resources from consultants, public representatives — I listened to Deputy Seán Fleming and agreed with most of what he said — and the public?

Concerns about chronic under-resourcing at the Midland Regional Hospital were expressed on a regular basis and early warnings were ignored. True to form, we have waited for a crisis before taking action. The gross bureaucracy and labyrinthine structures of the HSE which undermine our services have been highlighted yet again by what has happened in Portlaoise. Vital letters went nowhere and no one was willing to take responsibility. We know that a consultant surgeon wrote directly to the Minister for Health and Children in July 2005 informing her, in fairly strong terms, as she disclosed to the House this morning, of his concerns about the situation in Portlaoise hospital and raising specific issues of a type that are now central to the current debacle. It is astounding that the Minister was informed more than two and a half years ago that "radiological services at Portlaoise are being provided by people with no expertise in this area". While the Minister referred the letter down the line, the failure to follow through and adopt a position of leadership and interest in this matter has shown that the Department of Health and Children-HSE model simply does not work.

I fully agree with the concept of centres of excellence which are accessible and well equipped. However, as Deputy Fleming pointed out, a centre of excellence means different things to different people. A centre of excellence means proper hospital management and delivery of a service. I urge the Minister for Health and Children to set up her centres of excellence and then convince the people that they are a superior option. Without an accessible, physical, functioning centre of excellence providing appropriate cancer services, no one will support the removal of cancer services from regional hospitals.

The Government has promised the centres will be in place by the end of 2009, but what will happen in the interim? St. Vincent's Hospital is designated to deal with people who would ordinarily attend Portlaoise hospital. How will St. Vincent's Hospital, already one of the busiest hospitals in the country, cope with an influx of new patients from the midlands? Is there adequate capacity, beds, staff and day-care facilities in St. Vincent's

[Deputy Charles Flanagan.]

Hospital? Only this morning a woman detained me on the telephone for more than 15 minutes telling me about her experience in St. Vincent's Hospital on Monday. She was left walking around Dublin for most of the afternoon, having left St. Vincent's Hospital and missed her train home. She had no acknowledgement from the Health Service Executive and no assistance by way of transport.

The *modus operandi* of the Department of Health and Children and the HSE in recent years has been to shift the entire blame for anything that goes wrong on to somebody else. In this instance there has been an attempt by senior management in the former Midland Health Board, now the HSE, and the Department of Health and Children to lay the blame at the door of the radiography unit in Portlaoise hospital, but that is not the full picture. What has happened in Portlaoise is the inevitable result of consistent neglect in respect of funding and neglect by those with decision-making capacity in the HSE, the Department of Health and Children and the former Midland Health Board. They chose to look the other way when those at the coalface in the hospital attempted to draw their attention to the problems.

As Deputy Fleming said, there are many diligent and committed people working in the Midland Regional Hospital, and I agree with him, but an internal inquiry is neither sufficient nor appropriate at this time. A narrowly-focused internal inquiry on one person is unlikely to uncover the complex chain of events that has led to the current crisis in the radiography unit at the hospital. It is essential that a broad-ranging, independent inquiry is established so that what exactly went wrong and why can be made abundantly clear. Without such clarity we will not be able to ensure that such failures will not take place again.

There is real anxiety, concern and fear on the part of women and their families, not just in the midlands but far beyond. Recent events have sparked a crisis in public confidence in our health care system. The first step to be taken in addressing these fears is to establish a transparent inquiry in Portlaoise that will answer the people's questions. Hiding behind an internal review will only erode public confidence further. The Minister owes it to the women of Portlaoise who, with their families, must remain the primary focus in this debate.

Deputy Kieran O'Donnell: The Government has known since 2001 that centres of excellence for breast cancer should have been established. That is more than six years ago. Why has it taken so long to establish them? In terms of the centres of excellence, Professor Keane will be in place at the end of this month. Will the Minister put the resources in place to make absolutely certain that Professor Keane can move with efficiency to

establish the centres of excellence immediately? Otherwise there is a danger that this will drag on.

The Minister for Health and Children is responsible for all health services. Under the Health Act 2004, the Minister is responsible for Government policy while the HSE is only responsible for its implementation. The Minister appointed the board of directors of the HSE and Professor Brendan Drumm but, ultimately, she dictates policy. I wish to take up a point mentioned by Deputy Mary O'Rourke. The powers in the HSE are vested in the board. It can decide how much power to give Professor Drumm but, ultimately, it is answerable to the Minister and the Taoiseach. It was not good enough for the Taoiseach to come into the House this morning and say that neither he nor the Minister are responsible for what the HSE does. They are the HSE's boss and should be calling the shots.

I refer to issues I would like addressed, in particular Barringtons Hospital. The issue in Barringtons Hospital arose on 6 August. Why has it taken over two and a half months for the inquiry to be fully set up? The team has not been put in place. When will it be put in place and when will the report be produced? The end of the year was mentioned but we are entitled to know the date. The women of the mid-west are entitled to know as are the women in the Portlaoise area who my colleague, Deputy Charles Flanagan, mentioned.

I would like the issue of mammograms addressed. This morning the Taoiseach mentioned there would not be a double reading in hospitals with 500 or fewer readings per year. That is not good enough. The Minister is responsible for giving an assurance to women that they will get a proper reading. It should be Government policy that double readings take place. There may have been some confusion this morning. The Minister spoke about triple assessments and double readings in the same sentence. They are two totally different things. A double reading is two radiologists reading a mammogram twice. The situation arose in the hospital in Portlaoise because there was only one radiologist.

I would like double readings to take place and digital machines to be put into all the existing hospitals so that double readings by radiologists can take place. The Minister needs to give an assurance to the people in the interim until the centres of excellence are established, which should happen immediately.

Deputy Beverley Flynn: I welcome the opportunity to speak on this important issue. On 1 November, not realising what happened in Portlaoise, I tabled a motion asking that Government time be allocated to a discussion on the national cancer strategy because it is a huge issue in my area. What happened to the women in Portlaoise is dreadful and one's heart would go out to them and their families. It is hard to even begin to

imagine what they are going through. It is a terrible situation which I hope is not repeated anywhere else. Our sympathy goes to those women.

Some 7,000 people marched through the streets of Castlebar and 2,000 people marched in Galway. Instead of criticising them, we should commend them. In the past we have spoken about satisfaction ratings. The Minister mentioned the satisfaction of the majority of people who go through the health system and the fact so many of them are satisfied. Some 7,000 people walked through the streets of Castlebar to show their confidence in their local health service. They are people who have been through the system, who have had surgery, who have survived and who are telling the world what a wonderful system exists. We should not knock these people — we should applaud them for doing so because of the confidence it demonstrates in what is, in many ways, an excellent health service.

Will the outcome of the HIQA audit due to take place in April next year in any way alter the national cancer strategy as outlined? If it cannot have any impact on the strategy, why is the audit taking place in the first instance? I refer to the eight centres of excellence. It has been highlighted that the country can only justify eight centres of excellence with a population of 500,000 per centre. I understand that but what I cannot understand is the location of those eight centres and why not one of those centres is located north of the Galway-Dublin line. Even if there is one centre of excellence per 500,000 of population, there could be a greater geographical spread throughout the country. It is completely unjustified that four of those centres would be based in Dublin.

What will Professor Tom Keane's role be when comes to Ireland? Will it be purely the implementation of the national cancer strategy and the decisions which have already been made or will he be able to recommend changes based on the outcome of the HIQA review next April?

Why is it acceptable to have a satellite in Letterkenny as part of the centre of excellence in Galway modelled on Mayo General Hospital when we are closing the services in Mayo and in Sligo? I do not believe it is about geography or social or economic groupings; it is about women getting the best possible outcome and an excellent service. If we can justify the location of a satellite in Letterkenny, then surely if similar excellence is being provided in Mayo General Hospital and in Sligo, that should also be acceptable.

There was much talk today about Portlaoise and the fact it was a designated breast centre. Mayo General Hospital, which has operated a breast clinic since 2000, has one consultant surgeon who specialises in breast surgery and who will carry out 80 procedures this year. We have three radiologists, all of whom are trained in breast ultrasound and two of whom are trained in

breast ultrasound biopsies. Each mammogram is read twice. We have two pathologists, both of whom are trained and are specialists in breast pathology. We have a medical oncologist from Galway who does two sessions per week. He sits in on all the conferences on every new cancer case which occurs in Mayo General Hospital. We have excellence. I make this point not only because it is my local hospital, although the cynics might say it is. As a woman, I would not recommend to the people of my county a substandard service. However, it appears they are getting a far better service than that in Portlaoise where there is only one radiologist reading mammograms. It is also quite obvious given the waiting times. In Mayo, if one has an urgent referral, one can be seen within a week. If one has an early referral, one is seen within six weeks. A definite diagnosis is given to an urgent referral within two weeks of being seen. This is the service to which the people of Mayo have become used and in which the women of Mayo have expressed confidence. If something is working, why are we changing it? Are we changing it for change sake?

The Minister quoted some very interesting statistics. She mentioned that the survival rate from breast cancer has improved from 72.9% to 78.2%. How do those figures break down between the various hospitals carrying out breast surgery? Mayo General Hospital has contributed to the improvement in those services. Are those statistics available? How can we close a service with which the people are satisfied and in respect of which 7,000 people were prepared to march on the streets to demonstrate their satisfaction if we do not have statistics telling us that service is inferior? If I have to go back to my constituents to explain to them that the service is inferior and if the Minister has statistics to back that up, I will discuss that with them because I do not want them to get an inferior service.

We should wait until April when HIQA carries out its review. I am confident, as are the consultants and staff of Mayo General Hospital, that they will come through that review with flying colours. If they do, will the Minister amend her national cancer strategy and agree with a managed cancer network in the west taking into consideration Mayo General Hospital, Sligo and Letterkenny as part of a managed network?

Two years ago the Minister recommended that the Oireachtas Committee on Health and Children visit Sloan-Kettering, the finest cancer hospital in the world. We took the Minister up on that and in May 2006, we visited Sloan-Kettering where we met Dr. Thomas Fahey who is head of the international breast centre there. I spoke to him today specifically about the networking arrangement which currently operates in New York. Sloan-Kettering has been held up as the finest cancer hospital in America and we are holding it up as a shining example. It has satellites around the periphery of the city in which diagnos-

[Deputy Beverley Flynn.]

tic, chemotherapy, radiotherapy and day surgery take place.

I discussed with him the arrangements we have in this country, specifically in my local hospital, Mayo General Hospital, and he said it is very significant that 80 surgeries take place every year. Professor Niall O'Higgins said in his report that if a consultant is doing more than 50 and less than 100 surgeries, he or she is deemed to be proficient in his or her area. Like all women in County Mayo, I am confident that Dr. Kevin Barry, who is the consultant surgeon in Mayo General Hospital, has the requisite proficiency. Having seen media reports of women who say they do not think they can have confidence in their local hospitals anymore, I assure the House that 7,000 people in County Mayo have confidence in Mayo General Hospital. As their public representative, charged with coming to Dublin to express their interests in the Dáil, how can I tell them that the service in Mayo is not good enough and will close? I ask the Minister, in the interests of excellence, to retain a cancer management network in the west. Such a network will provide for the best possible outcomes for the people of the region.

Deputy Mary Alexandra White: I speak from the heart today in the aftermath of recent tragic events. A number of women have been given false positives on foot of mammograms and it is possible that many more women may endure the dreadful experience of a recall. Having had a mammogram at Carlow hospital a few weeks ago, I cannot begin to imagine what those women are going through. When I was waiting for my X-ray, I spoke to women from Carlow and the surrounding districts — friends, neighbours and women I did not know — and we had in common that we were delighted to be getting an opportunity to avail of BreastCheck. Some of us were nervous and others were nonchalant, but all of us were anxious about the outcome. The service I received was superb. After we had our mammograms, we were asked to wait to ensure that the process had been undertaken correctly — that the X-ray had been taken properly, for example — before we were allowed to go home. We all waited for over three weeks before we were delighted to learn we had been pronounced fit and well. It is almost impossible to imagine what it would feel like to be recalled for a further check after a period of anxiety, stress and, to put it mildly, plain terror at the prospect of bad news.

It is easy to take part in the blame game, to score political points, to make accusations and to blind each other with statistics and figures. The only thing that matters now is that we get the service right. We all want specialist centres with multiple checking. If we are sick, we want to get better. We all want the best for our loved ones. People are entitled to expect the best and to have it. The people's servants have to get it right.

The national cancer control programme is comprehensive. The ideas underpinning the proposed structure of cancer centres throughout the country are good. People tend to overlook the fact that good services can only be provided if experts are recruited to a certain place. The designation of eight cancer centres, all of which will meet certain criteria for eligibility, should ensure that consultants and experts are incentivised to work throughout the country. I urge the Minister, Deputy Harney, to get Professor Tom Keane to start the process of establishing the eight centres of excellence as soon as he takes up his post, the week after next.

The roll-out of BreastCheck is continuing throughout the country. More than 63,000 women were screened last year. I urge the Minister to ensure that this service is rolled out across the country quickly. Rather than calling for political heads to roll, we should think of the women whose lives have been traumatised by the recent errors.

Deputy Charles Flanagan: Nobody is calling for heads to roll.

Deputy Paul Kehoe: If Deputy White was on this side of the House, she would be saying something different.

Deputy Mary Alexandra White: We need to get on with the task of ensuring——

Deputy Paul Kehoe: It is sickening.

Acting Chairman (Deputy Ciarán Cuffe): I ask Deputy Kehoe to allow Deputy White to conclude.

Deputy Paul Kehoe: Who is to blame for the recent errors?

Deputy Mary Alexandra White: We should get on with the task of ensuring that such scenarios do not happen again.

Deputy Deirdre Clune: I would like to share time with Deputies Terence Flanagan and Kehoe.

Acting Chairman: Is that agreed? Agreed.

Deputy Deirdre Clune: The House is discussing the serious issue that has arisen in Portlaoise. Many Deputies received an education when this shocking news became known. Seven women who had been given the all-clear in Portlaoise have now been told that there was a misdiagnosis and that they have breast cancer. These revelations have rocked public confidence in the health system. Women throughout the country who have had mammograms on foot of recommendations from their general practitioners must be questioning the accuracy of the diagnoses they were given. I listened with interest to the statement made by

the Minister, who will respond to questions later in this debate. We look forward to the production of the full report by Dr. Ann O'Doherty of St. Vincent's University Hospital. I hope her review will be concluded next week.

The Minister, the Taoiseach and various other representatives of the Government have told us that centres of excellence are needed if we are to solve this problem. I accept that these centres will bring some benefits. I spoke to Professor Niall O'Higgins in 2001, which is six years ago, and the report that was adopted by the Government at that time has not yet been implemented. The Minister said that the centres of excellence will be in place by the end of 2009. Many people question whether it can be done within 14 months, especially when Professor Niall O'Higgins's report has not been implemented since it was published in 2001. How can we make such progress within a short period of time?

Many people are worried about the mammograms they had in the past or might have in the future. Are the existing services adequate? Can we have confidence in the system? We have heard a great deal of information about double readings of mammograms and triple diagnosis. Many Deputies and members of the public understand the various technicalities and nuances in this regard. People will ask questions about the service that is available locally, the service they have availed of in the past and may avail of in the future. Family members will have similar questions. This crisis affects not just the women involved, but also their children, partners, mothers and fathers. The news of cancer in a family member rocks everybody in the family and sets them back. They consider how they will deal with the illness and wonder whether the outcome will be positive. We all hope there will be positive outcomes in these instances.

We are familiar with statistics which indicate that dedicated centres of excellence can and will reduce mortality rates by 20%, which is good. There is a crisis of confidence in the system, however. It will be difficult to instil confidence in people so they believe that the centres of excellence proposed by the Minister, Deputy Harney, and Professor Drumm will guarantee an adequate diagnostic service, as well as treatment if it is needed. That is the challenge being faced by the Minister and it is time for her to face up to it. She develops policy and Professor Drumm implements it. The policy is not working at present, however. We do not have the standards of excellence that are required at present. We are supposed to wait for the Minister's centres of excellence to be established at the end of 2009. I appeal to the Minister to give people confidence in the interim. We need an open and transparent system. We need to know exactly what types of services are on offer throughout the country for those who might have to avail of them.

Deputy Terence Flanagan: I welcome the opportunity to contribute to this debate. I welcome the Minister's statement that it is important that the misdiagnosis of women with breast cancer should not happen at any hospital again. Like most people in this House and on this island, I was shocked and angry to learn that eight women who had been given the all-clear after getting mammograms at the Midland Regional Hospital, Portlaoise, have now been identified as having breast cancer. The health service has failed these women and their families, who placed their trust in it, but they have been badly let down. Nothing we do or say will change the reality for these eight women. Neither will it change the facts for those six women who require further checks nor for the 13 who await further test results. It is certain the Minister for Health and Children, Deputy Harney and the Fianna Fáil Government must take political responsibility for the shambles that is the health service. The buck rests with the Minister and the Government who have collective responsibility for the health service.

The Minister stated on "Prime Time" last night that there had been an inspection of the mammography equipment in the hospital early last year yet her Department is aware 5 o'clock that this machine was 15 years old, that radiation equipment in general has a lifespan of ten years and that this machine should have been replaced five years previously. Half of the total number of 52 hospitals have equipment older than 15 years and this is completely unacceptable. What plans has the Minister made to replace these machines?

My party and I are looking for the Minister to immediately issue a memorandum to all HSE staff advising them that the double reading of mammograms is to become standard practice in all hospitals from now on. The Government needs to invest in digital scanners immediately in order that double reading can take place in another centre if two radiologists are not available to read the scan. The women of Ireland cannot wait for the Minister's centres of excellence; they have been waiting since 2001. Six years in total is a long time to wait.

Centres of excellence need to be established immediately in order that the women of Ireland can have some hope and faith in our system which has been allowed to fail under what the Government has established. Today there has been a further revelation about a misdiagnosis in Cork and we already know about the fiasco in Barrington's. Who knows what other cases may be out there which will be made public soon?

What women want and demand is a health service which will deliver the best service and the best result in order that people can trust it and rely upon its integrity. This should be a service that delivers the best result for women and will make an early diagnosis of problems.

[Deputy Terence Flanagan.]

I hope the Minister will take on board the constructive criticism given by all Deputies and that there will be an immediate roll-out of the centres of excellence which are badly needed.

Deputy Paul Kehoe: I will offer one minute of my time to Deputy McGinley.

I compliment the Minister on apologising to the people of Portlaoise because it takes political backbone to apologise. On too many occasions, Ministers have been afraid to apologise and I thank her for making that apology.

It is a sad day for the women of County Offaly and for the women of Ireland when statements on this subject are being made in the Dáil today. Deputy Terence Flanagan called for an independent inquiry to be carried out on Portlaoise hospital. I second his request so that we can ascertain who was at fault because someone must have been at fault in this case. It is disappointing to hear the HSE and Professor Drumm not taking the blame because they have to bear a part of the blame. I ask the Minister to do all that is possible to correct what has happened.

Voluntary fund-raising for cancer services takes place all over the country and every day Members are asked for their support in fund-raising for cancer services. The Government should match the funding raised by people putting their hands deep into their pockets who would like to see their tax moneys being spent on cancer services.

Deputy Dinny McGinley: I acknowledge that the Minister and Minister of State yesterday met a deputation from County Donegal representing those who are very concerned about the level of cancer services in our county and in the north west in general. As an Opposition Deputy, I appreciate that I was also present at the meeting and I appreciate the guarantees given by the Minister to the deputation that services in Letterkenny will be maintained for the time being. The big problem in the north west and in the area north of a line from Dublin to Galway is the absence of a radiotherapy service. We are dependent on Northern Ireland. While I welcome any access we are given to those services in Northern Ireland, it is not the answer to our problems in the north west and in County Donegal in so far as radiotherapy is concerned. It is not acceptable that half of the country which is north of the line from Dublin to Galway is a barren desert in radiotherapy terms.

Acting Chairman (Deputy Seamus Kirk): The Deputy has taken some liberties with time.

Deputy Dinny McGinley: I ask the Minister and my constituency colleague, the Minister of State, to take another serious look at this issue. I am aware of ongoing negotiations with Northern Ireland but I ask them to expedite those nego-

tiations and let the people know that they will be looked after.

Deputy John Moloney: I wish to share my time with Deputy McDaid.

I extend my sympathies to the women affected and to their families. County Laois Deputies are more acutely aware of the effects on the families and we know some of the families involved.

The Government and the Minister have properly extended the time allowed for these statements today. I compliment the Minister on her immediate apology to the families because this takes considerable backbone.

I have been aware of this debate in the midlands for the best part of ten years. We were one of the first places to discuss the idea of lead centres for cancer care. I refer to the National Cancer Forum and to Professor Jim Fennelly who chaired that forum. I welcome the proposal for eight centres of excellence which is the way forward. However, I hope the Minister will, in her usual forthright manner, explain to this House and to the public how those centres are to be funded. It is essential that confidence is restored by explaining how these centres are to be funded and staffed. People who depend on more localised services must be reassured that services will be continued up and until the centres of excellence are established.

I was a member of a health board during the 1990s, in particular from 1997 onwards. The midlands health board became a very divided health board. Everyone came to the table with the belief that they were proposing and providing the best level of cancer care within their own counties to cover the whole region. The health board region contained three acute hospitals, in Portlaoise, Mullingar and Tullamore. It was a divisive issue when it came to the selection of the lead hospital.

When the eight centres of excellence are delivered it will be important that all the medical staff within those centres will be singing the same tune and believing in what is being delivered. Unless they have a belief in the service, we will not persuade the public to buy into it. I speak as one with experience who grappled with the issue in the midlands.

I supported the location of the lead centre in Tullamore against the wishes of my own county. The impression was that I had let my county down, let down my people. I took the independent medical advice of the cancer forum. I would dread to see the same fate visited on any Member of this House who might support a hospital in some other county. If we are to set up these centres, we must be able to first assure the public, the medical people and the politicians that these centres can work and will deliver the service required in a centre of excellence.

I do not want to come back to the Portlaoise issue specifically but it is important that every report is seen to be independent in an effort to

restore confidence within this hospital. It is important to recognise that the staff in the hospital are under pressure. This report must be published as quickly as possible and be seen to be independent.

I believe in the Minister's commitment. I have no time for questions on her ability to run the Department. I fully believe she can do so and is committed to and has the determination to do so. The appointment of Dr. Keane should at long last provide the level of service that is required. I hope that as we move on and as the report is published that we will have learned from the divisions of the past. The first step in securing confidence in such centres must be securing the support of the medical staff, otherwise there will be the same level of division that, unfortunately, has halted progress in the midland region in recent years. When summing up I appeal to the Minister to clarify when the centres will be up and running and how they will be funded.

Deputy James McDaid: While this debate has mostly revolved around the tragic consequences that have occurred in the midlands I wish to make two points to the Minister, one of national importance and the other of more local importance.

Of all the drugs, technology, and the Star Wars-type equipment available in the medical field, which mother nature and science has thrown up to us, only one substance is known to prevent cancer. There is a vaccine against what is known as the human papilloma virus. While there are a number of strains of this particular virus, Nos. 16 and 18 have been shown to be responsible for 75% to 80% of all cervical cancer in women. Some 180 women per year are diagnosed with cervical cancer, 70 to 75 of them will die. It generally happens during the prime of a woman's life, in her child bearing years, mostly when she has a young family, yet this vaccine which has been available since 2006 is the only product that prevents cancer. Ireland is only one of two countries in Europe, the other being the Netherlands, that has not made this vaccine available. For example, in Greece it is mandatory for all 12 year-old girls to have this vaccine. It is available in all other countries in Europe. While screening is wonderful when we have it, cervical cancer remains the second largest killer of women outside breast cancer in the 15 to 44 age group. If this vaccine was to be made available through the GMS it would ensure that females of the appropriate age would be able to avail of this potentially life saving treatment free of charge. While I am aware the cervical screening programme is to be rolled out next year, if it is not on the GMS list and does not receive approval from the Minister, it could mean that in the interim period a significant number of females could benefit from the vaccine.

Where is this vaccine? It is with the National Immunisation Advisory Committee. The NIAC is studying the cost effectiveness of this vaccine. Every other country in Europe has done a cost effective study on this vaccine, including the UK. How many more cost effective studies do we need? By the time the NIAC allows it to go on to the market it will probably take another year between negotiations and the tender process. In effect a vaccine which has been available since 2006 and known to be safe will still not have been rolled out in this country and whatever number of women will not have benefited. I ask the Minister to take that point into consideration as it concerns cancer and cancer treatment in general.

The other programme is a local one. While I agree with centres of excellence, cancer treatment has three stages of management. First, it involves the diagnosis which is either through mammography, radiology or biopsy. The second part involves surgery, where required. The third stage, which is what has happened in the north west, is a radiation oncology prescription which is required by these women for ten weeks after surgery. It is a ten minute procedure every day of the week generally for ten weeks. The women of County Donegal have to travel and book into bed and breakfast accommodation from Sunday to Friday. They are away from their families at a potentially terrible time in their lives. It is this radiation oncology that I hope will be provided in the north west whether through the private or the public sector. I do not mind which, nor do my patients, so long as it is provided.

If the private sector builds a hospital which is on the plans, and of which the Minister is aware, I ask her to ensure it receives every assistance to expedite this project because that third stage of the management of cancer, radiation oncology, is the part that is getting to the people of the north west. If one looks at the map one will see centres in Belfast, Dublin, Waterford, Cork and Galway while the north west is naked. The reason for this is that the north west does not have the population. Derry city is the fourth largest city in the country. Donegal has the seventh largest population with 140,000 to 150,000 people. I am trying to work out where the figures come from. While I would dearly like to have a centre of excellence will the Minister please ensure that at least the oncology part is made available and that no obstacle is put in its way whether it comes through the public or the private sector?

Deputy Liz McManus: I welcome the fact that we have an extended debate. It is such an important matter that Members wish to contribute. The one thing we know about breast cancer — it is a lesson we are given continually — is that the earlier it is diagnosed the better chance there is for survival. As others have said, today as we speak in this House, there are women we need to think of who are sitting in their kitchens, at their

[Deputy Liz McManus.]

workplace, having to grapple with a terrible and unnecessary anxiety and suffering. They did the right thing. They underwent the necessary test to find out whether they had cancer. Their trust in the health service was understandable. Any one of us advised to go for a test when there was a chance of cancer would have done what they did. Even in the best of circumstances it is a stressful experience. In the instance of the women we are talking about, their betrayal and anguish is unimaginable. The terrible truth is they are not alone. It is not just in the area of misdiagnosis that injustice is being done to sick patients.

I was rather taken aback to receive correspondence today about a patient who was diagnosed through BreastCheck. She said she got very good quality care from BreastCheck and within a week was able to have surgery for the cancer. After surgery I understand that best medical practice in a case such as this is that one would have radiation treatment within six weeks. In the case of this particular patient she was shocked to find that when she sought an appointment for radiation treatment at St. Luke's Hospital a date 26 weeks later was given to her. When she said she had private health insurance that transformed her access to getting the treatment the following week. Seven days later she started radiation in a private hospital.

Dr. Crown is right. We have an apartheid system in our health service. It is there because the Government refuses to address it and it is getting worse because the Minister for Health and Children promotes inequality with the expansion of private care at the cost of public care. She has overseen the closure of public facilities, cutbacks and a staff freeze in the public sector that is now causing serious delays in many hospitals. Meanwhile, she is featherbedding the private hospital sector with generous tax breaks and offers of public lands. To be fair to the Minister, she certainly took the hit on her policies at the last general election, while the Taoiseach continues to deflect any responsibility on to doctors, health workers, patients, administrators, public representatives, community activists and in any direction except towards himself. This is a political matter and it is the responsibility of a government to ensure standards in and access to health care. This is why this morning's response by the Taoiseach when he was asked questions on the issue was despicable. I like others want to acknowledge that the Minister for Health and Children has chosen the correct route in offering an apology to those who have suffered so much.

The Minister for Health and Children was informed on 29 August about the problems at Portlaoise hospital. In her speech she made an interesting point that the person taking the lead role in alerting the authorities about the problems was a director of nursing. There is a parallel. In the case of the Dr. Neary scandal where patients

were in effect mutilated and nobody shouted "Stop", it was a young midwife who eventually blew the whistle and bravely stood outside the herd in order to ensure the matter came to an end. In this incidence it is a director of nursing, which surely tells us something. Why do we need to depend on the courageous director of nursing or the courageous nurse to alert us to what is going on in our hospitals?

That information came to the Minister on 29 August and it is now 7 November and we still do not know what has happened. We know there is a crisis of confidence not just in cancer services in Portlaoise, but also generally. It requires a political response and leadership, but we have got neither. It also raises again the importance of establishing a patient safety authority with statutory powers to oversee and investigate hospital services in order that standards are met and patients are protected. If we had that authority now, expertise would be building up to ensure a swift response when something went wrong — inevitably things go wrong no matter how perfect the system. We need an authority with power to ensure that information is garnered speedily and action taken. Such an authority should have an ongoing oversight role. HIQA is simply not capable of providing that role.

We need to know what standards prevail at any centre carrying out tests. We need an overall look back at mammograms. We have a curious anomaly in that there is double assessment in the cases of mammograms carried out by BreastCheck. While the vast majority of people who turn up at BreastCheck are perfectly healthy, systems are in place to ensure double-checking of any testing it carries out. However, in incidences such as in these ones in Portlaoise where people had indications and symptoms in some cases, no such safeguard was in place. It only came to light because of concerns being expressed at a high level of false positives — not false negatives. In effect, the problem was discovered by accident.

We need to ensure services are of good quality in existing centres. We all want to move to the model of centres of excellence. Let us get rid of that canard — that is what we want as is generally understood. However, it seems that only people on this side of the House appreciate the length of time it will take to reach that new model. In the meantime there is a need to treat patients properly in the system we have. It is not a question of just closing down units, which would just overload the system. A 26-week delay in accessing radiation therapy in St. Luke's Hospital represents a red light telling us we cannot simply close down small units and rely on existing infrastructure to take the additional demand.

I wish Professor Keane well — he has a hard job ahead of him. However, the appointment of one individual is not enough in itself. Resources, planning, staffing and strategic thinking are all required. We also need a debate about the

matter. We need to consult and bring people with us in order that there is general understanding about what is required and what is being done. While time is of the essence, it will still take considerable time to construct the new model. In the meantime, public trust in our cancer care services needs to be rebuilt. Resources need to be dedicated to the establishment of centres of excellence. Funding needs to be ring-fenced and real commitment needs to be shown by the Government that has done so little in the past seven years while patients have been put at risk. I agree with the Deputies from the north west that we need to know what will happen in that region, which is in a very isolated position under the new plans. While it is difficult enough at the moment, provision must be made for them under the new plan.

Returning to the bigger picture, ending apartheid in our health service is essentially a political challenge. The Government and its predecessor have been intent on deepening the divide rather than bridging it. Susie Long, while she was alive, was proof of the inequity of our two-tier health service. We know that other women are waiting in line today because they happen to be public patients and not private patients. Unfortunately, we will get more evidence unless the issue is addressed. We need a response fitting to the problems encountered. It is more in hope than in anticipation that I ask for this action. Ultimately, we need to remember the anguish of women who were impacted by what happened in Portlaoise hospital. We must ensure that nobody goes through a similar ordeal.

Deputy Paul Gogarty: I wish to share time with Deputy Conlon.

Acting Chairman: Is that agreed? Agreed.

Deputy Paul Gogarty: I express my sympathy to the families concerned in Portlaoise and Cork. I note the Minister's timely and prompt apology and her commitment to ensure that every possible action will be taken to ensure that errors like this do not happen again in cancer care services. I would like to make a few suggestions in this regard. I note the Taoiseach this morning pointed out that triple assessment only takes place when a diagnosis of cancer or pre-cancer has been made. Even from a cost efficiency point of view, would it not make sense for the file, having been examined by a radiologist, to be sent to a backup group of radiologists dedicated to checking files as a matter of course? They do not need to be in the same location and it could be done on a central basis. A copy of the screening could be sent to such a national location for a mandatory double check of all diagnosis. As the Minister said it is not necessarily the machines that are at fault. In some cases it is human error. Double-checking would seem to represent good

practice even if the checking is not taking place alongside the local radiologist.

I do not have a problem with the roll-out of centres of excellence. I acknowledge that for cost efficiency and to ensure standard treatment we need centres of excellence. However, for low-level cancer screening we should decentralise when possible. The most vulnerable, the elderly low-income families and those on social welfare do not necessarily have the means to travel long distances. They have to take buses, taxis or trains and stay overnight, often at considerable expense. They suffer most from the centralisation of services that should not always be centralised.

I tabled a parliamentary question recently about the smear testing of Traveller women in my constituency. The service which was provided for them in conjunction with Ballyfermot and Tallaght Well Woman centres managed to increase the number attending for smear tests until 90% of eligible women were screened. However, this free service ceased two years ago and, as a result, the number of Traveller women accessing the service has decreased substantially. That is an example of how lack of proximity can lead to longer term problems which will impose a cost on health services exponentially far in excess of the cost of a smear test.

The HSE does not emphasise prevention enough in dealing with cancer in the context of diet, exercise and physical education and schools, which are cross-departmental issues. A person who does not smoke and has a healthy diet is less likely to contract cancer. While no scientific analysis has been carried out in my constituency, there is anecdotal evidence that where pylons and telephone masts coincide in communities such as those located beside Ronanstown Garda station, the number contracting brain tumours increases. The HSE should carry out a cluster survey and compare the findings with those of a survey conducted in a community that does not have pylons and telephone masts to establish whether this is the case and, if so, what can be done about it.

Deputy McDaid mentioned the issue of human papilloma virus and cervical cancer screening. Care must be taken with the vaccine. For example, I have raised with the Minister the issue surrounding one medication, Deprovera, which can thin the lining of mucus and lead to an increase in STIs, even though health warnings in this regard are not carefully written on the label. A debate on whether vaccination should take place is needed, as happened in the United Kingdom. At the very least, a full and frank debate should take place, perhaps at the Joint Committee on Health and Children, because if deaths are prevented, all the better. Prevention is better than cure. Abstinence is the best way to prevent cervical cancer. This should be followed up by educating people about safe sex practices and screening. That could all be done in local

[Deputy Paul Gogarty.]

communities at a lower cost than treating someone who needs a high level of cancer care.

Deputy Margaret Conlon: I welcome the opportunity to contribute to the debate. Since 1996, approximately €1 billion has been invested in cancer services nationally. Progress has been made and in government we are determined to make further progress. We must build on all aspects of cancer care and control until our cancer services are at world class standard. We are making patient safety and quality outcomes the drivers of all decisions on cancer care, which patient confidence demands. This programme of investment in cancer care will be pursued relentlessly, which is why I welcome the Minister's unreserved apology to the women affected by misdiagnosis. My thoughts are with them and their families at this very difficult time in their lives. I call for the speedy conclusion of the inquiry and compilation of the report, which is the least they deserve.

We must strive at all times to ensure patients have confidence in all medical services. As a new Deputy, I seek cross-party support to deliver a world class health system in practice, not in theory. I do not want a system where money is wasted due to duplication of services and personnel. We cannot let our own local parish politics block the deliverance of concentrated areas of expertise, all of which would ultimately benefit the patient who must be at the centre of all our health service goals. Location must not replace quality of service.

It is only fair to those working hard in cancer care to record the improvements they have made and continue to make. It is important that patients should have reasons for hope and optimism about cancer care, despite the events of the past few days. We have achieved the key goal of the 1996 national cancer strategy, to reduce the death rate from cancer in the under 65 year age group by 15%. This was achieved three years ahead of target. In 1997 no cancer screening programme was in place anywhere in the State. This year the roll-out of BreastCheck to the south and west will begin and a cervical screening programme will commence later in the year. BreastCheck is available in 15 counties, which is a success, but we must drive this superb project forward. A total of 60,000 women were screened by BreastCheck in 2005, a 19% increase on the figure for 2004. It is expected that more than 70,000 women will be screened this year.

I welcome Professor Tom Keane's appointment as the new cancer control director. He will have key goals to deliver during his two-year term to provide the level of service cancer patients deserve. Cancer is a word that strikes fear in the hearts and minds of everyone and, having had personal family experience in this regard, I agree our health care system must seek to allay those

fears. I would want a top class service for myself and my family in which I would have complete confidence if I found myself in that position. I agree with the proposal for centres of excellence, as it is necessary for positive outcomes for patients that surgeons are regularly dealing with a critical mass of cases, which should ensure a higher success rate and constant upskilling on their part. Patients deserve this and we, in this House, must deliver it.

We must move from the notion of my backyard politics. I tuned into Olivia O'Leary yesterday evening on "Drivetime". She referred to people who say "I agree with the principle of centres of excellence but..."; "I am favour of centres of excellence but...", or "I welcome the concept of centres of excellence but...". We cannot talk out of both sides of our mouths. It must be ensured resources will not be spread too widely or thinly because if that happens, everyone will lose. I concur 100% with Olivia O'Leary that there must be no more "buts" and that the patient must always come first.

Deputy Fergus O'Dowd: I hope there will be action when the debate concludes because the country needs an open, accountable and transparent health service because of the lack of transparency, openness and, most of all, accountability on the part of the Government. An apology does not go far enough. While I welcome it, it does not change the fact that the Government has given responsibility for the health service to a body which is not accountable. A HSE delegation led by Professor Drumm will be present in the Oireachtas Member's restaurant tomorrow. No one from the media will be present and there will be no accountability to the House regarding what happens.

I refer to the HSE north east area from where cancer services are being transferred. Deputy Conlon is correct that people are concerned about this, as they were told the services would be moved. Professor Kearney, the medical oncologist in the hospital in Drogheda, and his staff who service the north east have done fantastic work but he is leaving and we have not been told why. The people are protesting but have not yet marched. They want facts, leadership, accountability and transparency. They want the truth but they are not getting it from the Government.

Everyone agrees about the need for centres of excellence but I wonder what will happen in Drogheda and the north east. In a letter I received from Tony O'Brien, chief executive officer of the HSE north east, dated 26 October, he stated, "It is hoped to achieve a 60% transition to these centres by the end of 2008 and a 90% transition by the end of 2009. However, no services will be transferred from a location until the intended receiving location has the appropriate capacity to provide appropriate care". The problem is that the people with cancer do not

know what is happening. The HSE cannot tell them what is happening. Their consultant oncologist has resigned and the Minister has very kindly apologised for all the mess she has got us into. It is not good enough and it is not acceptable. This Government fails on the basic issues of accountability and transparency. The concern in the north east is that the service there is going to go in the next three years. What is to replace it? Where is the service to come from? What about the people from Cavan and Monaghan, who now have further distances to travel? Where is the Minister's initiative as regards cross-Border services? What is she and the Government doing about linking in hospitals in the North of Ireland with the population living along the Border to provide these services?

The Minister's apology is not acceptable to the people faced with the dark future they now have because of the mess she has made of the health service. The only honourable position for her is to resign forthwith.

Deputy John O'Mahony: I welcome the opportunity to contribute to this debate on cancer services. I sympathise with all the women in the midlands and their families who are going through unbearable trauma as they face the agony of being rescreened and await the results. The Minister and the Government introduced the new cancer strategy and centres of excellence with great fanfare a couple of months ago. It was as if everything was going to be top class and the term "world class" was being talked about. Nothing could be further from the truth. We have seen one scare after another, with no one taking the blame but many dishing it out.

Alongside these crises we see the cancer services in my constituency, Mayo, which were developed to the excellent standards other centres aspire to, being withdrawn under the new proposals. When my party leader raised this matter a couple of weeks ago, he was accused of scaremongering, yet neither the Minister nor the HSE has contradicted his assertions in this regard, except to dispute the timescale. Mayo General Hospital is currently providing a top quality specialised treatment service, and this should continue within the proposed new structure as a managed cancer network, like the Mayo Clinic model in the United States. The Mayo Clinic is the parent centre and the surrounding hospitals provide high quality audited oncological practices, working through protocols for patient care decided at multidisciplinary meetings.

The people of County Mayo have the utmost confidence in the services being provided by the excellent team led by Mr. Kevin Barry and Mr. Ronan Waldron in Mayo General Hospital. The consultants and their team have meticulously built up this centre of excellence during the years. They work in co-operation with Galway and will do so into the future, but they passionately want

to retain the services in Mayo. Dr. Brendan Drumm praised the services when he visited the hospital earlier this year. An audit of Mayo General Hospital is scheduled for next April, but the problem is that some of the services may be gone by the time it reports. Here is something that is in place, which does not demand any extra cost in terms of new resources, which fits into the proposed centre of excellence model, as proposed, and has the support of the people. Will the Government and the Minister not take the easy decision and keep these services in Mayo? Up to 10,000 people marched in Castlebar last Sunday week and I have no doubt, if there is not a positive answer from the Minister and the Government in the weeks to come, there will be many more than 10,000 outside the gates of Leinster House.

Deputy Bernard J. Durkan: Like other speakers, I acknowledge the trauma, anxiety, terror and hurt being experienced by those women who were either diagnosed late or misdiagnosed as regards cancer in the past year or so. I listened with interest to the speeches of the Minister and the Taoiseach this morning and am appalled at the manner in which some of these issues have virtually been dismissed.

It is enormously traumatic for any woman who has a concern about potential cancer. The first thing she thinks about is early diagnosis and availing of the services as quickly as possible. There is considerable mystery about centres of excellence. This is not rocket science, according to my information. Modern technology has leant itself extensively to the medical area in general. Therefore, it is possible now for an early, first-class and accurate diagnosis to be given in several small areas in close proximity to each other. I cannot for the life of me understand how there was no cross-checking of results. This morning the Taoiseach informed the House that only in very particular circumstances was there cross-checking. This cannot be right. I cannot understand why this is happening.

What is going on as regards the appointment of people to the positions they hold? Surely, it must be possible to identify the people who are suitable in the first place and ensure they are capable of carrying out the work they propose to do. It has to be possible that if the Department, the chief executive or the Minister is informed that certain technology is outdated and not functioning properly, someone should recognise that this is a serious matter. Something must be done about it immediately, with no postponement to another day.

The last point I want to make is about something with which I strongly disagree. There is now a notion abroad that this particular tragic issue is about to be used as a vehicle for bringing this about the closure of a whole series of hospitals and health centres throughout the country. I urge

[Deputy Bernard J. Durkan.]

the Minister not to take that route, because it would be a serious mistake. This has happened before. I have seen this throughout my entire time in public life, namely, issues of this nature used as vehicles to achieve a particular target. I urge the Minister not to go there, and I shall tell her why.

Deputy Jim McDaid made an interesting intervention when he made reference to the fact that in these cases women can very often be away from home in bed and breakfasts and so on. I listened to a woman recently on radio who set out the way she felt when she left home and booked into a bed and breakfast. She described the loneliness of being left alone and the impersonal nature of the situation in which she found herself. There is one way of dealing with this. Centres of excellence will not deal with it. They will give an excellent service, but as the Minister knows, they do not provide the quality of service required unless they have the committed people required to do so. They will not provide the personal service and as Deputy O'Mahony has indicated, there are people throughout this country who have become reliant on the services in their local areas. They know the people concerned, they depend upon them and I ask the Minister to be very slow to remove them from the arena.

Minister for Transport (Deputy Noel Dempsey): I start by acknowledging the apology that the Minister proffered in the House this morning to all the women concerned in this. It was typical of the Minister and also typical of her to respond so quickly and to be accountable to the House as regards this particular matter. There is no excusing the pain and fear which has been visited on the women concerned, who were given the all clear when in fact they had breast cancer. That pain and fear, as many Deputies have said, should not have happened. Every Member of the House would wish to join the Minister, I am sure, in the apology to each of those patients, while knowing that it would not make the women concerned feel any less miserable or vulnerable.

It should not have happened. We have to find out precisely what happened. Again, the Minister is taking a course of action in that regard by setting up the ministerial inquiry. We must have an eminent and uninvolved person to lead the inquiry, who can probe the issue without fear or favour and provide clarity as regards why it happened. The reason I have come to the House tonight to intervene in this debate is to express my support for the Minister for Health and Children in her constant determination to try to drive through a vast conglomeration of fixed positions and vested interests in order to give people the world class health service to which they are entitled. The Minister is correct that what happened in the Health Service Executive could continue to happen unless we get our act together.

We have the relevant information, reports, buildings, personnel and Minister to ensure we do get it together, but the problem is that we very often allow reports to be used for political point scoring. In this regard, I am not just referring to party-political point scoring.

A general problem in the health service, rather than in the field of cancer care in particular, is that we allow the very existence of buildings to shape our thinking and delay our actions when doing the right thing. A great health service is not about reports or buildings but about services and people, as Members on all sides have stated. Unless we decide to have the best possible service, we will never move beyond our current position.

We have a fixation on having a hospital building in every county. Such buildings are undoubtedly staffed by committed experts who are serving their patients in so many ways. Members of the public who enter these buildings as inpatients or outpatients are overwhelmingly satisfied with what happens therein, as is proven by objective research, but the issue we now face is not one of preserving each of these buildings as they currently operate. We cannot allow the presence of a building to dictate how we pursue the excellence of service to sick people, to which every participant in this debate subscribes. However, this has happened and it has dogged and delayed progress in this vital area of Irish life. The problem in Portlaoise is just one result of playing politics with the lives of people.

We all know all politics is local and that is why politicians of every hue — I am not exempt — stick our flags down for our local county or town. We do so from the best of motives and quite rightly believe it is best for the local economy and employment but quite wrongly believe it is best for the health of our local constituents. In many cases, it is not. All health service is not local and its direction should not be decided by someone from another time who put bricks and mortar in one location. I hope that, on foot of this debate, the concept of excellence of service will permeate all our thinking. Localism should not feature in debates on health and we should not play politics with health issues. I hope this debate will lead to a better focus on real issues in the health service.

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As Minister of State at the Department of Health and Children, I commiserate with the women in Laois who are suffering at this horrendous time. I echo the apologies that my colleague the Minister, Deputy Mary Harney, made in the House this morning.

Hearing the news that one has cancer is always very difficult. It raises many emotions, which can include shock, anxiety, sadness and uncertainty. I can only imagine the torment and anguish that the women in question are experiencing and I am

distressed that a situation like this has occurred. It is a traumatic turn of events for these poor women and their families. I, like the other Members, hope they make a full recovery.

I concur with the statements of the chief executive of the Health Service Executive, Professor Brendan Drumm, who described the misdiagnosis of the women who went for breast cancer scans as “appalling”. It is imperative that such incidents not be allowed to recur. This issue is far more important than party politics and I am sure the partisan political points made by some politicians in this House on this issue ring very hollow for the women in Laois and their families.

I will outline briefly some facts to the House. Since the implementation of the first national cancer strategy in 1997, approximately €1 billion has been invested in cancer services nationally. Over 100 additional consultants and 360 additional clinical nurse specialists have been appointed in key areas of cancer care. The Estimates for 2007 include additional Revenue funding of €20.5 million for cancer control, that is, for screening, acute services and research. Patients in Ireland are benefiting from the development of a clinical trials network nationally. Between 2002 and 2008, the Health Research Board will have invested more than €21 million to support this initiative.

The policy of the Department and Health Service Executive is to implement A Strategy for Cancer Control in Ireland 2006, which was prepared by the National Cancer Forum. Investment in cancer control will be based on the reform programme now being implemented by the Health Service Executive. The programme is to provide the necessary governance, integration and leadership to create the essential framework for cancer control.

It is essential that the national cancer control programme be delivered and I am particularly keen to see stepped, practical and demonstrable early progress in this regard. This is a real opportunity for cancer control to be a key driver in the overall health reform programme.

I welcome the appointment of Professor Tom Keane as interim cancer control director. I understand he will report directly to Professor Drumm and will be set key deliverables during his 24-month term of office. He has an excellent record of delivering on cancer control services in British Columbia in Canada. I am hopeful he will make a difference when he starts his job in the next couple of weeks. He has the full support of the Minister, myself and the other Ministers of State in the Department of Health and Children.

I am fully behind the idea of centres of excellence. It is vital, in light of what happened in Portlaoise, that women in this country receive the best care to the highest international standards.

In my area in County Sligo, there has been much public debate about the future of cancer services. I am very pleased the Health Service

Executive has responded to my request that Professor Keane visit Sligo General Hospital to view at first hand the services available therein. This will certainly educate him on the range of facilities and expertise available. I would like representatives of the Health Information and Quality Authority to visit Sligo General Hospital and carry out a full audit of its cancer surgery services. I know from my visits to the hospital that the surgeons, nurses and staff, whom I have met, share my wish that their work be independently audited so the women in the north west can be assured the services they are receiving are of the highest international standard.

Deputy Dan Neville: I wish to share time with Deputy Bannon.

Acting Chairman: Is that agreed? Agreed.

Deputy Dan Neville: I, too, sympathise with and offer my condolences to the women in question, who are deeply traumatised. It is a personal tragedy for them and their families and has had an inexcusable effect on their quality of life and well-being. They are suffering from mental anguish over the roll-out of cancer treatment from which they should not have to suffer in this day and age. Unfortunately, trust and confidence in the health system are disappearing very fast. I urge the Minister to ensure that the problem be addressed.

The changing of the old system by the Government to form the Health Service Executive is now regarded by many as disastrous. Many of us objected very strongly to the change and our view has been vindicated. There is now a great reduction in the morale of health service providers. This is serious because, as morale decreases, the system will be further damaged and the quality of services will be reduced significantly. I urge the Minister to address this as quickly as possible.

Deputy James Bannon: Today in the House the Minister spoke immortal words: “Today is a day for patients first”. This is a most extraordinary statement by any Minister for Health and Children. Has she just woken up to the responsibilities of her portfolio? Has she discovered only today that it is all about patients, including the ill, dying and vulnerable? She had years to work it out but failed to do so and people are dying. A very serious situation has arisen. People have a right to life, as the Minister should recognise. It is a very sad day for Ireland, given what has happened in Portlaoise. I sympathise with the people concerned.

The loss of the breast cancer treatment centre in Tullamore was a huge blow for the midlands. Owing to the poor quality of rural transport services in the midlands, causing undue hardship for vulnerable patients, extremely ill women in

6 o'clock

[Deputy James Bannon.]

counties Longford and Westmeath and elsewhere in the midlands will now be forced to travel to Dublin or Galway with no designated transport services on which to rely. One young cancer patient in my own county of Longford has been waiting over four years to recoup travelling expenses of €1,000. Such expenditure on taxis is beyond the reach of many patients desperately seeking to access hospital services. Once again, the Government has shown total disregard for the midlands. History is repeating itself over and over again. Counties Longford and Westmeath have been waiting over 12 years for the completion of phase 2B of Mullingar Hospital. How many lives must be lost before the Government recognises health care needs in the midlands? How long more will we have to wait for the Government to bring openness and fairness to its dealings with the sick and vulnerable?

In an ever-repeated formula, with a familiarity that almost defies belief, to all intents and purposes, services are being centralised in Dublin. Those not lucky enough to live within the Pale are expected to travel at their own expense to avail of basic medical entitlements. As Deputy Durkan said, the loneliness experienced by many is dreadful. I have met people who had to come to Dublin and stay overnight in bed and breakfast accommodation. It is a dreadful experience for anyone traumatised by a serious illness.

As a former member of the Midland Health Board which covered the Midlands Regional Hospital in Portlaoise, on many occasions I raised issues in respect of service delivery, yet we are now being told by the Taoiseach that there was no systems failure involved in the misdiagnosis of breast cancer patients at the hospital. This is another Government-induced health risk for people in the midlands, whatever way the Minister wants to spin it. There has been considerable spin by the Government which we have witnessed in every Department, none more so than the Department of Health and Children.

An Ceann Comhairle: I am now moving to the question and answer session which will proceed in the same way as Question Time. I remind the House that, in accordance with established practice which has fallen by the wayside in recent years, Members should keep their supplementary questions brief and concise. There is no need for lengthy preambles and prologues. The reason we had statements was precisely that we did not want lengthy statements during the question and answer session. The objective of the exercise is to elicit information. If Members impart information instead of seeking it, the objective will clearly have been defeated. If Members cooperate in this way, I am sure everyone will have an opportunity to ask a question or questions and may even be called upon more than once. If

Members do not proceed in that way, obviously, the procedure will fail, as has often happened.

Deputy John Perry: I am seeking clarification from the Minister, as I did not speak previously on this matter. Section 7 of the national cancer control strategy, dated September 2007, deals with the configuration of primary cancer surgery centres. It is stated on page 13 that about 2,000 breast cancers are managed surgically in the public hospital system in Ireland. Given the proposed number of 150 new cases per centre, this equates to 13 or 14 cancer care centres. The report then makes the assumption that BreastCheck will reduce the number of new cases requiring surgery by 33% to 50%. On this basis, the number of recommended centres will be eight. I have a problem with this assumed reduction. With the vagueness of the projected timescale, I do not see a sufficiently strong data foundation on which to build a national strategy.

In addition, it is stated on page 18 of A Strategy for Cancer Control in Ireland, published in 2006, that the number of new cases is projected to reach 28,000 by 2020. This is more than double the figure of 13,888 produced in 2000. How can the Minister justify only having eight cancer centres when about 2,000 breast cancer surgical procedures are performed each year? She is assuming that this number will drop by up to 50% and has totally ignored the projected significant increase. The science is flawed.

Deputy Mary Harney: Obviously, the evidence is evolving all the time. When Professor O'Higgins produced his report in 2000, the advice was that a centre should deal with 100 new cases. By 2007, this figure had moved to at least 150 cases a year. What is being said is that the number should be at least 150 cases and 50 per surgeon. A number of other criteria are involved. For example, in the case of staffing, reference is made to the need to have two breast surgeons, two radiologists with relevant experience, pathologists and so on. A range of criteria are outlined on page 6 of the report.

The persons who chose the centres were experts. They included individuals representing patients' groups such as Europa Donna and the Irish Cancer Society. Of the 26 people involved in the National Cancer Forum, over half were clinicians, most of whom were at consultant level with expertise in cancer care. They made the recommendations. They were not chosen politically, in the Department of Health and Children or by the HSE. They were chosen on the advice of an expert group which included representatives of the Irish Cancer Society, Europa Donna and other patient groups. It is important to remember this point, given what was said in the debate earlier.

Deputy James Reilly: Will the Minister answer the questions I put to her during that debate? Must I reiterate them?

Deputy Mary Harney: The Deputy asked me a large number of questions.

Deputy James Reilly: I did.

Deputy Mary Harney: I do not know if the format permits me to answer all of them.

An Ceann Comhairle: Which question would Deputy Reilly like the Minister to reply to?

Deputy James Reilly: There are a couple of particular questions.

Deputy Mary Harney: If the Ceann Comhairle is flexible, I will be happy to answer all of them, if Deputy Reilly wishes to put them again.

An Ceann Comhairle: Every Member must have an opportunity to ask a question. As we only have until 7 p.m., I ask Deputy Reilly to pick out the priority questions, if he can.

Deputy James Reilly: Obviously, the big question is funding. Has the amount been assessed or quantified? Is it ring-fenced for cancer care? Surely the Minister for Finance can find funds for a digital scanner in his own constituency. A digital scanner costs €400,000. An analogue scanner costs €250,000. As I have heard what the Ceann Comhairle said, I will not make statements. However, I will say the HSE overspent by €4.5 million on IT. This wasted sum could have been used to buy 11 digital scanners to safeguard patients.

During the course of her speech the Minister pointed out that concerns had been raised about the quality of radiology in the hospital in question in 2005 and that two positions had been advertised and filled, one by a locum. I asked her whether the locum in question was the individual who had been providing locum cover in 2005 when the original concerns were expressed. Furthermore, I am told that the doctors on the original interview panel raised concerns about the fact that the person being interviewed was never included in the relevant specialist register, a prerequisite for a consultant post, and that they also had concerns about her experience of reading mammograms but that their concerns were overruled by the other members on the board. If that is true, it is a very serious matter which I ask the Minister to investigate and report back to the House.

The other big question to which everybody wants an answer is when the new cancer service will begin. Will it commence in 2009, 2010, 2011 or 2015? We are very confused and hearing conflicting opinions from both the Minister and Professor Drumm. It is difficult to understand how

one day Professor Drumm will say it will commence in 2015 and the next, 2009. Will the Minister explain to the House what has changed? Has she abandoned public private partnership as a process which would delay it? Will she confirm that the Taoiseach's statement this morning, that triple assessment only applies in cases of cancer, is wrong?

Deputy Mary Harney: I will respond first to the last question. Triple assessment applies where cancer is suspected or diagnosed. The point the Taoiseach made was that in the seven cases in question the radiologist gave the women concerned the all clear. Therefore, the triple assessment did not apply.

Deputy James Reilly: With respect, this was a symptomatic breast unit and the women concerned had symptoms such as a lump. Surely they received a clinical assessment.

Deputy Mary Harney: That is the serious question, that the radiologist in question gave the all clear. I wish to clarify that one consultant radiologist is on administrative leave but the inquiry does not concern only the work of that person. There are two consultant radiologists. There were two locums during that period.

The interview was held by the Public Appointments Commission and I understand there were a number of radiologists on the interview panel, perhaps two. A recommendation was made; the job was offered and the person who was a locum got the job, for which there was only one applicant. There was a subsequent advertisement for another post and the person who was offered the job declined to take it. The radiology unit had two consultant radiologists and two locums during the period. The two locums have probably moved on in the intervening period.

Regarding the scanner, the same scans were read by three consultants in Dublin. The three did not read each one — they divided 3,000 between them. They made a diagnosis of cancer based on the mammogram taken in Portlaoise. It is preferable to have the most modern machinery. Digital mammography was not as developed as digital radiology. Some years ago, when digital radiology was introduced, the advice was not to introduce it for mammography because it was evolving very quickly. I spoke to a practitioner last night who told me that Ireland had made the transition to digital mammography faster than the United Kingdom. When Portlaoise hospital was asked for its capital priorities, its priority was the CT scanner, not a mammogram machine.

Deputy Leo Varadkar: Your son or your daughter.

Deputy James Reilly: Hobson's choice.

Deputy Olwyn Enright: They needed both.

Deputy Mary Harney: We will see what the report reveals. Three radiologists attached to the BreastCheck service in Dublin read the same mammograms and diagnosed cancer. That is not to say we do not need the most modern equipment but it is separate to the diagnosis issues in this case.

Deputy Jan O'Sullivan: What will the Minister do to restore trust in the cancer testing system? I listened to the Minister of State at the Department of Health and Children, Deputy Devins, who invited HIQA to audit cancer services in Sligo. Has the Minister asked HIQA or the HSE to audit all services that test for cancer and specifically breast cancer given what has happened in Portlaoise? In this way the public could be assured in terms of equipment, the qualifications of those working there and the variation of expertise required to provide a safe service. There is a crisis of confidence.

What is the plan to maintain safe services as we move to where the Minister wants us to be? I refer to Deputy Reilly's question which has not been answered. Have resources been audited? What extra resources are needed? Is there any information to assure us that resources are available for the centres of excellence? The Minister expects most to come from existing resources but I do not believe there is enough in them. We need information on what is available, what is required and the timescale involved. The chain of command seems to be that Professor Keane will report to Professor Drumm. I assume he will be more distant from being held accountable by us, the public representatives.

Deputy Mary Harney: I apologise to Deputy Reilly for not answering the question on resources. The National Hospitals Office is undertaking an audit of existing resources, examining each hospital and isolating the money spent on cancer care. The intention is that Professor Keane will control the budget. That is how it worked in British Columbia and the only way it would work here. Professor Keane will come here on secondment from the British Columbia Cancer Agency, from which we have purchased his services because we were impressed with the service which is viewed as a world leader. The region has approximately 4.3 million people, peripheral issues similar to ours and Professor Keane is Irish educated. He was successful in British Columbia and we availed of the agency's offer to help. There was no global advertisement to find a cancer guru. The arrangement is for two years and one of his tasks will be to appoint a successor. He will have a deputy director and staff from oncology, radiology and other specialties.

The audit is under way. A lot of money will come from redirecting resources, as happened in Canada and elsewhere. In 1996 Northern Ireland began to reduce the number of places where bre-

ast surgery took place from 19 to five and the number of surgeons from 50 to 19. Over 70 surgeons perform breast surgery in Ireland, even though we only need approximately 20-25. In places such as Tallaght or Blanchardstown where world experts work we envisage the experts moving to the centres. If one has expertise in cancer care, one will want to work in the designated centres.

Regarding a guarantee of safety, HIQA is the patient safety agency. Its task is to enforce and monitor the application of standards and advise me on them across a range of areas, including breast cancer. It is an independent statutory body, separate from the HSE, which provides health services. When the Commission on Patient Safety and Quality Assurance reports, we can apply the same standards to the private sector as we apply to the public sector. We have already written to the insurers and independent hospitals regarding standards. We do not have the legal wherewithal to enforce them until the commission reports.

We have closed down 13 places. The centre in Roscommon, with which Deputy Naughten is familiar, closed 18 months ago. There was a major buy-in clinically and in the wider community because people knew it was the right thing to do. Patient advocacy groups such as the Irish Cancer Society and Europa Donna and women at the Marie Keating Foundation event which many of us attended two weeks ago told us that they did not care where the centre was, they wished to go to the best place. There is a considerable buy-in, by women in particular. That is not to underestimate the difficulties of transport which are being addressed.

Some 2,000 of women contract breast cancer, the vast majority of whom receive a speedy, expert service according to all the research. Survival rates have increased from 72% to 78%. A 6% increase over a five or six year period is extremely significant. Ten years ago only one in four women who contracted breast cancer had their operations performed by surgeons who carried out at least 50 procedures each year. Now, three out of four women have their surgery performed by such surgeons. I want to reach the stage where 100% of women — this is why the service can only be provided in larger centres — will have their breast surgery performed by surgeons who carry out at least 50 procedures each year. All the evidence shows that outcomes and survival rates improve when surgeons with this level of experience carry out procedures.

Deputy Caoimhghín Ó Caoláin: What does the Minister propose to do to bring to a satisfactory standard the current inadequate regulation of radiological equipment in hospitals? Why have the HSE and the Department of Health and Children failed to provide for the replacement of old equipment in the various radiation units in our

hospitals? How does the Minister respond to the charge that patients have been denied access to proper screening because the HSE and the Department will not spend the money required on new equipment?

Will the Minister clarify her intentions in respect of the roll-out of cancer care services in the north west, particularly County Donegal? Is it her intention to see located in the county a satellite unit which will serve the north west and have a cross-Border dimension to its remit? What is her intention regarding the north-east region which comprises counties Cavan, Monaghan, Louth and Meath, and the adjacent area comprising County Fermanagh, south Tyrone and south Armagh? The journey to Dublin is prohibitive for many in west Cavan and north Monaghan. The journey to Belfast is equally prohibitive for those who live in the area across the Border to which I refer. I refer, in particular, to sick cancer patients in this regard.

I wish to recap the questions I posed in my earlier contribution. The Minister has already made reference to Tallaght Hospital in the replies she has given. However, I highlighted the concern in respect of Tallaght Hospital from May to September this year. The uncertainty must be cleared up. What is the Minister's position on cancer services at Tallaght Hospital?

Deputy Mary Harney: I will start with the Deputy's final question because Tallaght Hospital is situated in my constituency. Tallaght Hospital lost the children's hospital and is not one of the designated cancer centres. There are world class experts working at the hospital and a huge volume of their activity revolves around cancer care. I refer to people such as Professor Conlon, Dr. Geraghty, an expert breast surgeon, Mr. McDermott, etc. I was due to meet these individuals at 6 p.m. but that meeting had to be postponed as a result of this debate. I hope they will work at one of the other designated centres in the Dublin area. Tallaght and St. James's are teaching hospitals for Trinity College. They have very close working relationships on which I hope they can build.

With regard to the north west, Letterkenny, as a result of peripherality and geographical issues, was the only exception on critical mass in terms of numbers. Essentially, it will be a satellite unit of the centre in Galway. It will not be a stand-alone facility. The facility will operate in Letterkenny once it meets quality assurance criteria. No one in Letterkenny or County Donegal in general would want to be treated in a hospital which did not live up to the highest standards as far as quality is concerned. We have, therefore, made an exception for reasons of geography and peripherality.

We originally purchased some radiotherapy services from Belfast City Hospital. Patients from County Donegal have been using that service for

the past year. However, the take-up is small and the numbers involved are not huge. At a recent meeting Northern Ireland's Minister for Health, Social Services and Public Safety, Mr. McGimpsey, and I engaged in a very good discussion on the possible provision of a facility at Altnagelvin. The Northern Ireland authorities have not yet made a formal decision but Mr. McGimpsey was extremely positive in respect of it. We would, in turn, be positive in supporting such a development because the necessary critical mass would be created in a cross-Border catchment area to justify the establishment of a state-of-the-art radiotherapy facility as a satellite of the centre in Belfast. I made it clear to Mr. McGimpsey, as I did to the group I met yesterday, that the Government would strongly support a cross-Border initiative of that nature, either financially — in the context of the capital equipment aspect — or by procuring services on behalf of patients. We await further developments in this regard.

Deputy Caoimhghín Ó Caoláin: Will it be located in either Letterkenny or Altnagelvin?

Deputy Mary Harney: Northern Ireland requires an additional centre to meet its capacity and the authorities there are examining the position in that regard. While a formal decision has not been made — it is not my place to announce decisions on behalf of the authorities north of the Border — I understand that part of Northern Ireland which would suit patients from County Donegal is under consideration. I further understand that clinicians and patients and the groups which represent them in County Donegal would be supportive of the establishment of a facility at Altnagelvin. The intention is that Beaumont Hospital on Dublin's north side will be the centre of excellence for the north east.

Many Deputies made the point that every health facility should be a centre of excellence. I agree with them in that regard. However, what we are discussing are centres of excellence for surgery. We have a centre of excellence at Our Lady's Hospital for Sick Children, Crumlin, where treatment for every child with cancer is either planned or provided. In many cases, chemotherapy and follow-up treatment is delivered in 15 other hospitals. However, cancer treatment for children is the one area in which we compare really well with America and other European countries. We are top of the class in terms of our performance in this area. I am of the view and the expert advice I receive suggests that we are at the top because we have not, even though we can deliver treatment on a regional basis, fragmented the expertise available.

The position in regard to the eight regional centres will be similar. What we are discussing is the carrying out of surgery in those centres. Most patients who require radiotherapy, diagnostics,

[Deputy Mary Harney.]

chemotherapy or oncology services will be provided with them in satellite centres which will be linked to the centres of excellence. It is not envisaged that everyone who needs a mammogram will be obliged to travel to a centre. The idea is that in some instances mammograms will be able to be carried out in a satellite facility and then analysed at one of the centres by means of modern technology. It is not the case that all services are being moved to the centres. The idea is that surgery will be provided at the centres and that other services, provided it is safe to do so, will be available at satellite facilities.

When he arrives, Professor Keane wants to talk to clinicians, nurses, doctors and others throughout the country. He wants professionals and others to buy in to rolling out the new service. He has set a 60% target for next year — he believes he can realise this — and a 90% target to be achieved by the end of 2009. These targets are ambitious and I wish Professor Keane who has my full support well in reaching them.

On the standards relating to radiation equipment, there are issues with the relevant statutory instrument. I am not an expert in this area. However, those at the HSE with the relevant expertise are involved in discussions in respect of this matter. The machinery is inspected on an ongoing basis by the Radiological Protection Institute. The facility at Portlaoise was inspected last May and received a clean bill of health. I am not sure what is the frequency of such inspections. This morning I heard Dr. O’Keeffe refer to the need to set standards. I have been discussing that matter with my officials. However, I have been in the House all day and have not had an opportunity to be briefed on it. I am aware that discussions are taking place at a technical level among the HSE and other parties.

Deputy Caoimhghín Ó Caoláin: Why will the Government not spend money to replace aging equipment?

Deputy Mary Harney: If one of my predecessors, Deputy Noonan, had stood here in 1996 and stated that in ten years we would be spending four times more on health, that there would be 45,000 additional people working in the system and that there would be an extra 110 consultants working in the area of cancer care, nobody would have believed it was possible. If people did believe it, they would have stated it would be fantastic. We have invested a great deal of money but there is always a need for more because there are competing demands. It is not always possible to have the most modern equipment because there are 52 acute hospitals and we have a massive hospital infrastructure. It is a question of priorities and balance. Demand might be for expensive equipment such as CT scanners, MRI scanners, PET scanners or new beds, refur-

bishments, new facilities or new hospitals. We will spend approximately €600 million on capital investment this year and the figure will be similar during the coming years. Radiotherapy facilities alone will cost approximately €500 million. Money for this is in the national development plan as is money for the national children’s hospital which will cost a couple of hundred million euro. It is not that we do not want to spend the money but that there are competing demands on the money and it is a question of deciding priorities each year for each hospital as we allocate resources.

Deputy Olwyn Enright: I know the Minister has not received the report yet. Will she confirm that all the information she and the Taoiseach have to date has been made available to the House? Will she outline in more detail than she did in her speech what actions the Health Service Executive took and what further contact she had with it following the communication in July 2005 from Mr. Naughten? She mentioned it was brought to the attention of Professor Hollywood and discussions took place on the issue. What action was taken? Was the letter of 5 July brought to the Minister’s attention at that time? Where are women from the midlands to go for detection and investigation until the centres are established? Does the system have capacity to take these extra women to other hospitals without adding to delays? Will they experience delays in receiving appointments?

Deputy Mary Harney: I made all of the information at my disposal available to the House in my statement. I asked Professor Drumm to provide me with a report as soon as possible on the circumstances which led to the decision at the end of August to suspend the mammography service. In my comments today I paid tribute in particular to the director of nursing. She wrote the letter to the HSE on 15 August expressing her concerns about ten false positives. She felt this was of sufficient concern to bring it to the authorities and it was as a result of her correspondence that the service was suspended. We owe her a great deal of gratitude because instead of seven we might have had ten, 12 or 15 cases. She was terrific.

The correspondence handled by the Department in the summer of 2005 included communication with the National Hospitals Office and Dr. Hollywood because at that point he was still the clinical director. After this a radiologist was appointed. One of the complaints made was about the lack of a full-time radiologist and the position was advertised and a person was recruited and appointed in the autumn of that year. A pathologist was appointed in Mullingar to also cover Portlaoise. I await a report from the HSE to see what other issues arose.

As I understand it, there were ongoing discussions between Dr. Hollywood as the clinical director for cancer and the management and clinicians at Portlaoise hospital. We were never aware at official level in the Department or, to the best of my knowledge, in the HSE that issues arose over particular mammograms until 15 August.

Deputy Olwyn Enright: Were people who did not have expertise as pointed out by Mr. Naughten removed from the service in 2005?

Deputy Mary Harney: I do not believe anybody was removed. An appointment was made. Locums were in place. I did not speak to Mr. Naughten about this although I met him in September at the opening of the hospital which I believe Deputy Enright attended when he was supportive of the new centres of excellence even though Portlaoise lost out.

The complaint was that the service was being run with locums. A radiologist was subsequently appointed. I acknowledge the radiologist was one of the locums but the person was not appointed by me or by a political process. The person was appointed by the Public Appointments Commission under rules laid down by Comhairle na nOispidéal.

The new medical council legislation strengthens the role of the Medical Council with regard to specialist registrars and competence assurance. When the Act becomes effective doctors must fulfil competence assurance measures to remain as a specialist registrar. It will be a reassurance to patients when it is fully operational.

Deputy Olwyn Enright: Where will the women go now?

Deputy Mary Harney: They will go to St. Vincent's Hospital. The mammography service has been suspended and will not be restored pending the outcome of Dr. O'Doherty's investigation which we will have at the end of the month.

Deputy Leo Varadkar: I acknowledge the willingness of the Minister to come to the House and answer questions in free format. If other Ministers were prepared to do so on important issues such as this we would have a stronger Parliament and democracy and perhaps a better Government.

I understood the role of the Radiological Protection Institute was to assess whether machines were dangerous in terms of their emissions and not their efficacy. Will the Minister clarify this? Did all of the women affected have symptomatic breast disease in that they went to their doctors with a lump or were they breast screening cases? Breast screening cases would raise a different argument. As a doctor I would be surprised to hear that in places triple assessment is not the

norm for people who have lumps. I did not know this and it amazes me.

The phrase "centres of excellence" is a PR term. Let us be honest, we are not discussing centres of excellence we are discussing centres of adequacy and it is not what we have. The decision to have four centres in Dublin seems strange. Clearly, it has to do with university politics and I am disappointed the Minister did not take on the universities in the same way she did over the children's hospital and state they cannot all have a centre of excellence. Perhaps we should have had one or two in Dublin which would have been real centres of excellence like Sloan-Kettering. If hospitals in the north east or midlands come together and agree on one regional hospital is it open to consideration that at a later stage those new hospitals could become centres of excellence?

It will still be the case that women will have breast cancer diagnosed in smaller or district hospitals. Very often, when a person is in with a complaint such as a heart attack or pneumonia they are examined properly for the first time and a lump is detected. Is it envisaged that patients admitted with other conditions would be sent to a centre of excellence for triple assessment? It is important that it will still be possible to do mammography and biopsy on site as it is common for someone to come in with a different complaint and have a breast lump noticed during admission. Has this been considered?

Deputy Dara Calleary: Given all that happened this week will the Minister consider providing extra resources to HIQA to bring forward the audit and complete it as soon as possible as a way of restoring full confidence in the service? I agree with the Minister's wish and aim that every woman would have a surgeon who does at least 50 procedures. Does it make sense to close a service completing 80 procedures in a year and transfer it to a so-called "centre of excellence"?

Apart from the people around the table, what was taken into account when the proposed eight centres were selected? Were locations measured against criteria and were other locations considered? When will the medical, clinical and ancillary facilities such as car parking be in place? Will satellite services such as mammography be consultant-led and what will be the process for their management? Will Professor Keane have a role in oncology transport, particularly to bring people who do not have access to cars and public transport to a centre in a fair way?

Deputy Mary Harney: We spend a considerable amount of money on transport, with €20 million spent on taxis alone last year. Yesterday, when I spoke with a group from County Donegal I made the point that €100,000 is spent on radiation transport from Donegal. The HSE has put together a group chaired by Mr. McClintock from

[Deputy Mary Harney.]

the ambulance service to examine transport issues. It includes people from other public services. We need transport for reasons other than health and synergy could be achieved with other public services in developing a more modern and responsive transport system, particularly for those who live farthest away from the centres.

The HIQA data for 2006 indicate a figure of 43 in Mayo, 57 in Sligo and 42 in Portlaoise. I am not questioning anybody because I am not an expert in this matter and was not involved when the experts chose the centres in consultation with patient groups such as the Irish Cancer Society. However, while I have seen references to a figure of 80 since the announcement of the centres, this has not been confirmed by any data available to me or the HSE. HIQA will do a baseline study and Professor Keane is coming here. The number of operations carried out by individual surgeons is one of the factors which must be considered. The number of new cases presenting to the unit is also relevant because it is not a matter of one person working alone. The recommendation is that two breast surgeons should work alongside two radiologists with relevant expertise. Deputy O'Reilly will also be aware that not all radiologists are experts in needle biopsies, an essential capacity for breast radiology. As well as these experts, pathologists with relevant knowledge are needed. It is not just a matter of having one breast surgeon with a high volume of cases.

More resources will be allocated to HIQA which was established on a statutory basis in May and is already making its mark. It does not want to be solely an inquiry agency, although it commenced its operations by being involved in two inquiries. It is essentially a standards setting and enforcement agency and will have a major impact on health services. As is the case elsewhere, health services in Ireland will increasingly be driven by quality and standards. When we have the data, everybody will sign up to the standards.

Professor Keane will start in two weeks time. He will consult widely and have responsibility for controlling and allocating the budget for cancer services. We will be migrating some work out of the centres of excellence, or the cancer centres for those who do not like the word "excellence", to the hospitals from which cancer services are being withdrawn. Half of the surgical patients and 30% of the medical patients from the north east are treated in Dublin hospitals but many could be treated in regional hospitals. The intention is to transfer activity and ensure safety in regional units.

Deputy Varadkar is correct about the Radiological Protection Institute of Ireland and radiation safety. I am not sure who tested the machinery last May, but I do not think it was investigated from that perspective. I will revert to the Deputy with the information.

All of the cases were symptomatic, none arose from screening. Presumably, people were referred by their general practitioner because they had symptoms.

Deputy Leo Varadkar: Is it the case in the midlands when somebody presents to a general practitioner with a lump on the breast, that a triple assessment is not the norm?

Deputy Mary Harney: The Midland Health Board was given €7.8 million since 2001 for implementation of the O'Higgins guidelines. I do not know where that money went but surgeons, pathologists and radiologists have been employed.

Deputy Charles Flanagan: Another inquiry.

Deputy Mary Harney: I do not know whether these specialists sat down on a weekly basis to discuss cancer cases, as was recommended. The issue pertaining to the seven women in question was they had been given the all-clear. They were told everything was fine and to go home. Ten women who were identified as having cancer had no such ailment. They were probably subjected to a triple assessment.

Deputy Leo Varadkar: Was cancer excluded solely on the basis of the mammography?

Deputy Mary Harney: Yes.

Deputy Leo Varadkar: There was a lump but the mammography was negative.

Deputy Mary Harney: I do not know whether there was a lump because I am not a clinical expert. Irrespective of the reason, they were sent to the hospital. Clearly, they had some symptoms, presumably including a lump, and were given the all clear. Reference was made earlier to eight women, one of whom had a second mammography carried out in St. Vincent's Hospital after cancer was confirmed. I believe she spoke to the media.

I am advised that the national and British guidelines and the O'Higgins's recommendations advise that radiologists should be reporting 1,000 cases per year. If a radiologist reports 500 cases, he or she should get a second opinion because he or she probably does not possess the requisite level of skill. Nobody recommends two radiologists.

Deputy James Reilly: Except for BreastCheck.

Deputy Mary Harney: Yes, because symptomatic cases are supposed to be easier to identify than screening an entire population. A second radiologist is recommended internationally in those instances because it is more difficult to diagnose cancer among an entire population

when the people coming for screening have no symptoms. I am not a clinician and do not draw up the guidelines. They are developed by clinical experts in the field of radiology.

Deputy Charles Flanagan: Given that we would not be having this debate if it was not for the Portlaoise inquiry, the Minister will forgive me if I narrow my questioning to that issue. Will she outline the terms of reference of the inquiry? It was announced in September as a look back at the work of one person but has since become an inquiry.

Having regard to the fact that we now know more than one person is involved, the question of machinery is all the more important. Given that the mammography work was done by one person, a case can be made for examining other work undertaken in terms of X-rays and scans not involving mammograms. In view of the manner in which this unfortunate news is becoming public, there is a compelling case for making the inquiry independent. As with the issue which arose for the Department of Transport last week, it is not satisfactory for the HSE to be involved at the inquiry stage. I ask the Minister to accept that the issue is much wider than the work of one consultant during a certain period. We need to consider all the questions raised this afternoon.

In regard to the people who must leave the midlands for treatment in other areas, I ask that they be provided with medical cards. Capacity problems in St. Vincent's Hospital which have already arisen this week must be addressed in the period between now and the establishment of the new service rather than some stage in the future.

Deputy Denis Naughten: With regard to screening in the west, can the Minister explain why BreastCheck has refused to provide any details in respect of the number of women who already have been screened or will be screened by the mobile unit at the county hospital in Roscommon? Is the unit turning into a political ornament rather than a facility to screen women?

In respect of women in my constituency of Roscommon-Leitrim who have to pay for private screening, why is this not being independently monitored? When will such scrutiny commence?

On the issue of equipment, transport and value for money, when will we see up-to-date equipment in hospitals? Does the Minister think it acceptable that last month a taxi had to bring test results from the county hospital in Roscommon to Beaumont Hospital because the basic technology was not available to transmit the information? Does this represent value for money?

When will the cervical cancer screening programme be in place? Will women in the west once again be left behind in that regard?

Deputy Beverley Flynn: I wish to correct something. When the Minister spoke earlier, she mentioned that her figures indicated that in 2006 in

Mayo General Hospital there were 43 new cancer cases. The National Cancer Registry states there were 70 new cases in that year in County Mayo, 66 of which were treated at Mayo General Hospital. The figure for 2005, according to the registry, was 63 new cases. It is important that the statistical information is correct to ensure the wrong impression is not given. I also wish to point out that triple assessment is available to all new patients under the age of 35 years with a lump on the breast—

An Ceann Comhairle: Statements cannot be made at this point. I have explained that Deputies must put questions to the Minister.

Deputy Beverley Flynn: I have two questions for her. In her speech she referred to the survival rates for women with breast cancer. Does she have a breakdown of the figures, hospital by hospital? Is the statistical information available and, if so, will she make it available to us?

My second question relates to the forthcoming appointment of Professor Keane. The Minister mentioned that he will be responsible for the budget but will there be any flexibility in his role? Will he implement the national cancer strategy as currently outlined or, after the HIQA review, will there be flexibility built into his role, whereby he can change the strategy if the review indicates that it is advisable to do so?

Deputy Mary Harney: I did not respond to one of the questions posed by Deputy Varadkar. The universities had nothing to do with the selection of the centres. I know the Deputy has a particular interest in Blanchardstown where many of my friends feel this was the case.

In response to Deputy Flynn, there are no National Cancer Registry data for 2006. My advice is that the data are not available. Our data, the HIPE data which hospitals must submit every year, indicate that there were 43 new cases but I am happy to examine whatever data are available.

The job of Professor Keane will be to implement the strategy. He does not wish to be, nor was he, involved in the selection of the centres. Clearly, his job, the centres having been identified, will be to make it happen. One of his first tasks will be to appoint a team to assist him. He will not be a one-man outfit. He will have a deputy director and a number of key clinicians to help him in the task. He is very keen, in particular, to ensure a buy-in and will come to very flexible arrangements to make this happen as quickly as possible.

On the issue of cervical screening, we allocated some money this year to the national screening programme to begin preparations for a cervical screening programme. It will be rolled out yesterday.

Deputy James Reilly: Is that Freudian?

Deputy Olwyn Enright: Wishful thinking.

Deputy Mary Harney: My apologies, next year.

Deputy Denis Naughten: We understand. The Minister has had a long day.

Deputy Mary Harney: As I understand it, it will not be done in the same way as BreastCheck.

I apologise to Deputy Reilly for calling him Deputy O'Reilly. My very efficient press officer sent me a note saying "I think you said O." If I did, I apologise.

As I understand it, the screening service will be inviting expressions of interest from those who have the capacity to take smears. We must then deal with the issue of the laboratories. Deputy Reilly has made the point previously about the lack of accreditation here. These are the issues being addressed. I hope the Minister for Finance, when he announces the budget in a few weeks, will be in a position to announce additional funding for the screening programme to make it happen early next year. That is the plan to which we are all working.

On the issue of privately funded facilities, anyone can build and open a hospital in Ireland. Clearly, medical practitioners and nurses who work in them have to be registered but the situation is unsatisfactory. We have established a commission, chaired by Dr. Madden, which is due to report next summer. Among the issues Dr. Madden has been asked to address are those of accreditation and licensing. In the meantime we have written to the Independent Hospitals Association and health insurers in Ireland to advise them of the new standards and to ask them to implement them. As Minister for Health and Children, I am concerned about patients, whether they are in public or private facilities. They must be my main concern.

On the issue of basic technology, there is no justification for what Deputy Naughten described. To be fair, the technology in the health system is not adequate. That is a fact and because of the PPARS debacle, technology got a bad name. I do not know the facts of the case mentioned by the Deputy but it does not make sense to send essential data by taxi when it can be read electronically. Nowadays one can transmit data on a mobile phone across the world in a matter of seconds. Many countries have outsourced the reading of X-rays and so on. Modern technology makes many things possible. It has the capacity to end peripherality in the health system. We want to see modern technology used for the development of health services.

Deputy Beverley Flynn: That is why networking works. That is why in the Sloan Kettering centre they can do day surgery, diagnostics, chemotherapy, radiotherapy—

Deputy Mary Harney: The jury is still out on what will happen in the other hospitals in terms of diagnostics. Obviously, with regard to medical areas such as chemotherapy and radiation oncology, we have designated facilities.

My strong preference and that of the Government is to make as many things happen as close as possible to where people live, provided they can be quality assured. That is the only rule. Nothing else—

Deputy Beverley Flynn: Will the Minister build that into the terms of reference?

Deputy Mary Harney: If it can happen, my door is open.

Deputy Beverley Flynn: Fair enough.

Deputy Mary Harney: That is what the experts advise. Perhaps in a couple of years there will be new advice. I know that when Professor O'Higgins advised in 2001, he recommended 12 or 13 centres. By 2007, that figure had gone down because the evidence evolving suggests that rather than 100 new breast cases each year, a hospital should have 150. The evidence is changing all of the time. The challenge for us is to make sure our cancer strategy can keep pace with the changes in order to guarantee quality for patients.

An Ceann Comhairle: I call Deputy McHugh who will be followed by Deputy Crawford. We will then have to finish the debate.

Deputy Charles Flanagan: The Minister forgot to make reference to my questions.

Deputy Mary Harney: I beg the Deputy's pardon.

Deputy James Reilly: Will the Minister answer my question about the public private partnership and funding—

Deputy Mary Harney: I will.

Deputy James Reilly: Will there be double reading of scans?

An Ceann Comhairle: If Deputy McHugh will give way, I will certainly allow that question but I cannot oblige the Minister to answer any question.

Deputy Joe McHugh: I just have one brief question for the Minister.

An Ceann Comhairle: The Minister is being very comprehensive. In the light of that, I cannot do any more.

Deputy Joe McHugh: In the light of the commitment to establish Letterkenny as an outreach unit of the centre in Galway; the Minister's state-

ment that she is examining, with Mr. Michael McGimpsey, the possibility of a radiotherapy unit being established in Derry and the fact that she met private developers recently regarding a proposal for a private hospital, what commitment can she give to the people of County Donegal that the services at Letterkenny General Hospital will not be downgraded? These three units will be based within a 20 mile radius of Letterkenny. Is the proposed accident and emergency unit for Letterkenny General Hospital still part of the Minister's plan?

An Ceann Comhairle: Deputy Crawford is giving way to Deputy Reilly.

Deputy James Reilly: I simply reiterate the question I asked, namely, has the Minister abandoned the public private partnership process? Is that why we are now in a position to deliver the services in 2009 as opposed to 2015, as suggested by Professor Brendan Drumm? It is a specific question to which I would like a yes or no answer.

Second, will we have double reading of mammograms to protect patients from human error, regardless of what international practice may be? I discussed this issue with a professor of radiology today and he could not tell me why it was not done in symptomatic cases which clearly are very serious when it was done in the case of BreastCheck.

Triple assessment means that a patient is examined, has a mammogram and a biopsy which is checked by a pathologist. Otherwise one cannot diagnose or rule out cancer.

Deputy Mary Harney: The public private partnership process has not been abandoned but it is the case that through the traditional route we will have four extra machines at Beaumont Hospital and St. James' Hospital to deal with capacity issues between now and 2009 or 2010. However, we are talking about large sums of money. Deputy Reilly mentioned the Whitfield Clinic this morning but who provides the money is not the issue. The issue is safety and safe patient care. I am a fan of the HSE procuring services once they can be provided safely.

On the issue of double reading, I understand 15,000 mammograms are conducted every year, excluding the breast screening service, which is an incredible figure. I am not certain, for example, that if two people were reading in Portlaoise, it would have made any difference.

I forgot to answer Deputy Flanagan. I can provide him with the terms of reference. The HSE engaged Dr. Ann O'Doherty who is not an employee of the HSE but an employee of the independent organisation BreastCheck to carry out a review. She is an international expert and is involved with the breast screening programme

in the United Kingdom. The last thing one could accuse her of is not being independent. All clinicians value their autonomy and independence. She has been asked to look over the mammograms, ultrasounds and anything else that is relevant, including the machinery, and to write a report. When we see her report, we will see what follow up action is necessary.

An Ceann Comhairle: My apologies to Deputies O'Donnell, English, Deenihan and Bannon. Unfortunately, we did not reach their questions because the time had expired.

Private Members' Business.

Undocumented Irish in the United States: Motion (Resumed).

The following motion was moved by Deputy Michael Ring on Tuesday, 6 November 2007:

“That Dáil Éireann, recognises:

- the very difficult situation for thousands of Irish people of undocumented status living and working in the United States;
- the difficulties that the undocumented Irish experience because of their irregular legal status and the fear of deportation;
- that the undocumented deserve enormous credit for their highly effective public awareness and lobbying campaign in the United States, particularly through the Irish Lobby for Immigration Reform;
- the ongoing efforts of the Government, members of the Oireachtas and the undocumented Irish themselves to bring this situation to a satisfactory resolution;
- the strong economic ties between the island of Ireland and the United States and the contribution that Irish emigrants make to economic, social and cultural life in the US; and
- that efforts to pass comprehensive immigration reform in the United States Congress have so far been unsuccessful;

welcomes:

- the commitment of the Government and the Oireachtas to finding a satisfactory solution for the undocumented and to creating new reciprocal immigration arrangements between Ireland and the United States aimed at further enhancing our close bilateral relationship; and
- the strong support given by many members of the United States Congress to

Irish issues, including efforts to resolve the difficulties facing the undocumented;

supports:

- ongoing discussions at the highest level with the US Administration and Congress to establish reciprocal bilateral arrangements which would benefit Irish and American citizens seeking to work and travel in our two countries; and
- the strong commitment of the Oireachtas and the Government to continued engagement with the US Administration and Congress to resolve the difficulties experienced by the undocumented.”

Deputy Kathleen Lynch: I wish to share time with Deputy Damien English.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Kathleen Lynch: This motion is obscure but, nevertheless, very worthy. I congratulate and thank Deputy Michael Ring on tabling it. I also thank the Government for agreeing to it and ensuring it has cross-party support because we are talking about approximately 50,000 — it is said that is a conservative enough figure — of our citizens who are undocumented and living in America. When one considers there are approximately 11 million undocumented people living in America, one realises the scale of the problem. That figure should also indicate it is problem for which a solution must be found.

The term “undocumented” is probably a far more acceptable one than the one we use, namely, “illegal immigrant”. We will have to deal with the issue of illegal immigrants as well. We cannot very well say our citizens in America, who happen to be undocumented, must be dealt with in a particular way but not go any way towards dealing with undocumented people in Ireland.

The term “illegal” pollutes the debate because it is very difficult to deal with someone who is illegal. If someone is legal but undocumented, it is much easier to give him or her documentation and find a solution to the problem than it is to make someone legal. We will have to come to terms with the type of language we use and how we treat people who come to this country if we are to expect other countries to deal with people in a certain way.

It is vital that the message which goes out from this House is a united one. That message is that we have citizens living and working in America who have families, drive, pay their taxes and contribute in all sorts of ways to society. If something untoward should befall them, they would find themselves in circumstances in which they are completely exposed.

The driver licence crisis in New York is but one of the issues thrown up by this notion of being

undocumented in a foreign country. Some 152,000 people are about to lose their licences in New York. The new governor has put forward a solution which would benefit people who are there legally, who have driver licences and who are insured. Surely it would also benefit them to know that other people on the road are licensed and insured. However, even those people have put up huge resistance to people who are undocumented getting driver licences. It shows the solution will not be as easy as we think but one must be found.

That solution must be found nationally, state-wide and federally because, in some cases, people have been living in America for 20 to 30 years. They have families, are married, own homes, drive cars and pay taxes. Are we or are Americans to say to them they cannot stay there any longer and must leave?

What happens when a family member at home becomes ill or dies? What is the solution then? People cannot come home for fear of not being able to return to their families. We must be strong about this but not hypocritical. We cannot speak out of the two sides of our mouth.

In regard to the driver licence issue in New York, a gentleman told me his son is illegal in America and has a European driver licence which does not need a photograph but which will expire. Surely a sensible solution to the driver licence issue is for consulates in America, whether Irish, English, French or whatever, to be able to renew their citizens’ driver licences. That would be a solution which would get over a very serious issue. It would not legalise someone or give him or her any additional rights or the right of residence etc. However, it would enable them to drive safely and to be insured. Surely this is the solution and is something we could do for this young man.

It beggars belief that 152,000 people in New York would have no driver licence and, therefore, would not be insured even though they need to drive for work or for business. We have the solution to that problem in our hands.

I congratulate Deputy Michael Ring and the Government on taking the motion on board. With combined effort, we must find a solution to this problem. It is not beyond our wit. We should encourage the US Congress to find a solution. It will not be easy and no one is saying it will be. However, we should give them whatever encouragement we can. We should tell them that from now on we will be eternally grateful to them for assisting people who have put down roots in America and who wish to stay there because they like the lifestyle, have probably married American citizens, have children who feel American and go to school there and who use the transport system. A solution must be found and it should not be beyond our wit to do so.

Deputy Damien English: I am delighted to have the chance to speak on this important

motion and I thank my colleague, Deputy Kathleen Lynch, for sharing her time. This is a serious issue which affects nearly all our families as well as our electorates. I welcome the cross-party support for this motion and compliment the Government in this regard. This is the second time in this Dáil that we have had agreement on a motion in Private Members' time. It is nice to see and I hope it continues over the next couple of years rather than going back to the old way of opposing each other for the sake of it because it does not get us anywhere.

This is a very important issue and I thank the Government for all it has done over the past couple of years in this regard. I know it has been working very hard. Last night, the Minister of State alluded to the amount of money being spent and the work being done. The amount spent back in 1997 was also referred to but that was a different century and a different time. I ask Ministers to stop referring to 1997 as a benchmark against which to monitor increases in expenditure because it is a waste of time and is going back to a different era.

I compliment Niall O'Dowd, Deputy Fergus O'Dowd's brother, on the work he is doing in America with his group, the Irish Lobby for Immigration Reform. It is doing a great job, engaging in a very constructive debate and keeping the issue to the fore.

Immigration has become an important and emotive issue in Ireland, so I can imagine what it is like in America, especially after 11 September 2001. Deputy Kathleen Lynch touched on the issue of immigration. We have very serious immigration problems which we are not handling well. The Government is not taking enough of a lead in trying to educate the people about immigrants and foreign nationals coming into the country so they can work with them, etc. Many staff in Departments and in the various arms of Government are finding it difficult to work with non-nationals and those coming here from other countries. We have a lot to do ourselves to integrate foreign nationals coming to Ireland, whether from America, Europe, Africa or elsewhere.

Thankfully, the Irish integrate very well in America, partly because they are allowed to do so. Many people who left these shores now own businesses in the US and are employing people there. Their jobs are contributing much to all parts of the US, socially and economically. We need to learn from the manner in which Irish people have been accepted in the US. We should accept those who have come to Ireland in a much better way. Government initiatives and education are needed if immigrants are to integrate and be accepted.

This issue is a difficult one. We all get calls from our neighbours, friends and clients who live abroad. They ring us on a regular basis to find out if there is any news, or any hope of change in this regard. It is getting hard to keep giving those

people hope. We were nearly there on a few occasions over recent years, only to fail at the end. I ask that an extra push be made to try to get us across the line. Is there something we can do at this end to lead the way? Can we relax the rules slightly to assist Americans who are coming in here, especially those who are partners of Irish people? Maybe we can do a little to lead the way on our side. The Minister of State, Deputy Michael Kitt, seemed quite positive during his speech last night. He seemed to suggest that good news will emerge. When he responded to parliamentary questions on this issue in October, however, he stated clearly that he did not have much hope for any change in this regard in advance of next year's elections in the US. That concern was not mentioned last night. We need to give people proper information and really push this hard. Perhaps we can do something at our end to lead the way on this matter.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Tony Killeen): I would like to share time with Deputies Nolan and Curran.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Tony Killeen: This important debate follows an all-party motion on this issue that was agreed in this House and the Seanad in October 2005. I agree with Deputies English and Lynch that it is critical that tonight's motion be agreed by Deputies on all sides of the House. We need to send a positive message that all parties are united on this issue, even if it is something that happens infrequently.

It is important to acknowledge that many Members on all sides of the House have worked proactively on trips to the United States in support of measures which would assist the undocumented Irish. We should bear in mind that the Taoiseach and the Minister for Foreign Affairs avail of the opportunity to make the case for the undocumented Irish every time they visit the US, particularly on St. Patrick's Day. Every time the Minister, Deputy Dermot Ahern, has an opportunity to meet his counterpart in the US Administration and other officials in that country, he uses it to highlight this issue. Some benefits are arising from that, and some benefits have certainly arisen from the Taoiseach's active involvement in pursuing the same case.

It is fair to commend the engagement by people on all sides of the House in this matter. I refer in particular to the willingness of Deputies to travel to Washington, New York, Boston and various other places to support the undocumented Irish by meeting them, giving them practical support and making their case at Congress level. Many previous speakers acknowledged the work of the representatives of the Irish Lobby for Immigration Reform, whom I have met. Mr. Niall O'Dowd of the *Irish Voice* has quite rightly been

[Deputy Tony Killeen.]

singled out for his capacity to access the Irish community in the US. He has been quite forceful in driving this movement forward.

I acknowledge the work of the Irish abroad unit of the Department of Foreign Affairs, which gives practical and financial assistance to Irish citizens in many countries. I have worked with officials from the unit on many occasions. They have made a tremendous difference to the quality of support that is available to the undocumented Irish abroad. The Irish Embassy and consulates in the United States have been hugely proactive in advancing this case. We should also acknowledge the work of the Catholic Church and other churches in supporting undocumented people from Ireland and other countries in a practical way and engaging politically to advance this campaign.

Senators Ted Kennedy and John McCain have been to the fore in advancing this cause at Congress level. They have done tremendous work. Some people who are not as politically active as they used to be, such as the former Congressman Bruce Morrison, have also played a hugely important role. I appreciate the advice we have received from such people when we have visited the US on various occasions. When the current governor of New York State, Mr. Eliot Spitzer, visited Ireland two years ago, I hosted part of that visit and spoke with him. I am pleased with his initiative in New York State, which benefits many people. It is clear that his work on driving licences benefits many Irish citizens. I was pleased to meet Mr. Spitzer again last week in Lisbon, when we signed the International Carbon Action Partnership.

Like my colleagues on all sides of the House, I have travelled to Washington and other US cities to support this campaign. I was the Government's representative on a campaign organised by the US apostolic ministry. It was encouraging and instructive. I learned about the difficulties people have to address and the action that can be taken to support them. Along with FÁS, I hosted a jobs event in New York last year. I found it extraordinary that so many US citizens, some of Irish descent but many with no connection to this country, were interested in getting information about jobs in Ireland and eventually coming to work here. The idea of some kind of bilateral arrangement was mooted at that time. I was strongly advised at the time that positive moves on Capitol Hill should be supported and seen as the first step in terms of general immigration reform. I believe that was the correct strategy at the time.

Deputy English argued that it is important to give people an accurate picture of how immigration is evolving in the United States. It is notoriously difficult to do that, however, because the immigration picture can change quite quickly and radically. While that was the correct strategy

at one time, it now serves as an illustration of how difficult it can be to bring immigration reform to a successful conclusion.

No level of agreement has been reached on the number of undocumented Irish in the US. The authorities in that country seem to believe there are just 3,000 undocumented Irish there, but many of those involved in this campaign think there are more than 50,000 undocumented Irish in America. Figures released by the Department of Foreign Affairs suggest that there are approximately 25,000 undocumented Irish in the United States. While they comprise a substantial group of Irish people, they should be considered in the context of the 11 million undocumented people who are living in the US.

It is hardly surprising that the US Administration and the citizens of that country have particular sensitivities in this respect as a consequence of the events of 11 September 2001. We need to accept that certain sectors of US society strongly believe that the introduction of legislation to legalise undocumented immigrants would serve to reward those who have broken the laws of that country. That is one of the big difficulties to be overcome by this campaign and other campaigns aimed at improving the lot of undocumented people in the US.

Some people believe that the US Administration's visa arrangements with the Governments of Australia, Chile and Singapore afford a level of protection to undocumented people from those countries. That is not the case, sadly. The arrangements allow a set number of people to work on short-term work visas in the United States, but they do not in any way address the difficulties faced by the undocumented citizens of such states. That would not be a suitable route for Ireland to follow. While it would offer hope to Irish people who would like to work in the US in the future, it would not address the central issues of those who are currently in the US without documentation.

It is no wonder that there is a substantial number of Irish people in the US. It would be surprising if that were not the case. It is not that long since over 40,000 people were leaving this country every year. It was inevitable that some of them would put down roots, marry and have reason to stay in the US. They were unable to avail of the job opportunities which became available in Ireland in more recent years. It was a huge turn-around that a Government delegation had to go to America to encourage US citizens and Irish people who had emigrated to come to Ireland to take up work opportunities here. It was wonderful to see hundreds of educated, energetic and idealistic young people at a graduation ceremony in Galway earlier today who can remain in Ireland if they wish to do so. The vast majority of their counterparts 15 years ago would have had to emigrate.

It is also important to examine the political background to this issue. There is a long history of political and social connections between Ireland and the US. Approximately 36 million US citizens claim to be of Irish descent. We sometimes make good use of the Irish lobby in the US, which is hugely important there. We have to continue to make as good use as possible of the Irish lobby there.

When one is forced by circumstances to examine the technical difficulties and obstacles one is trying to address, it is important not to forget the reality of family life for the undocumented Irish in the US and their families back in Ireland. Many of the people we are discussing have elderly parents who are not well enough to travel to the US to visit them, although they could do so quite legally. It is a fact the undocumented Irish cannot return here for weddings and funerals and all kinds of family events which in Irish society, family members would normally be expected to attend. This is the nub of the difficulty and the human face of what could be regarded in bureaucratic and legislative terms. It is a real problem for families from all parts of the country, many of whom are from the west, who are living in the United States.

The diversity visa lottery programme accommodates a certain number of people each year and a significant number of American citizens work for Irish companies. Deputy Lynch succinctly illustrated our own difficulties when trying to deal with people who have come to this country which gives us an insight into the perspective of the US authorities as they see 11 million people who are undocumented in their country.

I am grateful to Deputies on all sides of the House for the all-party agreement on this motion as was the case in 2005. Everybody is determined to play a proactive role in trying to ensure a positive outcome for the undocumented Irish in the US.

Deputy M. J. Nolan: I wish to share time with Deputy Curran.

Like previous speakers, I am pleased to note the all-party agreement on this motion. I cannot see how it could be any other way. The Government and committees of this House have made strenuous efforts over the past five years and have had occasion to travel to the United States and have lobbied on behalf of the undocumented Irish. I was disappointed the efforts made by Senator Ted Kennedy last year and earlier this year were unsuccessful. We were all hopeful that significant progress would be made in regularising the undocumented Irish.

A total of 11 million workers in the United States are undocumented and the Irish element is a total of approximately 20,000 to 25,000. The US authorities have told us that they cannot separate the Irish from the other undocumented people even though the Irish make up a small part of

the total and even though the Irish have a strong tradition of emigration to the United States. Ireland is connected to the US by nine daily flights, compared to 20 years ago when there was a twice weekly service between the two countries. This gives some idea of the throughput of individuals travelling between the two countries. The last US census figures show that 30 million people claim Irish blood.

I commend the Government and the Department of Foreign Affairs in particular for its support of Irish groups overseas. Our recent prosperity should be celebrated by all Irish people. It is important to recognise and acknowledge the work being done by voluntary groups in the US and in other countries on behalf of Irish emigrants, many of whom in the UK and in Australia and New Zealand may have moved on in years and have fallen on hard times. The Government acknowledges the role of voluntary groups in supporting those individuals. In 2007 the Department has made €15 million available to these groups.

I am pleased there is all-party support for this motion. I encourage the Minister and the Taoiseach to use every opportunity, in particular the opportunity afforded to the Taoiseach on the occasion of St. Patrick's Day celebrations, to continue to lobby senior politicians and the Administration in Washington on behalf of the undocumented Irish. Most Members will be acquainted with individuals who are in the US and who are unable to return for family occasions such as weddings or funerals because they are unclear as to whether they would be allowed re-enter the United States.

I commend the Minister and the Government on the work and I commend the Opposition for the all-party agreement on this motion.

Deputy John Curran: I wish to share time with Deputy Mansergh.

I thank the Opposition for tabling this motion and I commend all sides of the House for agreeing the motion. We all have constituents who are affected by this issue. There was all-party agreement on the last occasion this issue was raised in the House in October 2005. I appreciate that the Opposition made use of Private Members' time and agreed to a joint motion.

Many of us in our capacity as public representatives have worked on this issue. We all know constituents who have been adversely affected. These are people who left Ireland when it was a different country, when the prosperity we now enjoy was not to be seen. People left this country for the US and for one reason or another could not return to Ireland. They are currently living in the US in different circumstances and those we refer to as the undocumented Irish are contributing to the society and the economy of the United States. We want them to be regularised so they can be part of the country in which they live and work and where they have married and have chil-

[Deputy John Curran.]

dren. It is a complicated story and the total number of undocumented people of all nationalities is up to 12 million. Members of this House have travelled to the United States and have discussed this matter with Senators and Congressmen from all sides.

I had the opportunity to travel to the US a number of years ago and met with Congressmen and Senators. We met Senator Hillary Clinton and Senator John McCain. On foot of our all-party delegation meeting with Senator John McCain, a motion on the undocumented Irish was tabled and debated in this House and in the other House and agreed by all parties in October 2005. It set out not a Government position but the position of both Houses of this Parliament regarding people who have emigrated. That motion was precipitated by a request from Senator John McCain and we delivered it. Two years later we are in the same situation and it is disappointing that progress has not been made. We may question what action the Government, the Minister or the Taoiseach can take. We might pass the buck and say it is up to the US Senate and Congress. As Members of this House we hold positions of influence, no matter what side of the House we are on. We should use that influence well and effectively.

I refer to the 29th Dáil and compliment a colleague, Deputy John Cregan from Limerick, who chaired an all-party *ad hoc* group with an interest in the undocumented Irish. He represented that cause here in the House and he also travelled to the US. I understand Deputy Cregan will continue to work in that capacity. That is important. All of us ask what the Taoiseach and Ministers can do. All of us have influence with our colleagues in the US. We meet them when they come to our country and we travel to theirs. Certainly from my perspective, one of the most interesting engagements I had was not when I was in the US but in March or April, prior to the general election, when eight members of the US Congress were in Ireland. I was part of a delegation that met them in a formal capacity. One night our official engagements concluded at 9 p.m. when we met them in the ambassador's residence in the Phoenix Park. After that we met informally on our own time — eight members of the US Congress and my colleagues and I- and travelled down town to a local pub where we discussed informally this issue. At the informal discussion we showed the hardship we could not necessarily get across at formal meetings and explained individual cases of people who left this country, and that meant an awful lot more to the Congressmen. The reason I use that example is that opportunity is available to all of us. If we are to encourage the US Administration, the Senate and Congress, to look at our case favourably then all of us on all sides of the House, with our active engagements with members of the Senate and

Congress, need to use that opportunity well. We need to influence them.

While we all appreciate there are a number of Senators and Congressmen who have associations and Irish backgrounds and who are sympathetic to what we are trying to achieve they need the support of other members of the Senate and Congress. It is important that Members on all sides of this House impress upon them the hardship that this is bringing to people of this country who emigrated many years ago when Ireland was a different economy and the circumstances they are now facing. We all have the opportunity to do this. While the primary focus resides with the Taoiseach and the Minister, and they have worked to their full capacity, I, in my capacity as an individual Member and my colleagues need to use our opportunities where we regularly meet, either here or abroad, members of the US Senate and Congress to impress upon them the importance of resolving this issue.

Deputy Martin Mansergh: I wish to share time with Deputy Blaney.

Acting Chairman (Deputy Johnny Brady): Is that agreed? Agreed.

Deputy Martin Mansergh: I am delighted to support this agreed motion and congratulate the Fine Gael Party for using its time to highlight an issue of concern to countless families throughout the country because their offspring, undocumented in the US, are unable to come home for family reasons and are vulnerable to exploitation.

For 20 years the undocumented Irish have been a major issue with successive Irish Governments and every party in this House. The problem reflects the wave of emigration in the second half of the 1980s and for much of the 1990s in an era of still high unemployment. There was also the attraction of the US as a land of opportunity. There has been a major combined effort on both sides of the Atlantic involving the White House, our friends in Congress, Irish lobby groups, one of the most prominent members of which is led by Niall O'Dowd, a brother of a Fine Gael Front Bench spokesperson, and emigrant groups who have received some funding from the Government.

I am confident that no stone is being left unturned. About 16 years ago we achieved with the help of friends in Congress, the Morrison visas, and in more recent times with the McCain and Kennedy proposals we came very close to a solution. Unfortunately it was not brought to fruition. We have very close links with America which I will not go over again and, of course, the US economy is dependent on the 11 million or so undocumented, not just Irish, but of every nationality. The obstacles are internal political obstacles. Obviously the attacks on 11 September 2001 made the whole situation immensely more difficult. There is also the issue of possible dis-

crimination between nationalities. Nonetheless there has been an exploration of bilateral options not open to that interpretation. Perhaps with the forthcoming election it will be possible to get commitments for afterwards. Our own experience should help inform us of some of the difficulties, even though our position is not the same.

We are not looking for a favour but the young Irish have a great deal to contribute to the American economy and society and, indeed, Ireland is part of the make-up of America. It is not satisfactory to have a legal position which is uncertain and unenforceable. Looking to the longer term it may seem Utopian but it would be great if the EU and the US could develop a common travel area along with free trade investment and other forms of free movement.

Deputy Niall Blaney: I thank Deputy Mansergh for sharing time. It is with much contentment that I stand here with the Government having commended this motion to the House. I do not believe there is a single Deputy in the House who does not have a constituent with family members living illegally in the US. Therefore, it is fitting that this motion should be passed by all parties in an attempt to unite the Irish Government's efforts and try to bring about immigration reform in the US.

It is estimated that there are approximately 25,000 undocumented Irish in the US. We are all aware of the hardship they face on a daily basis in addition to the difficulties faced by them by not being able to return home for holidays or to see sick relatives or attend weddings or funerals. This is the type of travel most of us take for granted.

This Government has been hugely committed to bringing about immigration reform in the US for the undocumented Irish. The Minister for Foreign Affairs, Deputy Dermot Ahern, has been a frequent visitor to Washington, having travelled there almost 20 times during the past three years in an effort to help bring about a resolution to this matter. While in the past mass emigration to the US was experienced due to hardship in this country, leaving families lonely and communities shattered, we are living in a much more prosperous economy. I was looking at statistics today and note that the Government has allocated €15 million this year for immigration services abroad. That is welcome.

The Taoiseach has brought this issue to the fore during his recent trips to Washington for St. Patrick's Day celebrations in recent years.

While the Irish Government does not have a direct input into US legislation, collectively we have been pressing on those who have a direct input to do what is right for the undocumented Irish. All agree that immigration is a huge problem for the US. The number of undocumented Irish make up a very small fraction of the total number of illegal immigrants in that country. The

Irish Government has voiced its backing for the proposal made by Senators Edward Kennedy and John McCain, with which all Members are familiar. This proposal would have provided a key opportunity for the undocumented Irish in the US to legalise their status and secure a path to permanent residency. However, it now looks unlikely that the immigration reform Bill will be passed and I do not envisage any movement on the issue until after the 2008 US presidential election. This does not mean that the Minister, Deputy Dermot Ahern, will not press for immigration reform in the meantime. Last month, he travelled to the US and met many from the political hierarchy to discuss the issue and I believe some progress was made.

Like other speakers, I also pay tribute to the undocumented Irish in the US who have not given up on the fight for immigration reform. The Irish Lobby for Immigration Reform has brought the Irish community in the US together and has ensured the matter remains at the top of everybody's agenda for which it must be commended. I am delighted to speak on this cross-party effort to highlight this important issue. I am glad that politics is not being played with the issue, which affects all of us one way or another. I hope that in the type of publicity arising from a motion like this one the media do not give people false hope. While we all have good wishes and intentions here, we do not want to give false hope to people out there.

Deputy Paul Connaughton: I thank Deputy Ring for tabling this motion. While there should have been no need for Fine Gael to do this, I am pleased the Government has seen fit to accept the simple thrust of our proposals. However, from what I have heard tonight, it does not seem to have any great enthusiasm for them. The Government should have been proactive on issues relating to our undocumented citizens in the United States who are trapped in a no-win situation in no-man's land. We all remember October 2005 when this House unanimously agreed to back the Kennedy-McCain proposals to introduce a new immigration policy for the US to take in all immigrants irrespective of their origin.

We in Fine Gael did everything to help our immigrants on this issue. Along with Deputies Ring, McGinley and Coveney, I met scores of members of the US Congress. We walked and addressed rallies of several thousand Irish men and women, many of whom had travelled all night across the United States to be in Washington for those rallies. A feature of those events was the number of participants from Northern Ireland. Unfortunately, the US Congress is not yet able to come up with a solution agreeable to either the Democrats or Republicans that would provide an opportunity for the undocumented to be allowed out of the darkness, to have the fear of expulsion from the US removed and above all

[Deputy Paul Connaughton.]

else to put in place a system to allow Irish citizens to come and go to see their families in Ireland as they so wish, which I would have thought is a basic human right. However, the upcoming US presidential election is now taking a grip on US politics and it is unlikely that the immigration Bill will feature before this great event.

Having been in America four times on this issue in the past two years, I recognise an alternative solution that would benefit most of the undocumented Irish in the United States. A bilateral agreement between the US Government and ours based on the same lines as the Australia-US model would create great opportunities for our people in the US to overcome the difficulties to which I have alluded. On the other side of the coin, many American citizens in Ireland tell me that our immigration policy is very cumbersome for them here. Given the significant US investment in Ireland, a large number of American citizens living in Ireland would welcome such a development.

There is also an all-Ireland dimension. The peace treaty should surely be enhanced by a joint approach by the Government and the Northern Ireland Executive to give Irish people North and South an opportunity to live normal lives in the US. Why is this not happening? I see the Minister of State shaking his head. He is like a man who does not believe what we are at either. We are doing it for the best interests and on behalf of our people in Washington at the moment. People like Niall O'Dowd, Ciaran Staunton, Grant Lally and a host of powerful Irish-Americans have spent their time and money trying to help our citizens in America. This is what they want. The Taoiseach has been over there many times. Why does he never take up this issue? He never put the matter to Senator Kennedy or any of the powerful Irish-American senators. Why does he not do so?

Deputy Michael Ahern: I ask the Deputy to withdraw that allegation.

Deputy Paul Connaughton: That is the question the Irish-Americans are asking. Regardless how the Government conceal it, it appears it does not have the stomach for it and we do not know why.

Deputy Paul Kehoe: I thank Deputy Ring for tabling this important motion. It is nice to see that the Government has seen fit to back a second Fine Gael Private Members' motion since the summer recess. I am not from the west but from the south east. There are not many Wexford people who are undocumented in America. While it affects quite a few families in Wexford, it would not affect as many as in Mayo, Galway or other parts of the west of Ireland. It is very sad to listen to the stories of some of these people who have not been home for years. Many of them are

involved in construction in America. Since the events of 11 September 2001, it has been even harder for them to survive in America given the tightening of laws on bank accounts, driving licences, etc. It is sad that many Irish people over there are on the breadline as a result. They do not need to be struggling.

Deputy Connaughton mentioned that the Taoiseach could come forward and press the matter home more forcefully, something he has failed to do in his ten years as Taoiseach. The Taoiseach should seek a commitment from each of the US presidential candidates to ascertain where they stand on the issue. If the Government had some form of commitment from whoever is elected President, he or she would be required to honour it. Given the number of Irish-American voters, such a commitment would help bring a candidate over the line in the presidential election. I call on the Government to carry that out.

In the past two years, the Australians have reached an agreement with the Americans. I feel a similar deal can be done for the Irish in America to allow them come home to the island of Ireland to their family and friends. Other speakers have outlined how they are unable to come home for funerals and family weddings. Many of them have not seen their parents in years. I would not like to be an Irishman in America unable to come home to see my family and friends. I call on the Minister of State to let the Taoiseach know of the strong statements from the Fine Gael side of the House. He can do something that he has failed to do in recent years.

Deputy Simon Coveney: I am glad to be able to speak on this issue and I am glad we have agreement on the motion. Many people in the United States are watching this debate at the moment on the Internet, listening to what we have to say and hoping we have something to say that will help in finding a solution to the problem. They do not want the kind of crocodile tears we have seen shed by many speakers. They have heard it all before. What people want from legislators and political leaders in Ireland are solutions. The goalposts have changed on this issue. Until a number of years ago we were trying to assist in the process of making the Irish case in the context of an overreaching immigration reform package led by Senators McCain and Kennedy. We wanted to support that process and use our Irish connections to make that happen because that would have provided an avenue for many Irish citizens to secure citizenship in the US, which they wanted an opportunity to secure. However, that opportunity is no longer available. The comprehensive reform package for immigration has been put on ice and it will not be examined or redrafted for some time. It is in that context that, as a Government and a Parliament, we need to find solutions for our people who look to us for leadership on this issue.

Only one person in this Parliament has the clout in Washington to make something happen on this issue. Delegations of backbench Members, junior Ministers and Members such as myself and Deputy Connaughton will travel to America, understand the issues and lobby for progress but that is not the same as sending the Taoiseach, the leader of the country, to the US with a single mission to put together a resolution to this issue with key opinion formers and decision makers in the House of Representatives and Senate. November is the key month in Washington, as appropriation Bills are taken and Senators can do deals to secure add-ons to such Bills to make things happen. That is how the Australian deal was done but it was only done after the Australian Prime Minister travelled to Capitol Hill and found a champion to push the Australian cause on the issue. The Minister of State, Deputy Killeen, is correct that an Australian solution would not solve all our problems but the way in which it was achieved is the template for a resolution for undocumented Irish citizens in the US.

While I am pleased the House has agreed this motion, I am not pleased about what is happening in finding a resolution to this issue. We need to go to the US and our champion, who is probably Senator Kennedy, needs to be approached from the highest levels. The Taoiseach, rather than the Minister for Foreign Affairs, needs to travel and perhaps take Ian Paisley with him to seek a solution because 50% of the undocumented Irish in the US are from Northern Ireland. This issue must be put in the context of securing the peace process on this island by uniting communities on the other side of the Atlantic who set up there because of the Troubles in Northern Ireland. What a powerful message it would send to Washington if Ian Paisley and Bertie Ahern were to march into Senators' offices side by side on Capitol Hill seeking their help and asking them to be a champion for the Irish cause on this issue and to use appropriation Bills in November to achieve a solution. That is what is required. I hoped the Taoiseach would be present to make a contribution to this debate but, unfortunately, he is not even here to listen.

Deputy John O'Mahony: I welcome the opportunity to contribute to the debate and to support the Fine Gael motion to regularise the plight of thousands of illegal Irish in the US. I congratulate my constituency colleague, Deputy Ring, on tabling the motion and on his continued efforts to resolve this ongoing problem, which has worsened since September 2001. I welcome the fact that the Government has agreed to support the motion. Many issues divide us in the House but it is right and fitting that we all unite in an effort to remove the fear among Irish people in the US and to regularise their status.

Fine Gael has always been committed to helping the undocumented Irish in the US. These are our people and they want to be given an opportunity to live without constant fear of deportation. Many of them left our shores before the Celtic tiger arrived. They did not leave by choice, as they sought employment they could not find at home. Others left Northern Ireland because of the Troubles. They have not been a burden on the US because they have worked hard and contributed to the economy and paid their taxes. The Irish community has a long and proud history and tradition of living and working in the US and it continues to contribute to the economic, cultural and social life of the country. Irish people do not want to be illegal. They have tried over the years to regularise their status and have applied for visas but have failed to secure them.

However, they have not forgotten their Irish roots and traditions and they deserve the opportunity to travel freely without the fear of deportation every time they approach a border. They deserve the chance to travel back and forth to the country of their birth. All of us have seen and heard at first hand the sad stories of people who were unable to come home for family funerals and weddings. We have witnessed the pain on the faces of parents who were too feeble or poor to visit their children and grandchildren in the US because they could not visit them at Christmas or holiday time in Ireland. I have met many illegal Irish at various times on visits to Gaelic Park in New York with football teams. The Irish people who visit Gaelic Park and various other venues throughout America congregate there because it is the only way they can get a taste of home. The hopes of our fellow Irish in the US have had many false dawns over the years. Following the collapse of comprehensive immigration reform earlier this year, it is an opportune time to bring forward a proposal for bilateral agreement.

I strongly agree with Deputy Coveney regarding John Howard, the Australian President, who landed in Washington to sort out the problem for illegal Australians. We need bold leadership. It is one thing for the Government to agree to our motion but it is another to find a solution. The Taoiseach and Ian Paisley need to travel to America to sort out this issue. It would show the Americans how far we have come in this country and it would help to solve the problem.

Deputy John Deasy: I commend my colleague, Deputy Ring, on tabling the motion. He has raised this issue for years and has been very consistent on it. Only a few short years ago, there was a debate about whether this was an important enough issue but that has been conclusively answered. It is an enormous issue for Irish communities in the US and it does not matter how many are involved. There are enough involved for us to take the issue extremely seriously. The question is how seriously are the Government

[Deputy John Deasy.]

parties taking it. They have been active on it but they have been unsuccessful, although that is not entirely their own fault. This is a complex problem, which depends a great deal on the consequences and outcomes for people of other nationalities. It involves issues that the Government, the Department of Foreign Affairs and the Irish ambassador to the US in Washington and his staff cannot control.

However, a key calculation and determination needs to be made in this regard. Does the State leave the issue to chance or does it launch an effective lobbying effort to bring about legislative change for the illegal Irish? That means more than the odd meeting or the odd delegation to Washington or visits on St. Patrick's Day. Such an effort should constitute regular contacts between members of the US Senate and House of Representatives and a small number of Oireachtas Members with a specific task to lobby over a number of years. A plan that involves Members of both sides meeting a long-term target is needed, otherwise we are wasting our time. The bilateral arrangement will not resolve this issue and I differ from my colleagues on this. This is not only about the Taoiseach, it is also about Members having face time with the right people on the appropriate committees of the Senate and House of Representatives over a few years, if necessary. That is the only way to find a conclusive solution to this problem. Even then, the task will be extremely difficult but the Government needs to make that decision. A comprehensive lobbying effort involving Deputies from both sides of the House might have some chance, but it needs to be focused and bipartisan.

Deputy Terence Flanagan: I congratulate Deputy Michael Ring on tabling this motion about the undocumented Irish in America and I thank him for his hard work on the issue to date. I also congratulate the Fianna Fáil-led Government and the Minister on deciding to support our motion, which makes sense.

It is estimated there are more than 50,000 undocumented Irish living in the United States, which makes this a substantive issue that requires urgent Government attention. The 50,000 undocumented Irish are people who have set up home and have deep roots in the United States, raising children and contributing to their communities. I have heard many sad stories through my constituents about their families, sons and daughters in America. These are stories about loneliness and isolation, where siblings cannot return to Ireland for weddings, funerals or for Christmas because of the fear of not regaining entry to the United States. This is not right and it needs to be changed immediately.

I am disappointed that previous attempts to raise this issue have been unsuccessful, partic-

ularly the draft Bill on immigration reform, which was the topic of debate in the US Senate earlier this year. It looked very promising, but sadly has not been passed. This would not be the first time that special arrangements were put in place for the Irish in America. In the past we had the Morrison and Donnelly visas. A bilateral agreement between Ireland and America would see the introduction of a new renewable non-immigrant system, which would make it easier for Irish citizens to work in the US. In return, the Government would allow more Americans to work in Ireland and commit itself to a culture of compliance.

It was suggested that the agreement could form part of an overall package, tying in the peace process in the North, given the substantial number of emigrants from the Six Counties who are now illegal in America. I call this evening on the Taoiseach and the Minister to launch a high profile campaign which will enable them to redouble their efforts to ensure pressure is put on the American President to sign a bilateral agreement with Ireland. With St. Patrick's Day not too far away, we should aim to have this bilateral agreement signed by then. I hope this will happen and that we shall see a smiling Taoiseach and a smiling First Minister in the North, Dr. Ian Paisley, sign the agreement with President George Bush. I thank all those Republican and Democratic senators as well as Mr. Niall O'Dowd for the great work they have done in America. I ask all parties involved to work harder on behalf of the undocumented Irish to help them secure visas to regularise their positions in America.

Deputy Leo Varadkar: I congratulate Deputy Ring on raising this matter and I acknowledge the support of the Minister for Foreign Affairs for this important issue. I welcome the fact that it has been identified as an area for potential all-Ireland co-operation, deserving inputs from the Government of Ireland and the Northern Ireland Executive.

Since the defeat of the McCain-Kennedy Bill on immigration reform, it has been clear that a bilateral agreement between the United States and Ireland is the only way forward in our efforts to resolve this issue and to set the tens of thousands of undocumented immigrants of Irish nationality on the road to legal status. It has been suggested that the bilateral agreement could follow the Australian E3 visa model. However, it is worth noting that this arrangement was more or less related to free trade arrangements between the United States and Australia, something that is not an option for Ireland as a party to the European Single Market. It also involved free trade in agriculture with the United States, which again is something to which we could not agree.

I do not see why a bilateral agreement of a similar or modified form, perhaps, could not be

achieved. As Deputy Flanagan indicated, noting the Morrison and Donnelly visas, it certainly would not be the first time that special arrangements were put in place for Ireland. I echo and reiterate the calls by my party colleagues for a co-ordinated Government campaign at the highest level to secure a bilateral agreement, including, if necessary, the direct involvement of the Taoiseach. I also echo Deputy Deasy's suggestion that this should be done at a bipartisan inter-parliamentary level.

It is fair to say that nobody here is suggesting an amnesty. In most cases the undocumented Irish initially had legal status, arriving in the United States on temporary or student visas, but subsequently violating the terms of those visas and becoming illegal. What we are suggesting is a process to put them on the road to legality, not an amnesty as such. It is also important tonight to remember that Ireland has become a country of immigration, having known net emigration for years. More than 10% of the population are non-Irish citizens — the figure is more than 22% in my constituency. Most of these immigrants are EU citizens who benefit from the Four Freedoms. Many are asylum seekers, refugees, work permit and work visa holders, but a small number have come to Ireland from outside the EU on work permits or working visas which have expired and hence these have become illegal immigrants, or rather undocumented, as we would call them if they were Irish living in New York rather than Moldovan living in Cork.

If we are asking the United States to show leniency in dealing with the undocumented Irish in America, surely we should be prepared to show greater leniency in dealing with foreign nationals in good standing and with good character who have become undocumented in Ireland. Perhaps that issue might be approached on the same bipartisan basis as this motion.

Deputy James Bannon: I am delighted to have the opportunity to speak on this cross-party motion. In particular, I thank my colleague, Deputy Michael Ring, for tabling it. As the instigator of this important initiative, he has the gratitude not only of the Members of this House but of the thousands of undocumented Irish in the United States and indeed their families here at home.

I have raised this issue on many occasions over the past five years, most recently in June when I tabled a question on the measures to be taken in the light of the Senate reforms. In reply, the Minister for Foreign Affairs said that only a bipartisan solution could succeed in reforming the US immigration system. I truly believe that the bipartisan approach taken yesterday in this House is the key opening move on the road to success for our citizens in the US whose well-being is in all our hands. For the 50,000 of undocumented Irish living in the US success in this regard is needed for

their sakes sooner rather than later. The statistics for the past couple of years are worrying, with a small but significant decrease in the number of green cards Ireland received in 2006 — 1,906 as opposed to 2,083 in 2005, and 54 lottery visas as opposed to 76 in 2005.

America has a long history of welcoming immigrants of all types, sometimes even illegal and undocumented persons. This welcoming philosophy is inscribed on the Statue of Liberty in the immortal words which invite the world to "Give me your tired, your poor, your huddled masses learning to breathe free." American immigration has the appearance of being fair and reasonable and indeed is highly regulated on paper, but the reality, as many Irish emigrants know to their cost, is very different. A climate exists whereby immigrants are forced to go underground. This is something we need to address and, like the other speakers on this side of the House, I hope that the Taoiseach will get off his butt and go to the US to deal with this issue.

Deputy Jimmy Deenihan: The fact that 21 Fine Gael Deputies will have spoken on this motion by the time it is finished this evening speaks volumes for the commitment our party has to this major issue. The fact that the Government has accepted the motion shows there is unanimity in the House on this issue.

The only thing we know for certain is that there is an enforcement Bill in the US Congress that will demonise and criminalise any person, in this case an Irish person, who knowingly helps in any way an illegal immigrant. That is the only prospect with which we are faced on Capitol Hill. All the leaders in the immigration movement in the US are calling on the Taoiseach to go to Washington. He should take with him the Opposition leaders. It has been stated that Dr. Ian Paisley should go, but it is important that Deputies Kenny, Gilmore and Ó Caoláin, the leaders of the Opposition parties in this House, also accompany him.

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

On behalf of my colleague, the Minister for Foreign Affairs, I welcome the consensus on this motion. I have been a Member since 1981 and it is not very often that there is such consensus. It is a fair indication of the cross-party concern. Last night and tonight we recognised the difficult circumstances faced every day by the undocumented Irish from every county, in the United States. There is consensus that we want the US authorities to respond to the plight of those concerned and recognise the contribution they make to American life and the economy. To do so would be in everyone's interest, particularly the undocumented. A way to achieve this must be found and we can all contribute in this regard.

[Deputy Pat The Cope Gallagher.]

Speakers from all parties have recognised the changed immigration policy in the United States which reflects the security-centred climate that exists since the events of 11 September 2001. The unfortunate reality is that immigration reform is now a very sensitive political issue in the United States and the presidential and congressional elections are approaching. Yesterday in the US Senate in Washington, a proposal to introduce temporary visas for essential farm workers in agricultural states, such as California, where there is strong demand for workers to bring in the crops, was withdrawn because of a lack of support. The Development, Relief and Education for Alien Minors Act 2007, which offers a path to permanent residence for young people brought to the United States before they were 16 years, was also rejected in the Senate. There is no doubt about the present level of opposition to any general amnesty for those who do not have legal approval to live and work in the United States.

An opinion poll in the conservative newspaper *The Washington Times* indicated yesterday that 77% of those questioned opposed the proposal to grant driving licences to undocumented Irish. Several speakers have drawn attention to the US-Australia bilateral arrangement as a template for us to follow in resolving this problem. The arrangements between the United States and Australia permit up to 10,500 Australians with third level qualifications to work in the United States on special E3 visas. Last year, only 1,400 Australians availed of this scheme which is not reciprocal and is not open to undocumented Australians in the United States. However, there are aspects of the E3 visa arrangement that could be very attractive to the Irish. The Minister for Foreign Affairs is examining this closely.

The Government is examining access to the United States for Irish people so they can contribute to the US economy and gain valuable experience in a legally compliant arrangement. This will not be achieved easily but it is worth great effort, and it behoves us all to work together to ensure we can resolve this issue.

I refute any criticism of the Taoiseach who raises this issue at every opportunity.

Deputy Simon Coveney: He did not raise it with the key person.

Deputy Pat The Cope Gallagher: He has raised it with the President, many Senators and Congressmen to try to overcome the difficulties that too many Irish citizens are experiencing. The Minister for Foreign Affairs, who has made 20 visits to the United States to address this issue, has been instructed to draw attention to Irish concerns, as have all Ministers and Ministers of State. We have done so regularly and I have done so on several occasions and will continue to do so until the problem is resolved satisfactorily.

The consensus that this is an all-Ireland problem that deeply affects the North and the Border counties, including Donegal, is correct. The upcoming tenth anniversary of the Good Friday Agreement next spring offers an opportunity to address the movement of people between the United States and Ireland in an all-island context. Such movement has benefited all the people of the United States over many years.

The Government would prefer to see the US Government adopt comprehensive emigration reform, as would Deputies Higgins, Ferris and others, but this must take full account of the advice of our well-placed friends in both Houses in the United States. The political prospects for reform are not there at present. We all know many clergy in the United States, including Fr. Brendan McBride, with whom Deputy Deenihan and I work, and we will continue to work together to try to achieve a resolution to this most serious issue.

Deputy Fergus O'Dowd: Is rún an-tábhachtach é an rún seo agus molaim an obair atá déanta ag an Teachta Michael Ring, go h-áirithe, chun é a chur faoi bhráid na Dála. Molaim freisin an comhoibriú idir sinne agus an Rialtas. Mar a deir an seanfhocal, ní neart go cur le chéile. Tá muid sa Teach ag comhoibriú ar son an méid de mhuintir na hÉireann atá ag obair agus a bhfuil cónaí orthu i Meiriceá. Tá mo dheartháir agus daoine eile ó mo chlann ag obair go dleathach i Mheiriceá agus dá bhrí sin tá eolas pearsanta agam ar an scéal agus a fhios agam go bhfuil mórán daoine ann nach bhfuil stádas dleathach acu. Is ar an tír agus an Rialtas seo a bheidh an milleán muna mbíonn comhoibriú eadrainn. Caithfidimid brú a chur ar Mheiriceánaigh, go mór mór daoine a bhfuil cáirdiúil linn.

Ní rud maith é go mbeadh an tAire Gnóthaí Eachtracha ag déanamh raice, agus é ar a shlí go dtí na Stáit Bhalcánacha, toisc gur labhair an Teachta Enda Kenny ar an ábhar. Dúirt an tAire Stáit go raibh an tAire Gnóthaí Eachtracha i Mheiriceá thart ar 20 uair. Tá sé in am dó dul arís, agus an Taoiseach ina theannta, chun an beart a dhéanamh don Rialtas. Ba chóir go mbeadh na státseirbhísigh a bhfuil againn i Mheiriceá ag obair ar an fhadhb seo chomh maith.

Deputy Pat The Cope Gallagher: Déarfainn go bhfuil siad dáiríre faoi seo.

Deputy Fergus O'Dowd: Mar a dúirt mé, níl aon mhaith ann má bhíonn an tAire ag gearán ar raideo Éireann agus é ar a shlí go dtí na Stáit Bhalcánacha faoi céard atá á dhéanamh ag an Teachta Enda Kenny agus Fine Gael. Caithfidimid oibriú le chéile agus an beart a dhéanamh. Tá sin ag tarlú anois, ach murach an rún seo, ní tharlódh sé.

Tá sé an-tábhachtach go leanfaidh an ceangal pearsanta idir an Taoiseach agus Senator Kennedy, agus daoine eile mór le rá i gcúrsaí

polaitiúla Mheiriceá, ar aghaidh. Is teagmháil dhaingean í sin le blianta fada anuas agus is cóir í a neartú chun réiteach a fháil ar an scéal agus comhoibriú idir Mheiriceánaigh agus Éireannaigh a chur chun cinn. Is cosúil, ón scéal atá faighte againn ó Mheiriceá nach bhfuil an teagmháil sin maith go leor go fóill. Caithfidh féachaint chuige go mbeidh ceangal maith eadrainn agus go leanfaidh sé ar aghaidh go dtí go mbeidh toradh maith againn agus go mbeidh na hÉireannaigh atá thall in Nua Eabhrac, go háirithe, a bhfuil aithne pear-santa againn orthu, in ann teacht abhaile chun bualadh lena cairde agus a clanna, go háirithe ag am Nollag.

Aontaím leis an méad a dúirt an Teachta Varadkar níos luaithe, go bhfuil daoine in Éirinn sa chruachás céanna leis na daoine mídleathacha i Mheiriceá. Ba chóir go ndéanfadh muid beart ar a shon. Is rud maith é go bhfuil sé ráite os ar anois go gcaithfidh oibriú ar a shon freisin.

Deputy Frank Feighan: I congratulate Deputy Ring on raising this issue and thank the Government for accepting the motion. There have been many debates in the Dáil and Seanad on the undocumented Irish in the United States and so much has been written thereon. When I was out there about a year and a half ago, I met some of these young men and women who could not come home for funerals. It is a serious situation. Many parents have contacted me to ask what they can do about it. We have spent about two or three years trying to deal with this issue. I accept the Government has done its best in this situation.

However, there are issues regarding the Kennedy-McCain proposals. When they failed, it was a kick in the teeth for us. Unfortunately, it increased the pain of the undocumented Irish. I propose that we come up with two solutions that may help the undocumented Irish. There are between 25,000 and 50,000 undocumented Irish in the US. Many years ago when we had the green card system, certain people in Ireland applied for that lottery system who had no intention of going to the US and who took up very important places. We must be united on this. If people have green cards and are not using them, maybe we could come up with some facility whereby those green cards could go to the people at the coal face who could use them and possibly come back.

I met an American citizen in my office last week who wanted to become an Irish citizen but did not have an Irish grandmother or grandfather. Perhaps we have enough people like that to introduce a reciprocal arrangement with the US which would sort it out. We can talk until the cows come home and so much hot air has been blown that we could fly the 50,000 home. These are two proposals which could be introduced. It is bartering but it could be done and reach people at the coal face. We are talking about 25,000 to 50,000 people, between 5,000 and 10,000 of whom are in serious situations. Maybe we could deal

with them immediately. I ask the Minister to take these proposals to the Government because we can sit around and wait for the House of Representatives and the Senate to agree. It may never happen. Under these proposals, we hope we can have a reciprocal arrangement. It is a matter of *quid pro quo* or “you scratch my back, I’ll scratch yours” and can help us save the undocumented Irish.

Deputies: Hear, hear.

Deputy Billy Timmins: One issue I wish to emphasise is the issue of bereaved families who face real difficulty in repatriating relatives who have been seriously injured abroad or the bodies of relatives who have died abroad, be they documented or undocumented. I would like the Department of Foreign Affairs to establish a dedicated unit to deal with this issue. This has become an increasingly difficult problem given the increased numbers of people travelling over the past number of years. I have had some experience of it myself and I ask the Minister for Foreign Affairs to take this message out of here tonight.

I commend my colleague, Deputy Ring, on tabling this motion. It is not today or yesterday that he and his colleagues, Deputies Connaughton and McGinley, highlighted this issue. The importance that Fine Gael places on this issue is evidenced by the fact that we took time out on Private Members’ business to put it forward. While the fact that the Government has taken the motion on board is a welcome development, it is regrettable that for a long period of time, this Government was happy to leave it to the Americans to do the work for us while we did nothing. Now we must do something.

We must realise that Irish people will always go to the US, irrespective of the economic conditions here. We have a unique relationship with the Americans and we must build on this to ensure that Irish people out there can get documented in a correct manner. We must also recognise the difficulty faced by the US authorities and that it is unpopular for their politicians to go down this road at the moment. We must emphasise the unique selling points we have, while recognising that the US authorities have extreme difficulties, particularly with their southern borders and the amount of illegal immigrants who enter the country.

In view of the fact that we have been subject to immigration in recent times, it behoves us as a nation to look into our own hearts and examine how we deal with people in a similar position in this country.

An Ceann Comhairle: Deputy Timmins has one minute left.

Deputy Billy Timmins: Deputy Ring has afforded me a minute or two out of the kindness

[Deputy Billy Timmins.]

of his heart. I met a young Brazilian girl whose father was murdered in the central Brazil. The back up we have for such people in this country is lamentable and regrettable. This girl was really lost and alone. She was several thousand miles from home and was virtually penniless, scraping together a few bob cleaning kitchen floors. We must look at how we treat such people in this country, in addition to ensuring that our people abroad are well looked after.

The local has become the global in recent times and many people have reidentified their Irish roots. In addition to looking at the US situation, I would like the Minister to look at others areas with Irish diasporas. I am thinking in particular of Irish people in countries like Argentina in South America, which I have mentioned here during the passports debate. We must take a proactive role in identifying where those people are and seeking to put in place bilateral agreements with the relevant countries so that we can facilitate interchange between our countries.

It is important to realise that particularly in England and to a lesser extent in the US there are small Irish enclaves beyond which Irish people did not move due to the critical mass they had in times past. With people aging and passing on, these people have become isolated and we have seen from clips from various television programmes how that isolation impacts on people. I want to see more funding and a more proactive approach from this Government in assisting the people out there. I commend my colleague, Deputy Ring, and thank him for affording me those additional minutes.

Deputies: Hear, hear.

Deputy Michael Ring: I again compliment the Government on taking this motion as a joint motion, which I was delighted to table. I thank my colleagues from all sides of the House who spoke. Everybody is sincere about this. I ask the Minister tonight to do one job. There are thousands of Irish illegals watching us in every part of the US tonight who are trapped in a situation they want to get out of.

These are Irish citizens and we can never forget about Irish citizens. I said here last night that the Americans preach and always say that they will look after their citizens no matter what part of the world they are in. Likewise, we must look after our citizens, no matter what part of the world they are in.

Deputies: Hear, hear.

Deputy Michael Ring: The recent census in the US revealed that 36 million people claimed to be Irish-American. I was surprised by what the Minister of State said tonight to the effect that there would be people in the US who would not want our Irish illegals to get driving licences. There is

goodwill out there. When Deputies Coveney, Connaughton and McGinley visited the US, the one thing that came across loud and clear from US politicians was that they did not believe there was a problem with Irish illegals in the US. That is why we need the Taoiseach; the Tánaiste; Ian Paisley, MLA; Martin McGuinness, MLA; and the leaders of the Opposition in this House to go to the US and lobby for our Irish illegals.

I say to the families here tonight and the people watching us in the US that this will not be easy. However, it will not work if the Taoiseach does not go because this is a political issue and such issues must be resolved by politicians, such as the Taoiseach and the US President. In a few weeks time, Hillary Clinton will visit Dublin for a fund raiser. Every other candidate in the forthcoming US presidential election will tell us about his or her Irish ancestors. I say to the US candidates that we are worried about our Irish illegals and we want them to be sorted out once and for all in the US where the Irish built the roads and railways but where they cannot even drive on the roads because the Americans will not give them driving licences. I say to the US ambassador and the US Government that we want our people legalised. I do not want to see these people back in the Dáil or outside the gates. I want to see them outside here or coming back into the Dáil with their sons and daughters and their American grandchildren who they can bring in and out of this country freely because it is the US in which they wish to live and where they have their homes and families. However, they are Irish and we should never forget that. We want to get them looked after and I call on the Taoiseach and the Minister for Foreign Affairs to immediately take that Government jet, go over to the US next weekend, go to Congress and lobby Irish-American politicians to try to get a deal for our Irish citizens who would love to be here. Many of them cannot be here because they left Ireland when there was no work. Many of them could be here but want to be in America with their family and loved ones. This must be resolved by politicians. I call on the Taoiseach to travel to America to try to resolve this matter.

Question put and agreed to.

Adjournment Debate.

Tax Code.

Deputy Eamon Scanlon: Tenancies in common and the repercussions with regard to capital gains tax affect several of my constituents. It is not uncommon for farmers at the point of succession to pass on their farms to two or more family members by way of a tenancy in common. Circumstances may change over time and joint ownership may need to be broken up for genuine

reasons. There is a substantial liability to capital gains tax where such partnerships are dissolved, even if partners continue to farm a share of the original farm and the land in question is not disposed of.

In my constituency, two brothers inherited a farm from their father. He left them the farm as tenants in common in 1990. Some 17 years later the brothers have married and have families. They want to split the farm but the tenancy in common means they each own every blade of grass on the farm. They cannot split the farm and continue to farm it because the Revenue Commissioners deem this to represent each brother buying from the other. This involves a capital gains tax of €50,000 each, a penal tax which they cannot afford.

Capital gains tax is chargeable on gains arising from the disposal of assets other than any gain that arose prior to 6 April 1974. Any form of property, other than Irish currency, including an interest in property such as a lease, is an asset for capital gains tax purposes. In the case I have highlighted there is no disposal of assets. Capital gains tax should not apply.

This is an anomaly of which the IFA is aware. It affects many farms throughout the country. At a time when the farming way of life is not as common as it used to be we should try to assist our farmers. The IFA proposes that where joint ownerships of family farms are dissolved and jointly owned assets are divided and transferred to individual family owners, no chargeable gain should be subject to capital gains tax. I agree with this stance.

I ask the Minister for Finance to make provision in the budget to take account of the situation outlined. It is unjust situation that penalises farmers trying to make an honest living and who are not trying to exploit loopholes in the tax system.

Minister of State at the Department of Finance (Deputy Noel Ahern): I have listened to the Deputy's case, which he put very well. However, there is a long tradition that the Minister for Finance does not comment on taxation matters in advance of the annual budget. My sympathies go out to the Deputy but I wonder why items such as this are selected for the Adjournment debate. The Deputy must wait four weeks to see if progress will be made on this issue.

Deputy P. J. Sheehan: Will it be good news or bad news?

Deputy Noel Ahern: The Tánaiste is sympathetic to the farming community and in his past three budgets he increased the capital gains tax retirement relief consideration threshold from €500,000 to €750,000. This exemption applies in the case of farmers aged 55 and over who dispose of their farms. In addition, where the disposal is to a child, there is no upper limit on the relief.

This is a very generous provision which is aimed at enabling intergenerational transfers of family farms.

He also introduced a capital gains tax exemption in respect of farm land that was leased prior to disposal. This allows a farmer to qualify for retirement relief where he leases the land for up to 15 years prior to disposal, provided it is subsequently disposed of to his child.

In addition, the Tánaiste extended the relief from stamp duty for farm consolidation for a further two years to 30 June 2009 and also extended it to qualifying exchanges of land where only one farmer is consolidating his or her holding. He made changes to the stamp duty relief for young trained farmers and updated the education criteria and simplified the refunds procedure.

Changes were also made to the capital acquisitions tax agricultural relief in respect of off-farm principal private residences. Agricultural relief provides relief from capital acquisitions tax on 90% of the value of a gift or inheritance. To qualify, 80% of a farmer's total assets must be qualifying agricultural assets. This has been amended so that an individual can now offset borrowings on an off-farm principal private residence against the property's value for the purposes of the 80% test.

The Government continues to offer strong and sustained support to the agriculture sector. Support for the sector will continue at a very high level. Expenditure by the Department of Agriculture, Fisheries and Food is in the region of €3 billion per year. Farmers can plan for the future with the confidence that direct payments worth €1.3 billion per annum under the Common Agricultural Policy, CAP, are secure up to 2013 and that the EU will continue to be a strong supporter of rural development.

There is more material in this script, outlining the good things the Government has done for the farming industry. I cannot provide more information on the point made by Deputy Scanlon. We must wait until this night four weeks to see if the Tánaiste includes it in his budget. I understand the matter is known to the Department and lobby groups are highlighting it. I will convey to the Minister that the issue was raised.

An Ceann Comhairle: I remind the Minister of State that the Deputy is entitled to raise the matter and it is not a matter to be disallowed. The Ceann Comhairle is perfectly within his rights to allow Deputy Scanlon to raise the matter, irrespective of what the reply might be.

State Airports.

Deputy Simon Coveney: I welcome the tendency of the Minister of State to *ad lib* some of the reply to the question. This may keep the reply relevant because the reply often consists of a list of things that have nothing to do with the issue.

Deputy Noel Ahern: The Deputy should not hold his breath.

Deputy Simon Coveney: I feel like a broken record raising this matter. The Cork Airport issue is an embarrassment. It is holding up the separation of Cork Airport, in terms of ownership and management, from the Dublin Airport Authority. We have a brand new terminal that has been operating for more than a year but we still have no idea how it will be paid for. A debt of €220 million is attached to the development and no one knows who will pay for it. That is a farcical situation and it has serious implications for the Dublin Airport Authority and its counterpart in Cork.

The Cork Airport Authority was asked by the Government to draw up detailed business plans regarding how it intends to carry the airport forward. However, the authority does not know the level of debt it will be obliged to shoulder as part of that proposal.

This is a political decision. I remind the Minister of State of the history of the Cork Airport debt. The decision, with which I agreed at the time, to split Aer Rianta and separate Cork, Shannon and Dublin airports from each other in an effort to promote competition and a degree of independent thinking and decision-making among them so that all three could prosper, was controversial for Cork because the Government had made a commitment, through Aer Rianta, to build a new terminal there. The authorities at Cork only agreed to the proposal on the understanding that the airport, when it became independent of Dublin, would not be saddled with a huge debt that would place it in a competitively disadvantageous position.

A political deal was done and it was confirmed by the Taoiseach in the Dáil, and in writing by the then Minister, Deputy Brennan, and on the record. The basis of this deal was that the new Cork Airport terminal would be given, on a debt-free basis, to the new airport authority. This would mean that the authority would commence operations without being obliged to shoulder significant debt.

Dublin Airport, which was Aer Rianta's cash cow at the time, agreed to take on the debts attached to both Cork and Shannon and was compensated by being given the asset bases of the Great Southern Hotel Group, which it subsequently sold for €230 million — more than the entire debt attached to Cork Airport — and Aer Rianta International, which owned a number of airports and duty free shops abroad.

Anyone who suggests that this issue is as simple as asking Dublin to pay for Cork does not know what they are talking about. That is not the crux of the matter. A deal was done that was fair to both sides. The Dublin Airport Authority was to take on the debt attached to Cork and Shannon

and was more than compensated for doing so by being given the assets to which I have referred.

As a result of lobbying by the Dublin Airport Authority, which has convinced the Cabinet that Cork can shoulder a fair share of its own debt, the most recent proposal from the Government is that Cork should carry €100 million of the debt while the Dublin Airport Authority will carry €120 million. That is a blatant breach of a political commitment made to the Cork Airport Authority and the people of the area. A resolution has not been reached and we have reached a stalemate as regards independence for Cork, Dublin and Shannon. I hope the Minister of State will provide a timescale in respect of the resolution of this matter.

Deputy Noel Ahern: I thank Deputy Coveney for raising this matter. The State Airports Act 2004 provides the framework for the establishment of Shannon and Cork as independent airports. As part of the airport restructuring process, the boards of Cork and Shannon airports are required to prepare business plans for eventual separation. Due to the fact that they are inter-linked, the production of the three airport business plans will have to be co-ordinated by the Dublin Airport Authority, DAA, to ensure overall coherence, before they are submitted to the Ministers for Transport and Finance for approval under the Act. In their examination of the plans, both Ministers will have to be satisfied that the airports have the capacity to operate on a sound commercial basis before giving final approval to them.

The Minister for Transport understands that the Dublin Airport Authority has been advised by consultants on an appropriate financing proposal that would facilitate the statutory objective of the separation of Cork Airport from the DAA in a timely manner, consistent with the requirements of the State Airports Act 2004 and the Companies Acts. The Minister is aware that the outcome of this analysis was that Cork Airport could sustain a certain level of debt while remaining a very viable enterprise.

Deputy Simon Coveney: That was not the deal.

Deputy Noel Ahern: The Deputy stated that the airport has a new terminal which was provided at a cost of over €200 million.

The Minister understands that the board of the Cork Airport Authority also engaged consultants to examine further the issue of the Cork debt. Clearly, the debt issue is crucial to the business planning process and there will have to be agreement on this point between the Cork Airport Authority and the Dublin Airport Authority before the Cork business plan can be completed and submitted to the two Ministers.

The Government's position is that the funding of the new terminal and other works at Cork Airport will have to take account, not only of what

is commercially and financially feasible for Cork Airport, but also what is commercially and financially feasible for the Dublin Airport Authority. If the Cork Airport Authority is to achieve autonomy in the foreseeable future, it will have to accept responsibility for a reasonable portion of the outstanding debt in return for the substantial assets to be transferred to it on separation.

As already stated, the agreement of the DAA will be central to the conclusion of the business planning processes for both Shannon and Cork.

Deputy Simon Coveney: In other words, the Dublin Airport Authority will make the decision.

An Ceann Comhairle: This is not the time for debate. The Minister of State, without interruption.

Deputy Noel Ahern: Accordingly, the Minister has encouraged the Cork Airport Authority to engage with the DAA on its business plan and, in particular, on the issue of the debt in order to pave the way for eventual autonomy for Cork.

The Minister for Transport recently met with Mr. Joe Gantly, chairman of the Cork Airport Authority, and reiterated the Government position that the procedure for the separation of Cork and Dublin airports is laid out in the State Airports Act 2004. That is the important point.

Deputy Simon Coveney: When will it come into force?

Deputy Noel Ahern: The relevant process and procedures are contained in the legislation and everyone is bound by them.

Deputy Simon Coveney: What about the commitment that was made?

An Ceann Comhairle: This is not the time for debate.

Deputy Noel Ahern: The Minister looks forward to a pragmatic and constructive engagement by all concerned which will facilitate an agreed business plan being submitted to him. When this occurs, he, along with his colleague, the Minister for Finance, should be in a position to consider the Cork Airport business plan. It is the responsibility of both airports, bearing in mind the provisions of the legislation, to arrive at an arrangement regarding a reasonable package that the two Ministers can approve.

Deputy Simon Coveney: However, the Dublin Airport Authority holds all the cards.

Deputy P. J. Sheehan: Is the Minister of State going to stand up for what the then Minister for Transport said when he turned the sod on the extension project in 2004, namely, that Cork Airport Authority would start out debt-free?

Air Services.

Deputy Jan O'Sullivan: I wish to share time with Deputy O'Donnell.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Jan O'Sullivan: I raise this matter because time is running short in the context of saving the Shannon-Heathrow slots. We were recently informed that the slots could be retained by means of a public service obligation under EU regulations. I call on the Government to apply for the retention of the route under that obligation.

The new information regarding the slots emerged following meetings held in Brussels between the Shannon Action Group and EU officials at which it was indicated that the Shannon case could well fall within the definition of a public service obligation. The latter would normally be associated with the provision of services such as electricity, water supplies, etc., to people living in remote areas. What is less well known is that a public service obligation can also be applied where an area can demonstrate that connectivity is an economic necessity for a region and that its loss will significantly disadvantage that region. There is no doubt that the loss of the Shannon-Heathrow connectivity would put the mid-west and the west at that level of loss and disadvantage. This has been well demonstrated by the detailed facts and figures supplied by members of the Atlantic Connectivity Alliance and the Shannon Action Group. There is no doubt that jobs and investment have already been lost and that further jobs are under threat.

An application to retain the route must be made by the Government to the EU Commission and I call on it to make that application to protect the sustainability of the region.

The Government has already stated that the decision by Aer Lingus contravenes its policy on regional development. It was reluctant to interfere with that decision up to now because it interpreted company law as saying that it could not do so. We interpreted its actions as meaning that it did not want to interfere. The grounds for seeking a change are now very different and are based on its obligations and rights as a Government rather than as a shareholder of the company. The Government should apply quickly to the EU Commission to save and protect jobs in the mid-west and west before it is too late.

Deputy Kieran O'Donnell: How many minutes do I have?

An Ceann Comhairle: Two and a half minutes.

Deputy Kieran O'Donnell: The Ceann Comhairle might stretch it to three.

Deputy Jan O'Sullivan: The Ceann Comhairle should not give the Deputy more time than I had. It is my motion.

Deputy Kieran O'Donnell: I thank Deputy O'Sullivan for sharing her time. This is where we will see whether the Government will stand over its policies on balanced regional development. Deputy O'Sullivan is correct to state the Government can do this on its own. It can make an application for a public service obligation, PSO, for the Shannon-Heathrow route under EU Regulation 2408/92. Article 4 refers to vital economic necessity to a region on the grounds of connectivity. Everyone is agreed we need proper connectivity, which we have through the Shannon-Heathrow route. If the Shannon-Heathrow route goes we will lose 40 city destinations and we cannot allow this to happen.

I find it regrettable the Minister for Transport is not here. On several occasions, we raised this issue on the Adjournment but he was never here to address it. Rather than lecturing us on what we should do, it is about time he stepped up to the mark with the Taoiseach and delivered on the promise of balanced regional development. A PSO is a clear route of doing so. It requires the Irish Government to apply to the Commissioner for Transport, Mr. Barrot, to make the Shannon-Heathrow route a PSO route. This would effectively mean the route would be preserved for the region and the country.

We must also consider the possibility that this could apply to the Cork-Heathrow route. We seek balanced regional development throughout the country. I call on the Minister for Transport, Deputy Dempsey, to apply to the EU Commission to make the Shannon-Heathrow route a PSO route under Article 4 of EU Regulation 2408/92 on the grounds of connectivity and balanced regional development.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Mary Wallace): The Minister for Transport fully recognises that connectivity to both Shannon Airport and the west of Ireland is a key concern. Ireland's existing air services public service obligation, PSO, scheme is focused on subvention of services from Dublin to Kerry, Galway, Knock, Sligo, Donegal and Derry. These PSO routes serve remote regional airports which, because of their remote locations and-or limited runway facilities, find it difficult to attract commercial scheduled air services. The PSO contracts expire in July 2008 and the Department has commenced consideration of the arrangements, including detailed tender specifications, that should apply for the next contractual period. Existing PSO services to the regional airports cost approximately €15 million per annum.

The relevant EU Council Regulation (EEC) 2408/92 of 23 July 1992 allows a member state to

establish a public service obligation in respect of scheduled air services to an airport serving a peripheral or development region in its territory or on a thin route to any regional airport in its territory, where such air services are considered vital for the economic development of the regions concerned and where air carriers are not prepared to provide them on a commercial basis. Subject to EU Commission approval, member states may limit access to the route concerned to only one carrier, provided the right to operate the services is offered to air carriers by public tender. They may also pay a subvention in respect of these routes subject to compliance with the criteria in the Council regulation.

The Minister for Transport, Deputy Dempsey, has asked the Department to consult with the EU Commission on the options for facilitating the provision of air services to meet the connectivity requirements of the west of Ireland in a liberalised, competitive aviation market.

Grant Payments.

Deputy P. J. Sheehan: I thank the Ceann Comhairle for selecting this important motion for debate. I am disappointed the Minister for Agriculture, Fisheries and Food, that girl from Donegal, is not here to provide me with a more informative reply. However, I will leave it to the Minister of State, Deputy Wallace, to bridge the gap in her absence.

How or why can the Minister launch a national farm improvement scheme grant in mid-July and end it, suspend it and run out of money, in three and half months? This is incredible treatment of a major industry and must be more than an embarrassment to the Minister. Even the HSE, that famous body operating the health services, normally takes ten months before it starts making cutbacks. It is one more of those gimmicks used to gain votes in the recent election that was so well portrayed by the Department on behalf of the Minister and her party.

An Ceann Comhairle: The Deputy is no mean hand at getting them himself.

Deputy P. J. Sheehan: The Ceann Comhairle is also a good operator. I am delighted he is married to a good west Cork girl to keep him on the right trail.

Deputy Kieran O'Donnell: It is the secret behind his success.

An Ceann Comhairle: It will not get us anywhere with the farm improvement scheme so I ask the Deputy to proceed.

Deputy P. J. Sheehan: Three and half months is barely enough time to get planning permission for these projects but not enough time to consult with architects or engineers to plan the regulatory

process. How can farmers plan their future if the rug is pulled from under them after only three months?

My main concern and the reason I raise this issue is that I am now informed those who applied before the deadline were told their applications will not be processed and that the Minister ordered applications received between 22 and 30 October to be put on hold indefinitely. Is this proper procedure for progressive farmers? How can the Government stand over this treatment of people trying to meet their obligations under the rigid farm procedures introduced by the EU and the Government?

This is another sleight of hand by the Minister and whatever about suspending a scheme from the date of announcement, she cannot apply the law retrospectively. I call on her to honour applications received before the 30 October deadline and honour the law as prescribed by the law of the land and enshrined in the Constitution. Every citizen is entitled to the same treatment and benefit under the Constitution. Whatever about ending the scheme, the Minister cannot break and dishonour the contract with applicants who validly applied two weeks prior to the closing date. I am reliably informed that 250 such applications have been made to the Clonakilty office and a further 400 were made to the South Mall office in Cork for east and north-west County Cork. The person who contacted me had intended to replace his milk tank at a cost of over €30,000, for which he would have received a grant of just over €6,000. I call on the Minister to honour her contract to all those who had made valid applications prior to her statement. Her job is to find the money to continue this farm improvement scheme. After all, the duty of the Minister for Agriculture, Fisheries and Food is to improve the agricultural sector.

I hope the Minister of State will have good news for the beleaguered farmers who are doing their best to meet the requirements but are frustrated by red tape and bureaucracy on the part of the Department.

Deputy Mary Wallace: I could be wrong but I do not think Deputy Sheehan's friend needs planning permission to replace his milk tank.

Deputy P. J. Sheehan: Is planning permission not needed for any future farm development?

Deputy Mary Wallace: The Deputy is speaking about replacing a milk tank.

An Ceann Comhairle: We cannot have a debate on this issue. The Minister of State should not invite comments.

Deputy P. J. Sheehan: I do not think the Minister of State is aware of the details of the issue.

Deputy Mary Wallace: Many developments, including replacing milk tanks, do not require planning permission.

I am glad of this opportunity to set out the position regarding the recent suspension of the farm improvement scheme. The scheme was launched by the Department in July 2007 following the receipt of EU approval for Ireland's rural development programme 2007-13. The scheme provides grant aid up to a maximum eligible investment ceiling of €120,000 for animal housing and related facilities, with a separate ceiling of €120,000 for investments in dairy hygiene. Grant aid was also extended under the new scheme to additional items such as grain bins and silos, out-wintering pads, mats on slats, cubicle beds and internal concrete areas, mobile sheep handling equipment, calf-feeding systems and feeding systems in parlours. Other changes included the removal of all income limits so that all farmers could participate in the scheme and the extension of top-up grants for young farmers to all qualifying applicants under the age of 35.

Under the rural development programme 2007-13, a sum of €85 million was allocated for the modernisation of agricultural holdings, including the farm improvement scheme. This is also the allocation agreed for this area in the partnership agreement, Towards 2016. Some €6 million of this amount was subsequently earmarked for the introduction in 2007 of the pig welfare — sow housing — scheme, thereby leaving an allocation of €79 million for the farm improvement scheme. The Minister made it very clear when launching the scheme last July that a certain financial allocation was provided for this scheme and that it would be suspended when that ceiling was reached. This was also clearly specified in the terms and conditions of the scheme. Everybody, including the farming organisations who were party to the partnership agreement, was aware of this from the outset.

The funding of €79 million for the scheme is part of an overall programme of investment of €350 million which was agreed in the 2006 partnership negotiations for farm waste and other on-farm investment measures. This is part of an overall €8.6 billion of public funding for the agri-food sector as provided for under the partnership agreement and set out in the National Development Plan 2007-13. It is real evidence of this Government's strong and continuing commitment to the further development of this sector.

The need to support farmers to become compliant with the slurry storage requirements of the nitrates directive was a major issue requiring an immediate and effective response from the Government. The Minister therefore introduced the revised farm waste management scheme as a generous and imaginative response. Grant rates of up to 75% are available to farmers under this scheme. The scope of the farm waste management scheme and the extremely generous grant

[Deputy Mary Wallace.]

rates resulted in over 48,000 grant applications being received by the Department. Over 34,000 approvals have issued to farmers to commence work. The remaining applications are processed as evidence of full planning permission and other necessary documentation is received from farmers. This is the largest capital investment in the sector in the history of the State and it continues to be the priority for the Minister. Expenditure to date this year under the farm waste management scheme has been €78.3 million, compared with just over €21 million during the whole of the calendar year 2006 and it is expected that expenditure in 2008 will be significantly higher again.

As far as the farm improvement scheme is concerned, over 12,600 applications were received from farmers up to the closing date of 31 October 2007. A wide range of items have been included in these applications, ranging from the purchase of mats for cattle to the installation of new milking machines and bulk milk tanks. Over 1,600 approvals have already issued to farmers to commence work under the scheme and the Department will continue to process these applications up to the level of funding available for the scheme.

As indicated earlier, funding for the farm improvement scheme is provided under the partnership agreement, which also provides for a review of its terms in 2008. In accordance with the terms of that agreement, the review will take stock of the outcomes achieved on the overall goals and consider opportunities to refocus and reprioritise. This is an important consideration in the context of the suspension for now of the scheme as far as new applications are concerned.

There can be no doubt the Government remains strongly committed to the continued development of the sector. The levels of funding proposed over the coming years for on-farm investment are unprecedented. Most importantly, we are also meeting our commitments under the partnership agreement. The uptake on the farm improvement scheme is an indication of the success of the scheme in meeting the needs of farmers. There will obviously be an opportunity in 2008 for all the social partners to review the operation of the various programmes provided for under partnership and, if necessary, to reprioritise within the budget set out in the national development plan.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Thursday, 8 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 3, inclusive, answered orally.

Questions Nos. 4 to 38, inclusive, resubmitted.

Questions Nos. 39 to 47, inclusive, answered orally.

Legal Costs.

48. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform if he will take steps to address the high level of costs involved in home repossession cases in the High Court; if his attention has been drawn to the fact that such costs often exceed the amount of the mortgage arrears; and if he will make a statement on the matter. [27327/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The issue of legal costs in contentious cases generally, which includes costs in home repossession cases heard in the High Court, is being addressed in my Department. By 'contentious', I mean legal services provided or work done in connection with legal proceedings before a court. I share the concern about the costs associated with civil litigation and I intend to bring forward practical proposals to help address the situation.

The issue of legal costs generally has been the subject of much scrutiny in recent years. In December 2005, the Report of the Legal Costs Working Group — which was chaired by Paul Haran, former Secretary General of the Department of Enterprise, Trade and Employment — was published by my predecessor. Broadly speaking, the Report recommended the replacement of the existing taxation of costs system with a new system of legal costs assessment.

A Group set up by my Department to advise on the implementation of that report and to con-

sult with the professional legal bodies has completed its deliberations. Officials in my Department have now commenced work on the drafting of a Bill to reform the manner in which disputed legal costs are assessed with the allied objective of making the market for civil legal services more predictable, consistent and transparent to consumers.

It is my intention that the Bill will also provide for significant improvements in the quality and quantity of the information that a solicitor is required to provide to clients and the manner in which it is to be supplied. I am firmly of the view that the individual litigant should have a central role to play in controlling his or her legal costs. How the litigant can be so empowered will be addressed in the Bill. Suffice to say that the timely provision of information to clients is central to this empowerment.

I want to have a new assessment of costs system which, as part of its remit, provides information to the public on the law and on client's entitlements relating to costs. The new system should have a mechanism to collect, analyse and publish data in relation to costs, counsels' fees, witnesses' expenses and other disbursements from all court jurisdictions.

Finally, the Bill will also provide for legislative and procedural changes to reduce delays in court hearings and generally expedite the legal process.

Citizenship Eligibility Requirements.

49. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if the introduction of an English language test for applicants for long term residency citizenship will be introduced on an *ad hoc* basis or if the Government will put in place the structures necessary beforehand and then introduce the test; and if he will make a statement on the matter. [26632/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy is aware, I have previously indicated my intention to review current citizenship requirements and, in particular, to consider the introduction of a language test for citizenship purposes. The use of language tests for immigration purposes is not a novel proposal; many countries use language tests in determining eligibility for citizenship.

The possibility of introducing a language test for the purpose of determining eligibility for long term residence was adverted to under the Immigration, Residence and Protection Bill 2007. Section 34 of the published Bill provided a number of standard eligibility requirements for long term residence and allowed for the introduction of further eligibility requirements including a requirement that the person can demonstrate a reasonable competence for communicating in the Irish or English language. As the Deputy may be aware, the Immigration, Residence and Protection Bill was not restored to the Order Paper of Seanad Éireann following the recent General Election. However, it is my intention to bring forward a proposal to Government seeking approval for the publication of a new Bill, incorporating the substance of the published Bill, during this Session.

Irish citizenship a great privilege. It is not something to be taken lightly. It cannot just be a matter of clocking up the necessary number of months of residence. On the contrary, it should be seen as a major and mutual commitment by the prospective citizen and the State. It is entirely appropriate in those circumstances that the State should require that the applicant demonstrate a real commitment to the nation and a capacity to communicate with their future fellow citizens and that the applicant should have acquired that capacity during the qualifying period.

Having regard to the fact that my proposals in relation to language tests remain under development I believe it is premature at this stage to detail the manner in which any such requirements may be introduced. Clearly however there are significant logistical issues as regards operating a testing regime and these would be explored in advance of any proposal to introduce such a test.

However, I understand that a range of strategic studies geared to informing policy development in the integration area are ongoing. These include studies on interpretation and translation and English language provision. The review of English Language Provision is being undertaken in cooperation with the Department of Education and Science who have commissioned an independent review to assist in the development of a national English language training policy and framework for legally resident adult newcomers. The review report is due early in 2008.

Victim Impact Statements.

50. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if he plans changes to the victim impact statement system; and if he will make a statement on the matter. [27362/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Victim impact statements are among the most effective mechanisms available to ensure the interests and concerns of the victims of crime are brought to bear on the criminal justice process. As section 5 of the Criminal Justice Act 1993 puts it, the court, before passing sentence, is required to take into account any effect (whether long-term or otherwise) of the offence on the person in respect of whom the offence was committed. This is one of the rare instances where the court is specifically directed as to a matter to be taken into account at the sentencing stage; courts otherwise (other than in murder cases) have a very large measure of discretion as to the matters to be considered in the context of determining the appropriate sentence. As a result of the procedure under section 5 of the 1993 Act, victims can expect to have a level of involvement beyond that of a mere witness.

I am, of course, aware of the recent debate about victim impact statements and I have followed it closely. As we are all aware, the debate arises from a particularly difficult and tragic case. In those circumstances, I felt it was better for me as Minister not to become involved in the discussion. That is not to say that I or my Department are not reflecting on the issues and may, if considered necessary and appropriate, bring forward proposals which will address any defect in the current arrangements or which may enhance further the role of the victim.

The reflection I have referred to takes account not only of the recent debate but also includes consideration of the very helpful comments made by the Balance in the Criminal Law Review Group, chaired by Dr Gerard Hogan, SC, in its report earlier this year. In relation to the current arrangements under section 5 of the 1993 Act, the Review Group suggests the section may be too restrictive in so far as it permits a statement by or on behalf of the direct victim only. It suggests there is a case for expanding the definition of 'victim' to include other persons intimately affected by the crime. I would note that this is frequently the case in homicide cases where the victim is, of course, unavailable but a close relative is, at the court's discretion permitted to make or provide a statement.

The Review Group also goes on to discuss the possible use of victim impact statements at the parole or remission stage and places this issue in the context of restorative justice, i.e. the victim would have an opportunity to address the per-

petrator directly, to make him or her realise more fully the harm that has been done.

In a further recommendation, the Review Group addressed the possibility of inappropriate use of statements and raised the possibility of restrictions on publication in certain circumstances, at the direction of the court.

I will continue to reflect on and consider how the current system can be improved. In my considerations, I will wish to ensure that the victim is allowed as much opportunity as is reasonably possible to have his or her experiences taken into account. But I must also ensure that, in the interests of all parties, we preserve the integrity of the criminal process and that due process continues to be observed.

The Deputies will appreciate the issues involved are complex and require careful consideration. It will therefore be necessary to take some time to ensure any proposals are appropriate and well grounded.

Witness Security Programme.

51. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the number of people who are participating in the State's witness protection programme; and if he will make a statement on the matter. [27338/07]

93. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform if he will introduce legislation for a statutory based witness protection programme to combat gangland crime; and if he will make a statement on the matter. [27533/07]

125. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform if he intends making changes to the State's witness protection programme; and if he will make a statement on the matter. [27351/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 51, 93 and 125 together.

As Deputies will be aware, 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.

The House will appreciate that by virtue of the highly confidential nature of such a scheme, it would not be appropriate for me to detail the specifics of its operation, including the identity or numbers of persons admitted to it. However, I can say that the Witness Security Programme is being operated in a significant number of cases at present and that it has demonstrably proven its worth over the years in helping to secure the conviction of very serious organised crime leaders.

The Programme initiated in 1997 did come in for some criticism in the Courts, although it must be emphasised that the validity of the operation of the Programme was upheld, including by the Supreme Court in 2005. In other words, not only has the Programme resulted in the successful conviction of key criminal underworld players but it has successfully withstood challenge in the courts.

Nevertheless, in deference to the weight that must be accorded comments made in the superior courts, a review was instituted by the Garda Commissioner. The outcome of the review resulted in some enhancements to the Programme so that it fully accords with international best practice in this area. The Programme as it now operates ensures the unambiguous separation of those responsible for the criminal investigation from the management of the Programme, to avoid any hint of a possible inducement being offered to the witness.

I would also wish to point out that the Witness Security Programme constitutes only one element of the State's response to the threat posed to persons who are prepared to give evidence against serious criminals. In particular, the Programme is primarily designed to facilitate, not innocent persons caught up in gangland crime, but willing participants of the criminal underworld who choose to turn on their erstwhile colleagues.

Whether we like it or not, people generally choose to enter witness protection programmes not because of the nature of those programmes but because there is something in it for themselves. This fact is key to determining the nature and form of any witness protection.

The reality is that every possible protection necessary for a witness can be and is already provided by the Garda Síochána as part of the existing Witness Security Programme, including financial support, a change of identity and relocation. The reason why gangland members choose not to avail more frequently of the Programme has nothing to do with the adequacy of the protection measures already in place and still less whether it operates on a statutory basis or not. The reason co-operation isn't more forthcoming is simply because people are not willing to give it.

Where statutory measures are considered necessary to support witness protection, they have already been enacted as part of the Criminal Justice Act 1999. In particular, Section 40 of that Act makes it an offence for a person to make enquiries or to take steps to discover the identity or whereabouts of a relocated witness. Introducing superfluous statutory provisions for other, practical aspects of the Programme would simply serve to reduce the flexibility required to respond quickly and proportionately to the oftentimes very specific needs of witnesses. This is a view shared by the Garda Commissioner.

Accordingly, I remain satisfied that the existing scheme is both sufficient and optimally arranged,

[Deputy Brian Lenihan.]

and I have no plans to introduce further legislation in this area.

Foreign Divorces.

52. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that the law relating to the recognition of foreign divorces is in a state of chaos, that different rules apply to the recognition of foreign divorces granted in different member States of the European Union depending on the date on which they were granted, that entirely separate rules apply to divorces granted by a court of a European Union State compared to those applicable to divorces granted outside the European Union and that there is an urgent need to comprehensively reform this area of the law. [25966/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Since early 2001, the recognition of foreign divorces within the EU (with the exception of Denmark) has been governed by a series of Regulations. Firstly, there was Council Regulation (EC) No. 1347/2000, commonly referred to as Brussels II, which entered into force on 1 March 2001. Secondly, there was Council Regulation (EC) No. 2201/2003, commonly referred to as Brussels II Bis, which has been in force since 1 March 2005 and which repealed the original Brussels II Regulation, albeit without modifying the 2001 jurisdiction rules upon which recognition is predicated.

Both Regulations contain transitional provisions to enable the recognition regime to apply to a larger number of judgments than would otherwise be strictly speaking within their scope.

The Domicile and Recognition of Foreign Divorces Act 1986 now applies only to the recognition of foreign divorces not encapsulated by the EU regime. Thus, the provisions of section 5, subsection 1 of this Act no longer have effect in relation to proceedings where the relevant jurisdiction has been exercised by a court of an EU Member State by virtue of the Brussels II Bis Regulation.

Given the relatively recent development of EU rules in this area, the special position of Denmark and the accession in 2004 of 10 new Member States, it is not surprising that there is going to be a period of time within the EU when the recognition regime is not as transparent as might be desirable. However, that is a matter which will improve with time and the transitional arrangements which have been arrived at are not susceptible to modification at national level.

The Deputy will appreciate that the primary focus heretofore has been on the settlement of recognition rules within an EU framework. The recognition of foreign divorces granted outside

that framework is a matter for individual Member States and the operation of the law in this area as far as this jurisdiction is concerned continues to be kept under review by my Department.

Garda Training.

53. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the number of Gardaí with firearms authorisation cards; the dedicated training facilities available to members of An Garda Síochána for training in the use of firearms; and if he will make a statement on the matter. [27390/07]

57. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform his views on whether it is satisfactory that An Garda Síochána have no indoor firing range for firearms training following the closure of the range in the Phoenix Park in 2005; when they will be provided with indoor firearms training facilities, other than the virtual automated training systems which are presently the only alternatives available; and if he will make a statement on the matter. [27301/07]

78. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of An Garda Síochána with firearm authorisation cards; and his views on whether firearm training for members is adequate. [27300/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 53, 57 and 78 together.

The total number of firearms authorisation cards issued to members of the Garda Síochána as at the 24th August 2007 was 3,345.

I am informed that Garda management is satisfied with the firearms training provided for members of the Garda Síochána who are authorised to carry firearms and that it compares favourably with similar training provided internationally by other Police Services.

Firearms Authorisation Card Holders are required to attend firearms refresher training at least three times a year. Two of the refresher courses are in respect of “live fire” and one course is in respect of the recently acquired Firearms Automated Training System. The Garda Síochána has two full-time Firearms Training Units based at Garda Headquarters and the Garda College.

Firearms Training is constantly reviewed to ensure that sufficient training is provided and that training compares favourably with international best practice. There have been significant developments in the Garda Síochána Firearms training in the last 18 months.

Three Firearms Automated Training System units were purchased by An Garda Síochána in January 2006, at a cost of just over €0.5m. This has proved to be a very successful initiative and

has allowed the development of judgmental firearms training as well as traditional marksmanship training in a non-live fire environment.

An Garda Síochána has access to a total of nine Army firearms ranges for the purpose of live firearms training. In addition, two prefabricated Modular Firearms Ranges have been ordered by the Garda Síochána at a cost of €3.2 million. Delivery and installation is expected before the end of this year and they will be put into operation in early 2008. One range will be located at the Garda College and the second in the Dublin Metropolitan Region.

These prefabricated Modular Firearms Ranges are newly designed products and will facilitate live fire shooting for up to four persons in a carefully contained environment which adheres to all range safety requirements. The delivery of the two prefabricated Modular Firearms Ranges will further reduce the Garda Síochána dependence on using army ranges and will provide access to firearms ranges at all times without causing noise pollution to neighbouring offices or residential areas.

Gangland Killings.

54. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform the action he will take to tackle the increase in gangland murders in the country; if he will deal with the situation of automatic remission; if he will widen the ambit of the Special Criminal Court to deal with these crimes; and if he will make a statement on the matter. [27298/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The number of murders is, of course, a matter of concern to me and the Government.

All killings, regardless of the persons or the circumstances involved, are the subject of a rigorous investigation by An Garda Síochána. The identification of the motive and the evidence available in its support are key elements of the investigation and prosecution process. On completion of such investigations an investigation file is completed and forwarded to the Law Officers who direct what charges, if any, are to be preferred. It is then a matter for the courts to decide on a person's guilt or innocence.

My highest priority is bringing gangland killings to an end and to bring those involved in gangland activities to justice. In recent days we have seen a number of successful operations carried out by An Garda Síochána to deal with gangland crime. I am sure all members of the House will join with me in commending the Gardaí for these successes. Obviously I cannot comment on the detail of what took place, since the operations form part of criminal investigations and court proceedings, but I will say that this type of relentless activity by An Garda Síoch-

ána, under Operation Anvil in particular, will continue to be used to deal with these gangs. I am willing to look at all options that might reduce gangland crime including options relating to remission.

Last week I published the policing priorities I have determined for An Garda Síochána for 2008, as provided for in the Garda Síochána Act, 2005. The first priority they contain relates to targeting gun crime, organised crime and drug trafficking. They refer to the use in particular of specialist units and targeted operations such as Operation Anvil; profiling, intelligence gathering and threat assessments in relation to individuals and groups involved in this type of crime; and the pursuit by the Criminal Assets Bureau of the proceeds of crime including through the presence of enhanced liaison arrangements between CAB and Garda Divisions.

The Government, and I am sure all members of the House, will fully support the Gardaí in their efforts. For our part we are providing unprecedented resources not just to the Garda Síochána but to all the agencies involved in the criminal justice system.

I am informed by the Garda authorities that An Garda Síochána is actively targeting organised crime on a number of fronts. Uniform and plain-clothes Gardaí, assisted by specialist units from National Support Services, are overtly and covertly disrupting known criminals in the course of their criminal activities. A number of organised crime groups targeted in this manner have recently had firearms recovered and drugs seized resulting in a number of gang members being prosecuted and convicted before the Courts.

In November, 2005 the Organised Crime Unit at the National Bureau of Criminal Investigation was set up to combat the growth of organised crime and in particular armed criminal gangs. This Unit has been expanded and now comprises of 70 members working full time proactively targeting various criminal groups. The Unit will continue to work closely with other specialist units, including the Garda National Drugs Unit and the Special Detective Unit/Emergency Response Unit, in targeting those suspected of involvement in organised criminal activity.

We have considerably strengthened the criminal law too. For example, we have made it more difficult to get bail in drug trafficking and firearms cases. The Criminal Justice Act 2006 updated offences and penalties for firearms offences and introduced minimum mandatory sentences of between five and ten years for those offences. We have extended the periods the Gardaí can question people suspected of involvement in serious crime for. We have updated the law on the right to silence. I am also willing to look at all options that might reduce gangland crime including options relating to remission. However, in any criminal justice system it takes time for changes which are made in the law to

[Deputy Brian Lenihan.]

have full effect in practice. In the immediate period ahead we need to support fully the operational measures being taken by the Gardaí to target all of those involved in these activities.

With respect to widening the ambit of the Special Criminal Court (SCC), provision already exists for the forwarding for trial in the SCC of persons accused of both scheduled and non-scheduled offences. In the case of scheduled offences which are also indictable offences, such persons shall be returned for trial to the SCC unless the Director of Public Prosecutions (DPP) otherwise directs. In the case of non-scheduled offences, such persons shall be returned for trial to the SCC upon direction of the DPP.

The conviction of many serious organised criminals has already been successfully secured in the SCC. The operation of the SCC in this regard is kept under review.

Family Law Proceedings.

55. **Deputy Ulick Burke** asked the Minister for Justice, Equality and Law Reform if he will make changes to the in camera rule in Family Law Court cases; and if he will make a statement on the matter. [27326/07]

94. **Deputy Dinny McGinley** asked the Minister for Justice, Equality and Law Reform if he will introduce changes to the in camera rule in Family Law Court proceedings; and if he will make a statement on the matter. [27447/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 55 and 94 together.

Recent policy in the law on the hearing in our courts of family law proceedings in private is reflected in section 40 of the Civil Liability and Courts Act 2004 and the regulations made under that section.

The Civil Liability and Courts Act 2004 (Section 40(3)) Regulations 2005 (S. I. No. 337 of 2005) allow certain classes of persons to attend family court sittings, subject to Ministerial approval, in order to draw up and publish reports. Ministerial approval is subject to certain safeguards including a requirement that the parties to a case or any relevant child would not be identifiable. Under this scheme, several persons engaged in family law research who were nominated by a body specified in the Schedule to S.I. No. 337 have been approved.

In 2006, the Courts Service introduced the Family Law Reporting Service on a pilot basis. The purpose of the pilot project was to provide much needed information on the family law area. The interim and final reports of the pilot project have provided valuable information on our family law system and I am pleased to note that the Courts Service has decided to continue the pilot

reporting project for a further year. I am sure that the information gleaned from it, allied to other ongoing family law research, will continue to be highly informative in improving the public understanding of family law.

The Final Report of the Family Law Reporting Service was published just last week and raises several issues in respect of the family law system generally. I believe that it would be prudent for me to consider the issues raised in detail before making any decision as to whether further changes to the in camera rule in family law proceedings are required.

Garda Technical Bureau.

56. **Deputy Pádraic McCormack** asked the Minister for Justice, Equality and Law Reform his plans for the upgrading of the Garda Technical Bureau; and if he will make a statement on the matter. [27343/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Garda Commissioner is responsible for the detailed planning and allocation of Garda resources in accordance with his operational requirements. The total strength of the Garda Technical Bureau at 30 September 2007, the latest date for which figures are readily available, is 88. As part of the major investment in An Garda Síochána a new Automated Ballistics Identification system will be provided for the Bureau and the Automated Fingerprint Identification system is being replaced and upgraded.

The Garda Commissioner has recently established a working group to look at the relocation of the Garda Technical Bureau to a new site at Kilsallaghan, Co. Dublin where it would be co-located with the civilian-led Forensic Science Laboratory, both of which work in very close partnership with one another.

Question No. 57 answered with Question No. 53.

Crime Levels.

58. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform his proposals for the Gardaí to combat the rise in stabings; and if he will make a statement on the matter. [27385/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The increasing incidence of knife attacks is obviously a worrying trend. The Firearms and Offensive Weapons Act, 1990 sets out very strict provisions for the control of knives and offensive weapons. The Act makes it an offence for any person, irrespective of age, to:

- possess any knife or any other article which has a blade or which is sharply pointed in

any public place, without good reason or lawful authority;

- trespass with a knife or any article made for causing injury to or incapacitating a person, and
- produce any article, capable of inflicting serious injury, in a manner likely to intimidate another person in the course of committing an offence or appearing to be about to commit an offence or in the course of a dispute or fight.

Any person found guilty of such offences is liable on conviction to a fine or imprisonment for a term of up to five years or both.

A person found guilty of murder through stabbing or otherwise is liable to the highest possible penalty of a mandatory penalty of life imprisonment.

The legislative provisions dealing with offensive weapons, and any other measures which might be taken to counteract this problem, are kept under constant review by my Department.

Prior to the commencement of the new sentences for a range of firearms offences provided for in the Criminal Justice Act 2006, an amnesty was granted for persons who were in possession of firearms and offensive weapons, including knives, to dispose of them.

Enforcement of the provisions of that legislation is a priority for An Garda Síochána and the resources available to the Gardaí have increased dramatically in recent years. That increase in resources will continue. In particular, the Programme for Government provides for an increase in Garda numbers to 15,000 by 2010 and 16,000 by 2012.

In addition to having very strong penalties for offences involving knives, we have to continue to get the message across to young people in particular that carrying around knives is dangerous and wrong. As part of their policing plan for next year the Gardaí plan to launch an education and awareness raising programme aimed at discouraging people, especially young people and teenagers, from carrying knives. This will be in addition to taking rigorous action under the criminal law against those found carrying them.

Gangland Killings.

59. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the briefing on gangland crime from the Garda Commissioner received by him on 31 October 2007. [27448/07]

132. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the matters discussed at his meeting on 31 October 2007 with the Garda Commissioner, Mr. Noel Conroy, regarding serious crime; if conclusions were reached at the meeting; if new specific

measures to combat serious crime were agreed at the meeting; and if he will make a statement on the matter. [27126/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 59 and 132 together.

Last week the Taoiseach and I and a number of my Government colleagues met the Garda Commissioner and the Deputy Garda Commissioner in charge of operations to discuss, among other issues, gangland activities. We were briefed very comprehensively on a series of actions being undertaken by the Gardaí to counteract the activities of these gangs. For obvious reasons it would be counterproductive to reveal details of some of the actions being taken. We will have further meetings with senior Garda management again to review progress.

Liquor Licensing Laws.

60. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform if he has plans to amend the laws in relation to underage drinking; and if he will make a statement on the matter. [27541/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Government Legislation Programme published on 25 September provides for publication of a Sale of Alcohol Bill in 2008. This Bill will modernise and streamline the laws relating to the sale and consumption of alcohol by repealing the Licensing Acts 1833 to 2004, as well as the Registration of Clubs Acts 1904 to 2004, and replacing them with updated provisions more suited to modern conditions.

The proposed Bill will contain reforms which are designed to strengthen existing provisions to combat under-age consumption of alcohol. These include a new requirement for all off-licences to have written policies and control procedures in place; a new offence of being in possession of a forged or altered Garda age card with intent to deceive; a new provision whereby a member of the Gardaí may request the name and address of any person suspected of committing, or of having committed, such an offence; failure to give such details will be an offence; and a new provision permitting a member of the Gardaí to arrest without warrant a person who refuses to supply his or her name and address or gives a name and address which such member has reason to believe to be false or misleading.

Garda Recruitment.

61. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform if his Department has drawn up plans to directly recruit members of eastern European police forces to An Garda Síochána; if there are plans for similar

[Deputy Ruairí Quinn.]

recruitment plans for other regions; and if he will make a statement on the matter. [27383/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In response to a request from the Garda Commissioner, a working group, comprising officials of my Department and senior Garda officers, was established in December 2006 with the task of considering matters relating to the regulation of recruitment of police officers from foreign police forces, both European and non-European. I understand that Garda management is now examining the training requirements and other implications of such recruitment, and I look forward to receiving the Commissioner's final proposals.

Prison Building Programme.

62. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform the status of the project to construct a new prison at Thornton Hall, County Dublin; the amount of money that has been spent on the Thornton Hall project to date; and if he will make a statement on the matter. [27340/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Negotiations are currently underway with a commercial consortium, which was selected following an E.U. tender procedure for the design, construction, finance and maintenance of the proposed prison facilities at Thornton Hall, North County Dublin. The new prison complex is being procured under a Public Private Partnership model which will include the construction of the prison facilities along with the ancillary infrastructure including services. The development consent procedure for the development is set out in Part 4 of the Prisons Act 2007.

Expenditure to date on the project has amounted to a total of €36,444,050 including site acquisition costs.

Sexual Offences.

63. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform the steps that he has taken to date in response to calls for an EU wide sex offenders database; and if he will make a statement on the matter. [27342/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question No. 135 on 9 October, 2007.

Pre-Nuptial Agreements.

64. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take in respect of the recommendations of the report of the study group on pre-nuptial agreements published in

early 2007; and if he will make a statement on the matter. [27324/07]

131. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform if he intends giving recognition to the concept of pre-nuptial agreements; and if he will make a statement on the matter. [27345/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 64 and 131 together.

The Study Group examined pre-nuptial agreements having regard to the provisions in the Constitution on the protection of marriage and the requirement of proper provision being made for parties to divorce proceedings.

The Group's core recommendation is that provision be made in both the Family Law Act 1995 and Family Law (Divorce) Act 1996 to provide that the courts be required to have regard to existing pre-nuptial agreements when making ancillary relief orders in judicial separation and divorce proceedings. The report makes recommendations on the formalities necessary for the proper making of pre-nuptial agreements so that parties making such agreements would be both fully informed and protected. The report also recommends the introduction of a statutory basis upon which a court may make financial provision for a surviving spouse who may be unfairly affected by the provisions of a pre-nuptial agreement on the death of the other spouse in certain circumstances, e.g. as a result of the passage of time or other intervening events.

The recommendations are being examined in my Department with a view to the legislative proposals that may usefully be developed in this area.

Public Order Offences.

65. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the number of persons given anti-social behaviour warnings since the new system came into operation on 1 January 2007; the number of anti-social behaviour orders sought in the same period; and if he will make a statement on the matter. [27378/07]

82. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of anti-social behaviour orders that have been issued by the Courts to adults and children to date; the number of behaviour orders that have been issued by An Garda Síochána to date; the number of good behaviour contracts that have been issued and renewed; and if he will make a statement on the matter. [27332/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 65 and 82 together.

Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act relating to anti-social behaviour by children was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and to the making of a behaviour order by the Children's Court.

In setting up this regime, the intention was that these warnings or good behaviour contracts would themselves address the problem behaviour. It is only if they fail that a civil order (in the case of an adult) or a behaviour order (in the case of a child) would be applied for by An Garda Síochána.

I am informed by the Garda authorities that up to 30 September, 2007, 264 behaviour warnings have been issued to adults, 80 behaviour warnings to children and two good behaviour contracts to children.

Criminal Injuries Compensation Tribunal.

66. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform if he is satisfied as to the operation of the Criminal Injuries Compensation Tribunal; and if he will make a statement on the matter. [27339/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can inform the Deputy that the Criminal Injuries Compensation Tribunal provides an accessible and independent means by which the victims of violent crime can receive financial compensation for any out of pocket expenses arising as a result of that crime, including loss of earnings and vouched medical expenses. As such the Tribunal meets an important public need and has served victims well over the years. A budget of €4.526 million has been provided to the Tribunal in 2007, which I understand is adequate to meet the cost of awards anticipated to fall for payment this year.

Gangland Killings.

67. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to combat the growth of organised crime with particular reference to armed criminal gangs; and if he will make a statement on the matter. [27508/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that An Garda Síochána utilises intelligence-led operations to target organised crime gangs. All available intelligence is fully

analysed and used in the strategic deployment of both local and specialised operational Garda units to target particular gangs.

Organised crime is being targeted on a number of fronts, involving uniform and plain-clothes Gardaí overtly and covertly disrupting known criminals in the course of criminal activities.

Specialist units from National Support Services are also assisting in these operations and deal with the different aspects of this type of criminal activity.

In November 2005, the Organised Crime Unit at the National Bureau of Criminal Investigation was set up to combat the growth of organised crime and, in particular, armed criminal gangs. This Unit has been expanded and now comprises 70 members working full time in proactively targeting the various criminal groups in operation throughout the country.

The Unit will continue to work closely with other specialist units, including the Garda National Drugs Unit and the Special Detective Unit / Emergency Response Unit, in targeting those suspected of involvement in organised criminal activity.

Operation 'Anvil' commenced in the Garda Dublin Metropolitan Region (DMR) in 2005 and was expanded regionally during 2006. It is an intelligence-led policing initiative, the focus of which is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity, through extensive additional overt patrolling, static checkpoints, by uniform mobile and foot patrols, supported by armed plain-clothes patrols, in conjunction with other covert operations.

The National Bureau of Criminal Investigation is also closely involved in Operation 'Anvil', particularly within the DMR. This operation continues to successfully target criminal gangs involved in gun crime.

In addition, all Garda operations are also reviewed on an ongoing basis to ensure their effectiveness.

Furthermore, the Criminal Assets Bureau is being actively utilised to identify and target assets accumulated by criminals, in order to seize such assets and to deprive the criminals of the profits of their criminal activity.

The Garda National Drugs Unit liaises closely with the Criminal Assets Bureau to target those criminals and criminal groupings believed to be deriving profits and assets from drug-related criminal activity.

This integrated approach adopts best practice in implementing a co-ordinated use of Garda resources and using available criminal legislation to its fullest extent.

Events over recent days provide further evidence that the range of measures being taken by An Garda Síochána continue to achieve significant successes being made against such groups.

[Deputy Brian Lenihan.]

For its part, the Government is determined that all of this work is strongly underpinned by continuing to provide An Garda Síochána with all the necessary resources it requires and by ensuring that our legislative package remains effective in dealing with those involved in such forms of criminal activity.

Finally, I can assure the Deputy that I will continue to keep the measures and resources for tackling organised crime under review and I repeat the assurance that I gave to the House recently during the lengthy debate on crime that it is my intention to continue to prioritise areas such as gun crime, organised crime and drugs.

Prison Staff.

68. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform when he will appoint a new Inspector of Prisons; and if he will make a statement on the matter. [27341/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The appointment of a new Inspector of Prisons is under active consideration and I will be making an announcement shortly.

Departmental Reports.

69. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform the cost of producing the report of the casino committee which was submitted to his Department in April 2007; and if he will make a statement on the matter. [27334/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been advised that the cost to date of producing the Report of the Casino Committee has been €21, 500. This includes costs associated with desk top formatting and an Irish translation of the Report. As the Deputy will appreciate the final costs will be contingent on the number of printed copies of the Report required.

I am at present considering this Report and I expect to be bringing it to Government shortly.

Decentralisation Programme.

70. **Deputy Pádraic McCormack** asked the Minister for Justice, Equality and Law Reform the number of staff from his Department who have been decentralised to locations outside Dublin to date; the cost to the Exchequer to date of his Department's decentralisation programme; and if he will make a statement on the matter. [27344/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I would refer the Deputy to my previous reply on 9th October 2007 (Ref. No. 22544/07).

Again, I am pleased to be able to report that my Department's Decentralisation Programme is firmly on target. Under the Programme, over nine hundred posts from my Department and its agencies are scheduled to relocate to seven provincial locations. To date, over four hundred assignments have been made and it is anticipated that close to five hundred posts will have moved out of Dublin by the end of this year. With over two years of the programme yet to run, we will have a presence in all seven locations by the end of 2007 and this represents more than 50% of the overall number of posts scheduled to move.

As the Deputy will be aware, the costs in respect of property solutions under decentralisation are primarily a matter for the Office of Public Works and these costs account for the bulk of the expenditure. The non-property costs incurred by my Department up until the middle of this year, in areas such as I.T., office equipment and training, amounted to just over one million euro.

Criminal Assets Bureau.

71. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform the specific additional resources he is making available to the Criminal Assets Bureau to enable them to target drug dealers at all levels of the trade. [26893/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the Criminal Assets Bureau, under Assistant Commissioner, National Support Services, works closely with other national units, including the Garda National Drugs Unit, and senior investigating officers in all Garda Divisions to ensure, wherever possible, that assets derived from criminal activity, including drug-related crime, are subject to post-conviction confiscation, pursuant to the Criminal Justice Act, 1994, civil restraint pursuant to the Proceeds of Crime Acts, 1996 / 2005 and Revenue and Social Welfare legislation.

There are currently fifty-five personnel at the Criminal Assets Bureau, consisting of administrative, technical and professional staff, including the Bureau Legal Officer, members of An Garda Síochána and representatives from the Revenue Commissioners and the Department of Social and Family Affairs under the command of the Chief Bureau Officer.

In addition to this, two further forensic analysts are currently being recruited and a further Revenue bureau officer will be allocated before the end of the year.

The Garda National Drugs Unit liaises with the Criminal Assets Bureau to particularly target those criminals and criminal groupings believed to be deriving profits and assets from drug-related criminal activity.

In relation to the issue of the Bureau's work at local levels, I can inform the Deputy that in order to maximise the benefit that can be derived from local knowledge, officers from the Criminal Assets Bureau work closely with Gardai from specific regions and localities in order to ensure that the efforts of the Bureau are targeted in the most effective manner possible.

In particular, the Bureau is utilising the services of Divisional Criminal Assets Profilers throughout the country. At present there are twenty seven divisional profilers appointed and operational. A further five members of An Garda Síochána are currently being trained as profilers.

The use of local Garda officers in this way ensures that preparatory groundwork can be carried out in advance of a full investigation by the Bureau. Asset profilers have at all times recourse to the expertise and advice of the Bureau.

The complement of Divisional profilers will continue to be monitored and reviewed on an ongoing basis and I have already included in the Government's policing priorities for An Garda Síochána a specific reference to enhanced liaison arrangements between Garda Divisions and the Criminal Assets Bureau in the pursuit of those engaged in drug dealing at all levels.

I am informed by the Garda authorities that the Criminal Assets Bureau has sufficient financial and other resources available to it to operate effectively pursuant to its statutory remit and that the Chief Bureau Officer keeps the allocation of personnel under constant review in light of the Bureau's workload.

I can assure the Deputy that any individuals in local communities who believe they can openly flaunt wealth or assets secured through illegal activities, including drug dealing, will be vigorously pursued by the Gardaí either through the provisions of the Criminal Justice Act 1994 or through the work of the Criminal Assets Bureau under its statutory remit.

Finally, I will continue to keep the measures and resources for tackling drug trafficking under review and I repeat the assurance that I gave to the House recently during the lengthy debate on crime that it is my intention to continue to prioritise areas such as gun crime, organised crime and drugs.

Human Trafficking.

72. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform if, in relation to the Human Trafficking Bill, he will include comprehensive victim protection provisions in a dedicated Human Trafficking Act; and if he will make a statement on the matter.

[26892/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy is aware,

the Criminal Law (Human Trafficking) Bill completed Second Stage in the Dáil on 1 November. The primary purpose of the Bill is to criminalise the trafficking of persons into, through or out of Ireland for the purposes of their sexual or labour exploitation or the removal of their organs. It is a criminal law bill and, therefore, deals exclusively with the criminal law elements of trafficking in human beings. This includes offering protection under the criminal law to victims of human trafficking. Specifically, it includes a provision whereby a judge may exclude persons from the court during proceedings in trafficking cases, where publicity might place alleged victims of trafficking and their families at risk.

The Bill also guarantees the anonymity of alleged victims of trafficking unless fully or partially waived by a judge in circumstances where he or she considers that the interests of justice so require.

The Bill also allows an alleged victim of trafficking to give evidence through a live television link, with the leave of the court in the case of adults, from within the State or abroad.

I announced recently the setting up of a High Level Group on Combating Trafficking in Human Beings. This Group is tasked with presenting to me the most appropriate and effective response to dealing with trafficking in human beings, and will consist of officials from my Department, representatives of An Garda Síochána and other Departments and Offices who have a contribution to make to the national response.

The Group will be responsible for drafting a National Action Plan to Combat Trafficking in Human Beings. The goal of the National Action Plan is to ensure that Ireland has the appropriate legislative and administrative structures in place for the protection of victims as well as for the prevention of trafficking and the prosecution of traffickers. Advertisements have been placed in the national press seeking the views of the public on what should be included in the Plan.

Also, it is my intention to include provisions in the forthcoming Immigration, Residence and Protection Bill which will strengthen the protections available to victims. In particular, I propose to include provision whereby a victim of trafficking can be afforded an immediate period of recovery and reflection in the State. It is intended that this period will allow the victim time to heal and recover from his or her experience and also the opportunity to escape the influence of those who engage in human trafficking. In addition, this time will allow the victim time to come to a decision on whether he or she wishes to participate in any criminal proceedings in the matter and, in circumstances where he or she so wishes, a further period of residence in the State to enable him or her to do so.

Garda Ombudsman Commission.

73. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he has applied to the Department of Finance for additional resources to be made available to the Garda Ombudsman Commission in Budget 2008. [27397/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am satisfied that the Office of the Garda Ombudsman Commission will have the resources it needs to carry out its functions in 2008. The 2007 allocation for the Office includes significant once-off funding relating to the initial set-up of the Office. Therefore, the 2008 pre-budget outlook figure has been adjusted accordingly. Indeed, the Commission is still in the process of recruiting its full staff complement and is currently recruiting additional investigative staff. There will, therefore, be more operational staff available during 2008 than in 2007.

Migrant Workers.

74. **Deputy Shane McEntee** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the plight of migrant workers in the State, of no fixed abode who are experiencing difficulty with former employers and who are in need of assistance; and if he will make a statement on the matter. [27442/07]

81. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to help and assist undocumented migrant workers in the State subjected to deception, exploitation and unfair practices at the hands of employers; and if he will make a statement on the matter. [27446/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 74 and 81 together.

All non-EEA nationals are legally obliged under the Immigration Act 2004 to ensure that their permission to remain in the State is kept up to date at all times. Indeed, it is their responsibility to make themselves aware of the relevant Irish immigration legislation prior to their entry to the State. They should also ensure that, where required, they are covered by the relevant employment permits in order to work in the State.

I am aware that, regrettably, there are migrant workers in the State who, perhaps through no fault of their own, do not hold the necessary documents. While I have the power to allow such persons to remain legally in the State, this will only be considered on a case by case basis and any decision will depend on the individual circumstances. This policy has been followed in

relation to cases already brought to the attention of the immigration authorities.

I have no proposals, however, to introduce any general regularisation programme for undocumented migrant workers in the State. Such regularisations are highly problematic and undoubtedly carry the danger of creating a pull factor for further illegal migration.

In general, and subject to what I have said earlier, if a person who is illegally in Ireland wishes to regularise his or her position, he or she should leave the State voluntarily and seek to return through the legal channels.

The question of enforcement of employment legislation is a matter for my colleague, Minister Micheál Martin and the Department of Enterprise, Trade and Employment. Ireland's body of employment rights legislation protects all workers employed on an employer-employee basis in Ireland. The Protection of Employees (Part-Time Work) Act 2001 provides that all employee protection legislation applies to a person, irrespective of his or her nationality or place of residence, who has entered into a contract of employment that provides for his or her being employed in the State or who works in the State under a contract of employment.

Garda Investigations.

75. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the progress made to date with regard to the Garda investigation into the murder of a person (details supplied) in County Monaghan on 20 October 2007; if the Gardaí have evidence to indicate paramilitary involvement in the murder; and if he will make a statement on the matter. [27367/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the Garda investigation into the murder in question is ongoing and that the investigation team based in Monaghan Garda Station is being assisted by specialist Garda units, including the National Bureau of Criminal Investigation and the Garda Technical Bureau. I am further informed that the Garda Síochána is working closely with the Police Service of Northern Ireland (PSNI), which has appointed a liaison officer to work directly with the Garda investigation team.

The Garda Commissioner has advised me that there is no information available to the Garda Síochána to suggest that this murder was carried out by, or on behalf of, any paramilitary grouping. I understand that the Chief Constable of the PSNI shares this view.

Joint Policing Committees.

76. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that the Joint Policing

Committees will have an opportunity to input into the formulation of local policing plans for 2008, as per guideline 5.3 of the Ministerial Guidelines under which the JPCs were established, in time for their publication pre-January 2008 in view of the fact that JPC members are unaware of any arrangements for same having been scheduled to date. [27400/07]

106. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that the Joint Policing Committees have not held public meetings in their local areas; and if the scope of his planned evaluation of the JPCs operation at the end of November 2007 will be limited by the fact that the JPCs have not conducted this core function. [27399/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 76 and 106 together.

The Joint Policing Committees currently established in a pilot phase operate under guidelines issued by my predecessor as Minister for Justice, Equality and Law Reform on 23 May, 2007, following consultation with the Ministers for the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs. In accordance with the Garda Síochána Act 2005, which provides for the establishment of such Committees, the guidelines state that the joint policing committees' function is to serve as a forum for consultations, discussions and recommendations on matters affecting the policing of the local authority's administrative area, in particular by carrying out a number of activities, including arranging and hosting public meetings concerning matters affecting the policing of the local authority's administrative area. The guidelines also provide that the Committees will act as a mechanism through which elected representatives and local communities can have a role in conveying information and views to Garda Divisional and District Officers to assist them in the formulation and operation of their annual policing plans.

The Garda Síochána Act provides that Joint Policing Committees shall be established and maintained by a local authority and the Garda Commissioner in accordance with the guidelines. It is therefore the responsibility of each Committee to fulfil the provisions of the guidelines.

The Garda Síochána Policing Plan for 2008 will shortly be finalised. Once finalised, it will be used to prepare Divisional and District Policing Plans, and the Committees can act as a mechanism to assist Garda Divisional and District Officers in this task.

I believe that generally the Committees established have made good progress to date in carrying out their functions and will continue to make progress. The Minister for the Environment,

Heritage and Local Government and I have decided to hold a consultation seminar on 29 November with participants in the pilot Committees to consider the lessons from their operation to date in preparation for roll out of the Committees to all 114 local authorities in the State. I believe that the seminar will provide a suitable opportunity to discuss the issues raised by the Deputy.

Garda Transport.

77. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform his views on the Report of the Garda Inspectorate, Policing in Ireland — Looking Forward, published on 26 September 2007; his further views on the recommendations of the report particularly the call for an increase in the size of the transport fleet and the number of marked vehicles; and if he will make a statement on the matter. [27372/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I welcome the third report of the Garda Inspectorate entitled, "Policing in Ireland — Looking Forward" which is a comprehensive examination of administration and operation of the Garda Síochána.

The remit of the Inspectorate under the Garda Síochána Acts 2005 to 2007 is to ensure that the resources available to An Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness both in its operation and administration when compared with the best practices and standards of comparable police forces. It is my role as Minister, and that of my Department, to support the Garda Síochána in achieving that goal of continued efficient and effective policing.

The Inspectorate has called for a more strategic approach to transport policy to ensure that it meets the business needs of the Force and I am sure that the Inspectorate's analysis will be of considerable assistance to the Garda Commissioner. I will fully support the Commissioner in his development of the organisation's transport policy.

Question No. 78 answered with Question No. 53.

Sale of Alcohol.

79. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform if he will use the powers available to him under Section 22 of the Intoxicating Liquor Act 2003 to provide for the traceability of alcohol sold for consumption off premises; and if he will make a statement on the matter. [27376/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to

[Deputy Brian Lenihan.]

my detailed response to Question No. 163 on 9 October in which I outlined the reasons why I do not intend to make regulations under section 22 of the Intoxicating Liquor Act 2003 at this time. I have nothing further to add to the details given in that reply.

Drug Treatment Court.

80. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform when or if he will roll out the pilot drug court scheme on a national basis; and if he will make a statement on the matter. [26306/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Drug Treatment Court, which originally operated on a pilot basis in the North inner city of Dublin, has been placed on a permanent footing and extended to the Dublin 7 area. The Court uses a multi-disciplinary approach and involves a range of Government Departments and agencies charged with dealing with various aspects of the problem of drug misuse. The Court operates with the assistance of a team which includes the judge, a probation and welfare officer, an addiction nurse, a Garda liaison officer and education/training representative and counsellors. There are plans to extend the Court to the rest of the Dublin Metropolitan District (of the District Court) on a phased basis and discussions with other agencies, including the HSE, are ongoing in this regard.

I am satisfied that the Court is providing a worthwhile and innovative service and I will continue to provide it with every support. The question of the further extension of the Court will be kept under review.

Question No. 81 answered with Question No. 74.

Question No. 82 answered with Question No. 65.

Garda Operations.

83. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform if there are plans to further enhance the co-operation between the PSNI and An Garda Síochána, allowing both forces to cross the border in pursuit of suspected criminals; if both forces will be legally allowed to arrest persons on the other side of the border; and if he will make a statement on the matter. [27356/07]

95. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform the protocol in place for Gardaí entering Northern Ireland and for the PSNI entering the Republic of Ireland; and if he will make a statement on the matter. [25108/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 83 and 95 together.

There are no protocols in place to provide for the entry of members of the Garda Síochána, in their capacity as police officers, into Northern Ireland and vice versa or for the purposes of the pursuit of suspected criminals and/or the arrest of persons. Provision for the deployment across international borders of police officers in respect of covert surveillance and the pursuit of suspects is made in the Schengen Agreement, which has been incorporated into European Union law. However, Ireland has exercised its entitlement not to 'opt in' to these Schengen provisions. This was done on the basis that the provisions are neither necessary nor desirable in the context of the Border with Northern Ireland.

There is already excellent police-to-police co-operation between the Garda Síochána and the Police Service of Northern Ireland. This co-operation includes, on occasion, members of the Garda Síochána accompanying PSNI officers in Northern Ireland and PSNI officers accompanying members of An Garda Síochána in this jurisdiction. However, neither An Garda Síochána nor the PSNI exercise police powers in such cases while in the others jurisdiction.

Garda Training.

84. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if Gardaí will be receiving specialist training regarding the identification of trafficked children into the State; and if he will make a statement on the matter. [27386/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that a module on 'Trafficking in Human Beings' is currently being provided by Continuous Professional Development training in the 2007 Core Programme. This training is provided to all members of Garda and Sergeant Rank.

All Student and Probationer Gardaí receive training on immigration legislation and aspects of the Children Act 2001. This training includes reference to child abuse and cruelty. A specialist training course on Tackling Human Trafficking — Prevention, Protection, Prosecution was developed in 2006 by personnel at the Garda College in conjunction with members of the Garda National Immigration Bureau (GNIB) and officials from the International Organisation for Migration (IOM). Personnel from the UK Human Trafficking Centre (UKHTC); Ruhama and the Migrant Rights' Centre Ireland (MRCI), (two Non-Government Organisations who regularly encounter people who claim to be victims of human trafficking), and officials from the Health Service Executive (HSE) (who have responsi-

bility for dealing with unaccompanied minors who arrive in the State, some of whom are suspected of having been trafficked into the State), assisted in the preparation of the training package and contribute to the courses on an ongoing basis.

The course is aimed at Garda personnel who interact with members of non-national communities and other ethnic groups, to assist them in identifying persons who may be victims of human trafficking. Fifty members of the Garda Síochána and the Police Service of Northern Ireland (PSNI) participated in this initial training programme during 2006. An additional one-hundred (100) members have completed the programme to date in 2007. The programme is ongoing.

Criminal Assets Bureau.

85. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform if he will put in place new or additional structures to locate local lieutenants connected to the criminal assets bureau to fight drug crime on a regional basis; and if he will make a statement on the matter. [27542/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Criminal Assets Bureau has been at the forefront of the fight against organised crime, including drug trafficking, in this jurisdiction since its inception in 1996. The significant successes that the Bureau continues to achieve by its operations demonstrates the effectiveness of its approach in pursuing illegally gotten gains.

The manner in which the Bureau operates has, in the eleven-year period of its existence, come to be viewed, both domestically and internationally, as a very successful model for targeting persons seeking to derive profits from criminal activities. The Criminal Assets Bureau is being actively utilised to identify and target assets accumulated by criminals, in order to seize such assets and to deprive them of the profits of their criminal activity. The Garda National Drugs Unit liaises with the Criminal Assets Bureau to particularly target those criminals and criminal groupings believed to be deriving profits and assets from drug-related criminal activity. In relation to the issue of the Bureau's work at local levels, I can inform the Deputy that in order to maximise the benefit that can be derived from local knowledge, officers from the Criminal Assets Bureau work closely with Gardai from specific regions and localities in order to ensure that the efforts of the Bureau are targeted in the most effective manner possible.

The Bureau continues to utilise the services of Divisional Criminal Assets Profilers throughout the country. At present there are twenty seven divisional profilers appointed and operational. A further five members of An Garda Síochána are currently being trained as profilers.

The use of local Garda officers in this way ensures that preparatory groundwork can be carried out in advance of a full investigation by the Bureau. Asset profilers have at all times recourse to the expertise and advice of the Bureau. Essentially a key function of these profilers is to ascertain and build up information at local levels and point out individuals at whom the Bureau's work can be targeted. Such information is then investigated and followed up further by CAB. The complement of Divisional profilers will continue to be monitored and reviewed on an on-going basis.

Finally in this context, I have previously advised this House that I have already included in the Government's policing priorities for An Garda Síochána a specific reference to enhanced liaison arrangements between Garda Divisions and the Criminal Assets Bureau in the pursuit of those engaged in drug dealing at all levels. I can assure the Deputy that any individuals in local communities who believe they can openly flaunt wealth or assets secured through illegal activities, including drug dealing, will be vigorously pursued by the Gardaí either through the provisions of the Criminal Justice Act 1994 or through the work of the Criminal Assets Bureau under its statutory remit.

Garda Investigations.

86. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform if the Garda Superintendent appointed to carry out an investigation into the circumstances in which the Gardaí failed to act on information supplied through Interpol from the Austrian authorities regarding the alleged involvement of people based in this country in a global child pornography ring has now been concluded; if it is intended to publish the report; and if he will make a statement on the matter. [27375/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the Garda Chief Superintendent appointed by the Commissioner to conduct an investigation into the incident has submitted a report which is currently being considered by senior Garda management. The Deputy will appreciate that it would be inappropriate for me to comment further at this time.

Garda Strength.

87. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the number of members of An Garda Síochána and the number of juvenile liaison officers and the percentage of the force this represents in respect of 2007 and each year since 2002; the reason there has been no increase in the number of JLOs despite the increase in the overall strength of the force; if he has plans to increase the number of

[Deputy Brian O'Shea.]

JLOs in view of the proven success of their work; and if he will make a statement on the matter. [27380/07]

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 number of Juvenile Liaison Officers was 93. The total strength of the force at the same date was 13,531. This represents 0.69% of the Force. Of course, while these officers are specifically dedicated to this service, a significant number of Gardaí are engaged in liaising with juveniles on a day-to-day basis.

The number of dedicated Juvenile Liaison Officers as of 31st December in each of the years 2002 — 2006 was as follows:

Year	Gardaí	Sergeants
2006	87 Gardaí	8 Sergeants = .73%
2005	87 Gardaí	8 Sergeants = .77%
2004	86 Gardaí	8 Sergeants = .77%
2003	85 Gardaí	8 Sergeants = .77%
2002	85 Gardaí	8 Sergeants = .78%

The Commissioner has approved an additional 28 posts for Juvenile Liaison Officers (JLO) to be phased in over the next 4 years, commencing with the allocation of 7 JLOs planned for this year. In September of 2007, I announced the impending appointment of 6 new JLO's to serve the areas of Blanchardstown, Tallaght, Cork North, Waterford, Newbridge/Naas and Sligo/Leitrim. The recruitment process for these posts is underway and the selected applicants are expected to be announced shortly.

Garda personnel assignments throughout the Country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed by Garda management. The purpose of this is to ensure that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public.

Probation and Welfare Service.

88. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the Probation and Welfare Service is adequately resourced; and if he will make a statement on the matter. [27333/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I wish to advise the Deputy that following various reviews of the Probation Service which included the findings of the Expert Group published in 1998 and 1999 together with the Comptroller and Auditor General Report in 2004, a new Director was appointed as Head of the Probation Service in September, 2005 following an open competition.

To support the Director and strengthen the management of the Service, a new senior management structure was also put in place comprising 3 Deputy Directors and 2 Assistant Directors.

I can further advise the Deputy, that on foot of a Government Decision dated 18 April, 2007, approving a "Juvenile Justice and Child Protection Package", an additional 71 professional and administrative posts were approved for the Probation Service.

Currently, the approved staffing complement for the Probation Service, including the additional posts referred to above, is 435, which comprises 348 profession and 87 administrative staff. In addition, there are 24 full-time and 49 part-time Community Service Supervisors (State Industrial Employees) who supervise the performance of unpaid work in the community by persons who have been convicted of an offence, for which the appropriate penalty would be an immediate custodial sentence and who has given consent to the Court to impose a Community Service Order.

I can also advise the Deputy that the budget allocation for the Probation Service this year is €59.323 million. Having secured the aforementioned additional posts for the Probation Service earlier this year, I am satisfied that the Service is, at this juncture, adequately resourced both from an authorised staffing numbers and a financial perspective.

Border Controls.

89. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the discussions he has had with the British authorities regarding their plans for the introduction of an electronic border control system by 2009; if the Government will introduce a similar system here; the implications of the British decision for Ireland's immigration control system; the implications for travel to and from Northern Ireland; and if he will make a statement on the matter. [27361/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There has been ongoing liaison between officials from the Irish Naturalisation and Immigration Service (INIS) and their British counterparts since 2005, both on the development of the British e-Borders system and to assess the potential benefits which would accrue to Ireland if such a system was to be developed here.

I am advised that the British authorities are close to finalising a contract for the provision of their e-Borders system, which is due to be rolled out in the period 2008 to 2014. I also understand that there is a provision in the e-Borders contract for the system to provide data on passengers travelling from this Jurisdiction to Great Britain. However, I am advised that no decision has been

made as to how or when in the roll-out programme, this data will be captured.

A Project Development Team (PDT) has been put in place chaired by the Irish Naturalisation and Immigration Service (INIS) to scope out the development of an Irish Border Information System. The PDT comprises representatives from all the Agencies which may benefit from the advancement of the concept in this country including An Garda Síochána, the Department of Finance, the Revenue Commissioners, the Departments of Foreign Affairs, Social & Family Affairs, Enterprise, Trade & Employment, and Transport. The PDT has unanimously supported the development of a system in Ireland. I expect that a Memorandum containing detailed proposals will be submitted to Government early in the New Year.

The Irish system, as currently envisaged, would be similar in some ways to the British system. Passenger information will be collected by carriers and sent to an Irish Border Operations Centre (I-BOC) where it will be screened against immigration, Garda and other watch-lists. In the event that a match occurs the relevant agency concerned would be alerted immediately, enabling them to take appropriate measures to intercept, question, stop or arrest the individual concerned.

INIS and the PDT consider it prudent to develop such a system incrementally. It would be intended to commence with a number of long haul air routes and perhaps one watch-list, increasing over a period of 2 years adding more carriers and routes (air and sea) as well as watch-lists, until all passenger movements between the State and countries outside the Common Travel Area (CTA) are embraced by the system (about 15 million passenger movements annually at the present time). The capture of data by the Irish Border Information System in respect of passenger travel within the CTA would be considered when the first phase of the system, as described above, has been developed and is being rolled out.

While a significant feature of the development of an Irish Border Information system and the British e-Borders system will be to protect the integrity of the Common Travel Area, the following benefits will also accrue from the development of an Irish system: detecting immigration offenders in the CTA; detecting criminals, especially serious criminals; detecting other persons of interest attempting to enter or leave the State; collection of immigration trend data; strengthening border controls; combating terrorist threats.

It is clear that the extent to which the British and Irish systems can operate to their optimum, particularly in the context of the security of the Common Travel Area, will be dependant on the quality of the watch lists that are provided by participating agencies and the level of information

sharing that can be arranged with the British authorities. In respect of the latter point, it is intended to seek to build on the ongoing exchange of immigration data sets between the two jurisdictions.

I can confirm that there are no fixed controls in respect of persons travelling between North and South and there is no possibility of introducing such controls in the future. Of course I am concerned, and I know that this concern is widely shared both here and in Great Britain, that persons can exploit this absence of fixed controls to move illegally within the CTA. In this regard, I would like to emphasise that the Garda National Immigration Bureau, the British Border and Immigration Agency and the British police work closely together and run regular intelligence led operations aimed at interrupting such illegal movement. These joint operations have successfully prevented foreign nationals moving illegally between the two jurisdictions. Officials from my Department, the Garda National Immigration Bureau and the British Border and Immigration Agency are examining ways to further build on this cooperation.

Legal Services Regulation.

90. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform his proposals for dealing with the more effective regulation of solicitors dealing with mortgage lending; and if he will make a statement on the matter. [27384/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Questions No. 431 and 442 on 6 November. I have nothing further to add to the details of that reply.

Integration Issues.

91. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform the criteria that will be used in recruiting members to the Integration Taskforce; if the taskforce will include members of ethnic minorities; if the Integration Taskforce will have a statutory mandate such as, for example, the consumer panel of the Financial Regulator; and if he will make a statement on the matter. [26630/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Minister of State with special responsibility for Integration Policy, Mr Conor Lenihan T.D. has announced that he intends to set up a Task Force on Integration. He is consulting with various interest groups on such matters as membership, terms of reference, work programmes and other associated matters of relevance to the Task Force. When he has concluded the consultation process, he will decide on the membership of the Force, including the question of membership of ethnic minorities and rel-

[Deputy Brian Lenihan.]

evant experienced personnel who might have insight in the area of Integration.

At this stage, the Minister of State is not committed to giving the Force a statutory mandate but will give consideration to any representations he may receive on the matter. The Task Force will report back to the Minister of State within a year of its initiation with positive recommendations as to how integration issues should be carried forward.

Sex Offender Treatment Programme.

92. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform the number of incarcerated sex offenders participating in the sex offender rehabilitation programme; the number on waiting lists to avail of the programme; the number of prisoners who have participated in the programme since its inception; and if he will make a statement on the matter. [27330/07]

107. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform his views on the low level of participation in the sex offender rehabilitation programme in Irish prisons; the steps he will take to increase participation; and if he will make a statement on the matter. [27349/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 92 and 107 together.

There are three forms of direct therapeutic intervention for sex offenders currently operating within the Irish prison system. These are: Individual counselling from the Irish Prison Service's Psychology Service and from the Probation Service; The Sex Offender Programme which has been in operation since 1994; and one-to-one interventions by visiting psychiatrists who provide support to prisoners.

Every effort is made to assist sex offenders in custody who are willing to participate at any level in their personal rehabilitation and relapse prevention. While it is not possible to quantify with absolute accuracy participation in all forms of rehabilitation, many of those in custody for sex offences have availed of one or more of the forms of intervention referred to above. A database for recording interventions with offenders by the Irish Prison Service's Psychology Service is currently being developed and this will allow them to readily report on the number of offenders engaging in such work.

The second intervention which I have specified in my reply is the intensive offence-focused group programme. The programme is managed and delivered by members of the Irish Prison Service's Psychology Service and the Probation Service and caters for eight offenders at a time,

taking eleven months to complete. In keeping with international best practice in this area, the programme is a structured, offence-focused programme, employing a cognitive behavioural approach with a relapse prevention component. The aim of the programme is to reduce sexual victimisation in society. In achieving this, the programme places considerable emphasis on the therapeutic process within the group and on supporting each participant in gaining the knowledge, skills, attitudes and self confidence necessary to live his life differently and more constructively in the future. The programme seeks to address the behaviour that leads to offending by all types of sex offenders.

A total of 128 sex offenders have completed the sex offender programme to date. A further eight men are about to begin undertaking the programme in Arbour Hill Prison. There is no waiting list in operation in respect of participation on the programme. The programme is voluntary and the practice is to invite all eligible sex offenders to apply for a place on the programme when a new group programme is being set up. The reasons applicants for the programme might be considered unsuitable include: the applicant's sentence is under appeal, current serious mental health problems would militate against effective participation in the programme, the applicant is not sufficiently prepared for the intensity of the programme, denial of offence, etc.

In addition, a number of offenders undergo one-to-one counselling in relation to their sexual offending. Some individuals engage with the therapeutic services initially to seek assistance in adjusting to imprisonment or to address their mental health needs. Following such interventions, offenders are often more open to looking at their sexual offending and a concentrated period of motivational work is conducted to help them address their offending behaviour and related issues. In response to such counselling many offenders, who initially might deny responsibility for their crime or deny any need for treatment, are motivated towards some process of change. For some offenders this results in them undertaking the Sex Offender Programme, for others it results in sustained individual therapy around their offending or engagement in some other programme available in the prison system.

I am advised by the Director General of the Irish Prison Service that we cannot compel offenders to participate in the programme. While offenders can be supported and encouraged in their efforts to change and to address their offending behaviour, ultimately successful completion of any intervention programme depends on the willing participation and commitment of appropriately motivated individuals. Otherwise, the key elements of the programme concerned with supporting the offender in taking responsibility for his offending behaviour and in developing a comprehensive plan for a non-

offending lifestyle in the future will not succeed. The challenge, therefore, for the Irish Prison Service, is to use a range of channels to motivate as many offenders as possible to undertake change and to address their offending behaviour.

The number of suitably motivated offenders applying for participation on the Sex Offenders Programme has declined in recent years and this is a matter of concern. The Irish Prison Service and the Probation Service continually review their processes to determine what measures may be taken to increase the number of offenders participating on the programme. In recent years additional psychologists have been appointed to the Irish Prison Service; the Service's staffing level is currently at an all time high. These new psychologists play an important role in working with offenders to address their offending behaviour, including work with sex offenders aimed at enhancing their preparedness for possible participation on the Sex Offender Programme.

There are currently 18 psychologists appointed to the Irish Prison Service. A total of 13 psychologists are based in those establishments holding sex offenders. They provide psychological services, on request, to prisoners, including sex offenders, held in these establishments. The work undertaken with sex offenders covers mental health and/or offence-related issues. An advertisement has also been placed for a psychological assistant to augment services to this group of offenders at Arbour Hill Prison. In addition, the Irish Prison Service is also actively exploring the possibility of enhancing service provision to sex offenders in all institution in the prison estate, in partnership with community based organisations who have expertise in this area.

My Department and the relevant agencies (Irish Prison Service and Probation Service) are continuing our examination of how the treatment and supervision of sex offenders can be enhanced.

Question No. 93 answered with Question No. 51.

Question No. 94 answered with Question No. 55.

Question No. 95 answered with Question No. 83.

Refugee Resettlement Scheme.

96. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform his plans for accepting refugees; the nationalities and numbers involved; and if he will make a statement on the matter. [25447/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I take it that the Deputy is referring to the Government's scheme of resettlement refugees. In May 2005, the Govern-

ment decided to increase Ireland's annual quota of resettlement refugees from 10 families (around 40 persons) to 200 persons. Decisions on nationalities and source countries are made following close consultation between the Minister for Justice Equality and Law Reform, the Minister for Foreign Affairs and the United Nations High Commissioner for Refugees (UNHCR) who advise annually on their priorities. No decision has yet been taken in regard to the nationalities to be accepted under the 2008 Quota.

Ireland is one of 18 countries world-wide and one of six EU countries that participates in this UNHCR-led resettlement programme. Other EU countries are currently in the process of joining the programme.

Garda Complaints Procedures.

97. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform his views on the substantial sums of money being paid to members of the public in respect of court awards or out of court settlements for claims taken against members of the Gardaí in respect of assault, unlawful arrest, or other breaches of a citizens right which amounted to over €16 million in awards and legal fees since 2002. [27381/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): At the outset I should say that members of the Garda Síochána are called upon to interact with members of the public on a twenty four hour basis in a wide variety of situations — some of which are inevitably contentious. In the vast majority of cases these interactions are handled in an exemplary and professional manner and do not give rise to difficulty from a litigation point of view. However there are a small minority of cases, by reference to the totality of interactions, which ultimately give rise to a legal liability on the part of the State. In these cases the advices of Counsel, the Chief State Solicitor and the Attorney General inform the approach taken in addressing the issues involved while protecting the public purse.

As the Deputy will be aware, the events in Donegal which gave rise to the establishment of the Morris Tribunal also gave rise to the drafting and enactment of the Garda Síochána Act 2005. Indeed civil proceedings arising from those unprecedented events have had the effect of inflating the amount of monies paid out in the years 2005, 2006 and 2007. One of the principle aims of the Act of 2005 was the establishment of a framework within which shortcomings in the regime of governance and accountability within the Garda Síochána could be addressed.

For example the Garda Síochána Ombudsman Commission is empowered subject to certain conditions independently to investigate any practice, policy or procedure of the Garda Síochána with a view to reducing the incidence of complaints.

[Deputy Brian Lenihan.]

Furthermore the Garda Síochána Inspectorate, which has an expertise in international policing, may at the request of or with the consent of the Minister carry out inquiries or inspections in relation to particular aspects of the operation or administration of the Garda Síochána. Clearly, these new and innovative mechanisms can play a role in ensuring best practice and consequent minimisation of exposure of the public finances.

Finally of course the new Garda Síochána (Discipline) Regulations which came into operation on 1 June 2007 have streamlined the disciplinary process and replaced the complex system which had developed over the years — responding to a specific and important lacuna identified by the Morris Tribunal.

Disability Strategy.

98. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform if the implementation group to advise on ratification of the UN Convention on the Rights of Persons with Disabilities has been established; if so, when it was established; if not, when it will be established; the details of changes that will have to be made to the National Disability Strategy on foot of the signing of the convention; and if he will make a statement on the matter. [27535/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Ireland was in the first group of countries to sign, subject to ratification, the UN Convention on the Rights of Persons with Disabilities when it opened for signature on 30 March 2007. A high-level, cross-departmental implementation group to advise on any changes to the Government's National Disability Strategy that may be required to enable the State ratify the Convention was established earlier this year and held its first meeting on 26 June 2007.

While the National Disability Strategy in many respects comprehends many of the provisions of the UN Convention, the Group has developed a work programme to address matters that need to be aligned with the Convention. This includes such areas as the law on legal capacity of vulnerable adults in respect of which reforms are being prepared.

Prison Staff.

99. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform his views on concerns raised by the Comptroller and Auditor General regarding the continued high level of sick leave in the Prison Service; the steps being taken to deal with this problem; and if he will make a statement on the matter. [27382/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Deputy will be aware that the Comptroller and Auditor General,

whilst outlining his concerns about the level of sick leave in the Prison Service over the period 2002 -2006, has acknowledged that the figures provided by the Prison Service for January to April 2007 show an overall reduction of 10% in per capita sick leave days and that this would represent the first major reversal of the trend of recent years, if maintained. The most recent figures available to end of July 2007 show a reduction of 15.8% in per capita sick leave days compared with the same period last year, confirming the downward trend. This is a very welcome development. Naturally, we need to ensure that our work continues to be effective in maintaining this downward trend.

The Comptroller and Auditor General's report also acknowledged that any examination of sick leave, or indeed any other aspect of the management of the Prison Service over the period in question must be seen in the context of the particular circumstances within which the Service was operating during the period under review. The period 2002 — 2006 was a time of major change with the negotiation and implementation of new working arrangements to replace overtime, and decentralisation of the Prison Service's headquarters initially to Clondalkin and later to Longford. These major organisational changes, which have been successfully rolled out, impacted on the capacity of the Prison Service to address the sick leave problem.

It must be borne in mind also that central to the new working arrangements negotiated with staff representatives is a unique system, based on the concept of annualised hours, which is designed to encourage smart working and to reduce absenteeism. The indications are that the new working arrangements, combined with other measures, are contributing to the downward trend in sick leave.

Alongside the introduction of the new working arrangements, a determined effort continues to be made to reduce sick leave through a range of initiatives and all of those efforts are reflected in the significant improvement in the level of sick leave in the first seven months of this year.

Work is ongoing in relation to improving the management of sick leave in a consistent manner across all prisons and reflecting best practice in this area. Governors are encouraged to pursue a policy of early intervention and to hold return to work interviews that ensure that the appropriate steps are taken whether through support or sanction.

As regards support, prison staff have access to psychological services. There is also support available for Officers through the Employee Assistance Programme (EAP). In support of the EAP, a Chief Welfare Officer was appointed in April, 2007 and two Employee Welfare Officers are also available to support and advise staff with difficulties arising inside or outside the workplace which may have an impact on their ability to

provide regular effective service. The principal providers of the EAP services are a network of Staff Support Officers. Most prisons have Staff Support Officers and where there are vacancies these will be filled shortly.

The Prison Service is also committed to promoting a positive working environment which will assist in reducing absenteeism. One such initiative is the introduction in March, 2007 of a formal Anti-Harassment, Sexual Harassment and Bullying Policy for the Prison Service. The Prison Service is also exploring with the Department of Finance and the Office of the Chief Medical Officer the possibility of establishing an Occupational Health facility dedicated to the particular occupational needs of prison staff.

Where sanction is appropriate, Officers are issued with warnings about their level of absences and if there is no significant improvement in their attendance level a number of measures are available, including the withdrawal of payment for sick leave or even dismissal where there is persistent absenteeism.

Whilst the report of the Comptroller and Auditor General did highlight concerns about the period 2002 — 2006, I am encouraged by the fact that there is a marked improvement in the level of sick leave in this current year. It is my view that with the support and cooperation of management and staff, the new working arrangements and initiatives I have outlined will continue to produce positive results for sick leave levels across the Prison Service.

Human Rights Issues.

100. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the action he proposes to take following the recent publication of the Council of Europe's Committee for the Prevention of Torture Report on Irish prisons; and if he will make a statement on the matter. [27346/07]

124. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform his views on the recent report of the European Committee for the Prevention of Torture that found that many of the State's prisons were unsafe and degrading for both prisoners and staff; the steps he is taking to address the conditions highlighted in the report; and if he will make a statement on the matter. [27364/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 100 and 124 together.

The Report of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), on its visit to Ireland was published on the 10 October 2007, together with the response of the Government of Ireland to the issues raised by the CPT in that report.

During the 2006 visit the delegation from the CPT visited a number of Garda stations, prisons and places of detention and the Central Mental Hospital.

As the Deputies will be aware the primary role of the CPT when conducting national visits is to draw attention to issues affecting persons in custody which can be improved upon. The visiting delegation indicated that the level of cooperation received during the visit from the Irish authorities was very good, both at central and local levels. In our response to the issues raised the Irish Government set out in quite an amount of detail the efforts made to deal with the range of issues which the report highlighted.

I am glad to advise the Deputies that action has been taken to address the prison related issues highlighted in the report which covered, *inter alia*, the lack of progress in over-hauling the 1947 prison rules; the need for more robust investigation of prisoner complaints about alleged ill-treatment; the poor physical conditions of some of our prisons leading to overcrowding and 'slopping out'; the existence of inter-prisoner violence and intimidation; the number of prisoners on 'protection'; the drugs situation and the need to improve and enhance regime activities for certain prisoners.

The following is an overview of the key developments:

- (a) Prison accommodation: As indicated in the CPT report we recognise the necessity to modernise and expand the prison estate. That is why we have embarked on an ambitious prison building programme which, with the full support of the Government, will result in the replacement and /or refurbishment of nearly 40% of the entire prison estate and the ending of 'slopping out'. The proposed new prison complex at Thornton Hall which will replace the outdated Mountjoy complex will provide accommodation for 1,400 prisoners in a range of security settings with all the support facilities to enhance regime activities for prisoners and provide modern medical facilities as are fitting a modern prison environment. Other major works include the building of a new prison at Kilworth to serve the Munster region and the provision of additional accommodation at the following institutions: Shelton Abbey, Loughan House, Limerick, Wheatfield, Portlaoise and Castlereagh.
- (b) Prison Rules, 2007: The new prison rules were brought into effect from 1st October, 2007.
- (c) Enhanced security measures in our prisons: In the Government's response to the CPT report on the question of inter-

[Deputy Brian Lenihan.]

prisoner violence it was accepted that the CPT had rightly identified an emerging problem and that further measures are needed to deal with the issue. I can assure the Deputies that I am determined to deal with the issue in a proportionate manner by increasing our efforts to stem the flow of contraband items, such as drugs, weapons and mobile phones, which could assist in illegal activity. Indeed, as the Deputies will be aware significant efforts are made on a continuous basis by the prison authorities to stop contraband getting into our prisons, by for example, the installation of nets over exercise yards, vigilant observation of prisoners by staff, upgraded CCTV monitoring, the use of screened visits and prisoner and cell searches. New visiting arrangements are in place in all closed prisons whereby only persons who have been pre-approved by the Governor are permitted to visit.

I believe that technology offers the best solution to dealing with the problem of prisoners using mobile phones. The first phase of a pilot programme to inhibit the use of mobile phones in prisons has been completed in the Midlands Prison with the second phase of the pilot due to finish in the near future. I am glad to say that evaluation of the project thus far has shown positive results and, if confirmed, the inhibitors will be installed in all our closed prisons over an 18 to 24 month period. In addition, section 36 of the Prisons Act, 2007, effective from 1st May, 2007 makes it an offence for prisoners to have unauthorised possession of or use mobile telecommunications devices. Under the Act it is also an offence to supply such a device to a prisoner.

The implementation of the Drugs Policy entitled “Keeping Drugs out of Prisons by the Irish Prison Service” has seen an intensification of efforts to eliminate the availability of illicit drugs within the prisons. A significant element in this regard is the introduction of mandatory drug testing under the Prison Rules which became operational from 1st October, 2007. Facilities for screened visits have been installed in all closed prisons. In keeping with the Strategy prisoners in respect of whom the Governor is satisfied that there is no risk of contraband being passed may be facilitated with open visits. Prisoners who are caught receiving drugs or who test positive for drugs will be facilitated with screened visits only.

I am committed to supporting the Director General of the Irish Prison Service by providing additional resources to further enhance security within our prisons. I am confident that the recently announced package of additional security measures will make a significant difference to

keeping contraband out of our prisons. These measures include: the establishment of a drug detection dog service within the Irish Prison Service; the establishment of an Operational Support Group dedicated to, and developing expertise in, searching and gathering intelligence; the introduction of enhanced security screening and searching of all persons (prisoners, visitors and staff) entering our prisons.

The Drug Detection Dog Service will involve approximately 30 staff and an appropriate number of dogs. The Deputy will be aware that a pilot drug detection dog service has been in place since 23 May 2006 and is currently running in the Midlands/Portlaoise area and also in Wheatfield/Cloverhill Prisons, the Mountjoy complex and Cork and Limerick Prisons.

The Operational Support Group will be available in addition to the normal prison staff and can target specific problem areas. They will also gather and collate intelligence information in their prison, carry out high profile escorts and assist the chief officer in charge of security in the continuing assessment and improvement of security.

In addition to the security measures, Drug Treatment Services to prisoners are also being significantly enhanced through the development of new services and programmes for addicted prisoners. These services are being delivered by the Irish Prison Service in partnership with community based services and contracted private services and supported by additional staffing for prison based Drug Treatment Teams. Security measures across our prisons will continue to be kept under review.

Garda Operations.

101. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the holding of a football fixture (details supplied) involving a team from Poland whose fan base harbours extreme political views with neo-Nazi tendencies; if he is satisfied that this fixture should proceed; and if he will make a statement on the matter. [27323/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am aware of the soccer fixture in question. I am informed by the Garda authorities that, as with all such fixtures, the Garda Síochána is in consultation with relevant sports officials with a view to putting in place the necessary operational policing plan for the event. I am further informed that available information indicates at this stage that supporters from the visiting soccer team are not expected to travel in any great numbers. In any event, the Garda Síochána will ensure an appropriate level of policing for the fixture.

Garda Deployment.

102. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the number of additional Garda officers assigned to the Criminal Assets Bureau; and if he will make a statement on the matter. [27389/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As of 31 October 2007, the latest date for which figures are readily available, the number of Garda officers assigned to the Criminal Assets Bureau was 30.

Restorative Justice.

103. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform the action that has been taken to date to implement the recommendations made in the 2007 Report on Restorative Justice by the Joint Committee on Justice, Equality, Defence and Women's Right; and if he will make a statement on the matter. [27329/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following on from the publication of the report on restorative justice by the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights in January 2007, the National Commission on Restorative Justice was established in March 2007. Recommendation 5 of the Joint Oireachtas Committee provides that a cross-sectoral working group should be created to develop a national strategy that is based on international best practice.

The National Commission on Restorative Justice is composed on this basis, with a representative of the Judiciary chairing the Commission on a full-time basis. The members come from An Garda Síochána, the Probation Service, the Courts Service, the Director of Public Prosecution's office and from the business community. Dr Mary Henry, a former member of the Seanad is also a member of the Commission.

The terms of reference of the Commission are wide-ranging. They require the Commission to examine both national and international practice in the area, to consider the recommendations of the Joint Oireachtas Committee, to consider what model or models of restorative justice might be appropriate to Irish circumstances and to issue a final report on these and on other matters by the end of 2008. The restorative justice process seeks to address the fall-out from criminal behaviour by making the offenders more directly accountable for their actions and by giving a greater voice to victims, an issue I have prioritised since taking up office.

The Commission recently commenced its deliberations and I look forward to receiving an interim report in the coming months.

Public Order Offences.

104. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform the steps he will take to tackle vandalism and anti-social behaviour, such as that which occurred on Halloween night 2007; and if he will make a statement on the matter. [27534/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Under the Garda Síochána Act 2005 it is open to me to set policing priorities for An Garda Síochána. I recently announced these priorities for 2008. One of the priorities I have set is to combat, particularly in co-operation with other agencies and the community generally, the problems of public disorder with particular emphasis on alcohol related behaviour (including under age drinking) and socially disadvantaged communities especially through utilisation of the legal mechanisms being made available namely ASBOs and behaviour warnings and closure orders.

Part 11 of the Criminal Justice Act, 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act relating to anti-social behaviour by children was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. Strong provisions are already in place to combat anti-social behaviour. The Criminal Justice (Public Order) Act 1994 modernised the law in this regard. The Intoxicating Liquor Act 2003 contains provisions to deal with alcohol abuse and its effect on public order. The Criminal Justice (Public Order) Act 2003 provides the Garda with powers to deal with late night street violence and anti-social conduct attributable to excessive drinking.

In addition to the criminal law, there is a range of initiatives in place to get at the root causes of this type of behaviour. The Garda Juvenile Diversion Programme has proven to be highly successful in diverting young persons away from crime by offering guidance and support to juveniles and their families. The Children Act, 2001 gives a statutory basis to the Programme.

Garda Youth Diversion Projects are community-based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved, or further involved, in anti-social or criminal behaviour. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda/community relations. I recently approved the establishment of an additional seven projects, bringing the current total to 100 throughout the country. It is intended to establish a further 68 projects in the lifetime of this Government bringing the total number of projects to 168 nationwide.

[Deputy Brian Lenihan.]

More broadly, a number of reforms have taken place in recent years to bring about a more effective youth justice system and these have been enshrined in legislation in the Children Act 2001, as amended. The Act is based on the principles of diversion from crime and anti-social behaviour, restorative justice, the expanded use of community-based sanctions and measures by the courts, and the use of detention only as a last resort.

Recent measures have reformed our entire approach to youth justice. The Irish Youth Justice Service, an executive office of my Department which is co-located in the Office of the Minister for Children, now has responsibility for developing youth justice policy and operating the children detention schools. CCTV schemes are a strong deterrent in fighting crime and anti-social behaviour as well as giving communities greater peace of mind. Both Garda operated and community based CCTV schemes have been set up, and such schemes will continue to be set up.

The Garda Síochána Act 2005 provides for the establishment of a joint policing committee in each local authority administrative area. The purpose of these committees is to provide a forum where members of a local authority and the senior Garda officers responsible for the policing of that area, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area including the levels and patterns of anti-social behaviour such as the misuse of alcohol and drugs.

I am informed by the Garda authorities that Operation Encounter, commenced by the Commissioner in February, 2002, targets public disorder and anti-social type behaviour by specifically targeting offences contrary to the Criminal Justice (Public Order) Act, 1996 and the Intoxicating Liquor Act, 1988 which include the sale and consumption of alcohol by underage persons.

The Criminal Justice Act, 2006 which came into effect in August, 2006, provides for new offences governing the possession of illegally imported fireworks with intent to supply. It also provides for significantly increased penalties governing the illegal importation, sale and use of fireworks. Under the provisions, it is an offence

- for any person to possess a firework with intent to sell or supply, without a licence,
- to throw an ignited firework at any person or property, and
- to light unlicensed fireworks in a public place.

The penalty for such offences is now a fine of up to €10,000 or 5 years imprisonment or both. The simple possession of fireworks without a licence is also an offence for which a person may be liable to a fine of up to €10,000. A nationwide

advertising campaign was run during the two weeks prior to Halloween in the national and regional newspapers to highlight to the public the dangers of fireworks and the significant penalties that exist for their illegal use.

I am informed that during the Halloween period the annual Garda Operation Tombola was in place and every Garda Region, with particular emphasis on the Dublin Metropolitan Region and border Garda Divisions, was instructed to detect and prevent the organised importation for sale of fireworks and to police the period. Intelligence informed operations and searches were conducted against persons suspected of engaging in the importation, sale and supply of fireworks.

I am also informed that in advance of Halloween, in areas where public disorder was anticipated, or information suggested that such activity may take place, special policing arrangements were made to prevent and detect breaches of the law. As part of this high-visibility policing initiative additional patrols were carried out by uniform Garda personnel, supported by plain-clothes personnel, including District Detective and Drug Units, Divisional Crime Task Force, Traffic Corps personnel and Community Policing and Mountain Bike Units.

Other measures employed by An Garda Síochána included liaising with local authorities for the removal of identified stockpiles of combustible materials and liaising with managers of off licences to ensure that staff were apprised of their obligations and responsibilities under licensing legislation relating to the sale of alcohol, in particular to underage persons.

An Garda Síochána also engaged with local communities and other stakeholders in putting in place measures to address public order issues that arose around the Halloween period. Through the Schools Programme and other local programmes members of An Garda Síochána emphasised that fireworks are illegal and highlighted the dangers associated with illegally imported fireworks.

National Identity Card.

105. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform his views on the establishment of a national identification card system; and if he will make a statement on the matter. [27337/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have no plans at this time to introduce a national identity card system. Any final judgment as to the necessity or desirability of such a system must include a full assessment of the implications of the introduction of a UK ID card scheme as well as developments in the rest of the EU.

Question No. 106 answered with Question No. 76.

Question No. 107 answered with Question No. 92.

Proposed Legislation.

108. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform when the Judicial Council Bill is expected to be published; the consultation he has had with members of the Judiciary regarding the contents of the Bill; his views, in view of a recent case, on whether there is still no procedure for dealing with breaches of conduct by judges apart from the impeachment process provided for under the Constitution; and if he will make a statement on the matter. [27373/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question No. 158 of Tuesday, 9 October 2007. I have nothing further to add to the details of that reply.

Deportation Orders.

109. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform his views on the Supreme Court's judgment overturning the deportation of five Nigerian children on the grounds of family unity; and if he will make a statement on the matter. [27387/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am examining the implications of the Supreme Court judgement to which the Deputy refers. The examination includes the specific case referred to the Supreme Court and other cases which may have similar points of law. I expect the examination to be determined shortly at which stage my officials, through the Chief State Solicitor's Office, will contact the relevant solicitors on the matter.

Garda Stations.

110. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform if plans are proceeding for the provision of new Garda accommodation at the Tallaght Garda station, Dublin 24; the time schedule involved; and if he will make a statement on the matter. [27392/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The detailed allocation of Garda resources is a matter for the Garda Commissioner in accordance with his identified operational requirements and in the case of Garda accommodation such matters are brought forward in co-operation with the Office of Public Works. I have been informed by the Garda authorities that the accommodation requirements for policing the Tallaght area will be best met by re-development of the existing site at the Square.

The Commissioners of Public Works are appraising the existing site, in consultation with

the local authority, with a view to maximising its development potential for the State. Planning is under way for a development of the site to include all Garda requirements for Tallaght and it is expected that the necessary planning process will be initiated shortly. Consideration is also being given to the provision of a new Courthouse adjacent to the Garda station. I assure the Deputy that there will be no avoidable delay in addressing Garda accommodation needs in Tallaght.

Garda Investigations.

111. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the investigation being held to establish the identify of the body of an unidentified person, washed ashore at Kilmuckridge, County Wexford on 12 December 1995; the efforts that were made to establish the identify of the person prior to their burial; his views on whether no apparent attempt was made to establish whether or not they were one of a number of persons who were missing at that time; and if he will make a statement on the matter. [27365/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that a complete review of all the issues surrounding the burial of an unidentified woman, discovered in County Wexford in December 1995 is currently being conducted by An Garda Síochána. When that review is completed a report on the matter will be furnished to me by the Garda Commissioner.

I am further informed that prior to the burial of the unidentified body an exhaustive search was carried out involving Interpol and the Missing Persons Bureau at Garda Headquarters in an effort to identify the remains.

Human Rights Issues.

112. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the action the Government will take as a result of the recent ruling of the High Court that the State is in breach of the European Convention on Human Rights because of its refusal to issue a person (details supplied) with a new birth certificate to reflect the gender change they had undergone; and if he will make a statement on the matter. [27363/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I understand 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 Depart-

[Deputy Brian Lenihan.]

ment. This is a matter for the Department of Health and Children.

Garda Deployment.

113. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the staffing levels allocated to the divisional drug units throughout the country as at May 1996 and May 2007; and if he will make a statement on the matter. [27393/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In respect of the figures sought by the Deputy for 1996, I am advised by the Garda authorities that the retrieval and compilation of the relevant information for 1996 would necessitate a disproportionate use of time and resources. However, the total personnel strength of each of the 25 Operational Divisional Drug Units as at 31 December 1998 (the nearest date for which figures are readily available) and as at the 31 December 2006 (the latest date for which figures are readily available) was as set out hereunder.

Division	1998	2006
Carlow/ Kildare	6	9
Cavan/ Monaghan	7	10
Clare	3	4
Cork City	20	20
Cork North	0	6
Cork West	0	5
D.M.R. East	21	17
D.M.R. N.C.	17	16
D.M.R. North	18	22
D.M.R. S.C.	15	22
D.M.R. South	15	21
D.M.R. West	24	28
Donegal	0	9
Galway West	4	7
Kerry	4	7
Laois/Offaly	7	7
Limerick	6	10
Longford/Westmeath	0	6
Louth/Meath	7	20
Mayo	0	0
Roscommon/Galway East	0	2
Sligo/Leitrim	5	8
Tipperary	0	7
Waterford/Kilkenny	4	10
Wicklow/Wexford	5	13

All Gardaí have responsibility, inter alia, to deal with drug related issues as and when they arise. The Deputy will appreciate that, as with any large organisation, on any given day the overall

strength of the organisation may fluctuate due, for example, to retirements, resignations etc.

It is the responsibility of the Garda 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 Divisional Drug Units will be fully considered by him within the overall context of the needs of Garda Divisions throughout the country.

Garda Investigations.

114. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the progress made to date with regard to the Garda investigation into the murder of a person (details supplied) in Finglas on 22 October 2007; and if he will make a statement on the matter. [27368/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the investigation into the murder referred to is ongoing. A dedicated investigation team is being assisted by specialist units from Garda National Support Services, including the National Bureau of Criminal Investigation.

I am further informed that Garda management is satisfied that sufficient resources are allocated to the investigation. As this is an ongoing Garda investigation it would be inappropriate for me to comment further at this time.

Garda Management.

115. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform his views on the Final Report of the Advisory Group on Garda Management and Leadership Development; his further views on the recommendations of the report, including the proposal of a greater civilian role in the running of the force; if a timetable has been set for the implementation of the recommendations; and if he will make a statement on the matter. [27370/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The interim and final reports of the Advisory Group on Garda Management and Leadership Development contain many excellent recommendations on how management of the force can be further improved. Significant progress has been made on the issues raised in the reports.

The civilianisation of middle and senior positions in the Garda Síochána has commenced. Currently, there is a Chief Administrative Officer, Director of Finance, Head of Internal Audit, HR Manager, Housing Officer, Transport Manager and a civilian of Principal Officer grade in the Information Technology section. A civilian Director of Communications has recently taken

up her post. Recruitment for the following positions will start shortly: — Director of Information and Communications Technology, Director of Change Management, Head of Legal Affairs and Executive Director of Human Resources. This will be in addition to the recruitment of a number of civilian crime analysts.

The number of full time and part time civilian staff assigned to the Garda Síochána as at the 2nd November 2007 was 2,267. Approximately 284 Clerical Officers have been recruited and assigned positions within An Garda Síochána since 1 January 2007. These have been allocated to the Dublin Metropolitan Region, Garda Headquarters and Specialised Units.

A campaign to recruit a further 300 civilians which will release trained members of the Force for front-line duty is well under way and interviews are currently being held by the Public Appointments Service to recruit these Clerical Officers. These persons will be allocated to Divisions outside the Dublin Metropolitan Region.

A dedicated Human Resource Directorate has been established in the Garda Síochána to serve the needs of the civilian, administrative, professional, technical and industrial staff in the Garda Síochána and to promote an extensive programme of civilianisation.

I am assured by the Commissioner that the Garda Síochána is committed to developing the civilian support function within the Garda Síochána to the level of best international practice and that he will continue to work to drive the civilianisation programme forward. I will fully support the Garda Commissioner in the continued implementation of organisational reform which is supported by the analysis and recommendations of the Hayes Group.

Sexual Offences.

116. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the action taken to date to implement the recommendation made in November 2006 by the Report of the Joint Committee on Child Protection that a system for computerised storage and dissemination of information received in accordance with the Sex Offenders Act 2001 be developed and established; and the Government's timeframe for implementing this recommendation. [25967/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Garda Síochána has in place a system for the monitoring of persons subject to the requirements of the Sex Offenders Act, 2001. The Domestic Violence and Sexual Assault Unit monitor and manage the notification provisions. The information on persons who are subject to the requirements of the Sex Offenders Act, 2001 is maintained at a central location. Only specified nominated Garda

personnel have access to this information. I am advised by the Garda authorities that they are currently assessing requirement regarding access to this information by other units within the Force.

There are nominated Garda Inspectors in each Garda Division who are notified by the Domestic Violence and Sexual Assault Unit when a sex offender, who is subject to the requirements of the Act, is resident in their Division. These inspectors are responsible for the monitoring of such offenders.

Records relating to persons subject to the provisions of the Sex Offenders Act, 2001 are recorded on a database kept by the National Bureau of Criminal Investigation. This system has previously been upgraded. The Garda authorities are currently carrying out work to integrate the system for recording persons subject to the requirements of the Act into the PULSE system. This work is scheduled for completion in 2008.

Garda Equipment.

117. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform the number of Garda stations which are awaiting the installation of the PULSE computer system; the cost to date of the system; and if he has confidence in the system. [25968/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that Pulse is now available in 338 locations. There are currently no plans to extend the system to further locations. In this regard, cognisance is taken of the successful operation of the Garda Information Services Centre at Castlebar, Co. Mayo, which currently processes over 9,000 calls per week and obviates the need for Gardaí to return to their stations to report incidents thereby freeing up more Gardaí for operational duties. Any decision by the Garda authorities to extend the system beyond the current number will be based on operational needs.

The Garda authorities advise that PULSE is operating very satisfactorily. Significant investment was made last year to improve the availability and response times of the system. The functionality of the system is continually being enhanced to accommodate new business requirements, new policies and legislative changes. The initial development cost of the PULSE project was €61.3 million and covers the period up to the final release of the system which was rolled out in 2001. In addition, the average annual maintenance and upgrade costs from 2001 to the end of 2006 amounts to €12.88 million.

By way of background, the annual maintenance figures include replacement of the PULSE hardware and major upgrades to the Pulse software as part of the Garda PULSE stabilisation prog-

[Deputy Brian Lenihan.]

ramme which was completed last year. In addition, a range of upgrades and modifications have been carried out to the system to support changes arising from new legislation, additional functionality etc. It also includes costs associated with the extension of the PULSE system to new locations and to the set-up of the new Garda Information Services Centre in Castlebar and the new Vetting Unit in Thurles. The figure also includes a figure in the order of €14.28m for various software licences. The full licence cost is included for completeness although the costs relate to software licences which are also used for other Garda systems such as the Garda National Immigration Bureau and the Fixed Charge Processing systems.

Following the amalgamation of PULSE, the Garda National Immigration System and the Fixed Charge Processing System into a single Garda Information System (GIS) at the end of 2006, it is not possible to provide details of costs specific to PULSE from that time.

Garda Reserve.

118. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda reserve recruited to date; the stations to which they have been allocated; the number of applicants for the reserve in training; when he expects the full complement of 1,500 will be in place; and if he will make a statement on the matter. [27377/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The total personnel strength of the Garda Reserve including trainees as at the 2nd November 2007 was 247. A total of 171 members are fully attested.

The 171 attested members are attached to the following stations:

DMR (Dublin Metropolitan Region) Stations:

DMR South Central Division — Pearse St, Kevin Street and Donnybrook.

DMR North Central Division — Store St, Bridewell and Fitzgibbon Street.

DMR West Division — Clondalkin, Finglas, Lucan and Blanchardstown.

DMR North Division — Santry, Raheny, Swords, Clontarf, Coolock and Balbriggan.

DMR South Division — Crumlin, Sundrive Road, Rathmines and Terenure.

DMR East Division — Bray, Dun Laoghaire and Blackrock.

Stations outside DMR:

Anglesea Street, Cork

Midleton.

Sligo,

Galway,

Henry Street, Limerick

Ennis, Clare

Tralee, Kerry

Waterford.

Kilkenny.

Wexford.

Gorey.

Newbridge.

Baltinglass.

Clonmel.

Cahir.

Cavan town.

Monaghan town.

Drogheda.

Castlebar.

Garda Reserve members undertake their training and other duties on a voluntary basis during their free time. As a result it is not possible to predict how many people will commence training in any particular month. I cannot predict exactly when the full complement of Garda Reserve members will be reached but I can assure the Deputy that An Garda Síochána are making every effort to reach it as soon as possible.

Departmental Applications.

119. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the different types of 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. [25965/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will appreciate, the applications that my Department receives are diverse in nature and the processing time frames vary considerably according to the nature and circumstances of the scheme in question. In all instances, however, processing arrangements are kept under ongoing review and steps are taken to reduce waiting times where this is feasible having regard to available resources and overall priorities. Significant changes are under way, for example, in the Irish Naturalisation and Immigration Service, which is developing a new Information Technology System which will considerably improve application times in this area. The information requested by the Deputy is set out in the following tabular statement:

Type of Application	Average Waiting Time to Process each application	Steps being taken to speed up processing time
Request made under the Data Protection Acts, 1988 and 2003	Dealt with within the statutory time frames	N/A
Freedom of Information Act	Dealt with within the statutory time frames	N/A
Application by prisoners to serve their sentences in their own jurisdiction under the Transfer of Sentenced Persons Acts 1995-1997	Applications take approximately 15 months to process	Ongoing liaison with the various parties involved in the process
Applications received by the Central Authority for Maintenance Recovery for the recovery abroad of maintenance under the UN Convention	1-2 working days	N/A
Applications received by the Central Authority for Child Abduction under the Hague and Luxembourg Conventions and the Brussels II bis Regulation	1-2 working days	N/A
Applications from non-resident bookmakers for new Certificates of Personal Fitness	14 weeks	The waiting times and procedures are kept under regular review
Applications from non-resident bookmakers for renewals of Certificates of Personal Fitness	5-6 weeks	The waiting times and procedures are kept under regular review
Applications made under the Garda Síochána (Compensation) Acts 1941 and 1945 / High Court applications	Information on an average waiting time is not readily available. It would be difficult to calculate a meaningful average, given the variations in the processing of each case	Legislative proposals are currently being developed for reform of the system
Applications for payment of fees and costs under the Criminal Legal Aid Schemes	3-4 weeks — calculated on the basis of receipt in the Department of properly completed and certified applications	Procedures are being kept under review
Application to import firearms & ammunition in accordance with Section 17 of the Firearms Act 1925	5 to 10 working days	Processing time is satisfactory
Application for Prior Consent to transfer of firearms & ammunition in accordance with section 6(1) of S.I. 362 of 1993 (European Communities, Acquisition and Possession of Weapons and Ammunition Regulations, 1993)	5 to 10 working days	Processing time is satisfactory
Application to register as a firearms dealer in accordance with Section 9 of the Firearms Act 1925	Depends on the ability of the applicant to meet certain statutory requirements	N/A
Application for Export Licence for firearms and ammunition in accordance with section 6(1) of S.I. 362 of 1993 (European Communities, Acquisition and Possession of Weapons and Ammunition Regulations, 1993)	5 to 10 working days	Processing time is satisfactory

[Deputy Brian Lenihan.]

Type of Application	Average Waiting Time to Process each application	Steps being taken to speed up processing time
Applications to import Explosives as set out in Article 9 of Directive 93/15/EEC	3-4 weeks	There are many factors involved in processing applications relating to explosives. This process can vary in complexity and require considerable supporting documentation. Consultation and input from other statutory regulators and bodies may be required and public hearings and assent processes may also be necessary. Safety and security issues are also of course paramount in this regard. It is therefore not possible to give an average processing time in all instances as this depends on the aforementioned factors, many of which are outside the control of this Department
Applications to import Explosives not subject to S.I. 115 of 1995 (European Communities Placing on the Market and Supervision of Explosives for Civil Uses)	3-4 weeks	
Applications for a licence to import fireworks in accordance with the Explosives Act 1875	3-4 weeks	
Applications for a licence to manufacture an Ammonium Nitrate Mixture as specified in the Ammonium Nitrate Mixtures Exemption Order, 1997	See note in right hand column	
Applications for an explosives magazine or factory licence in accordance with Section 6 of the Explosives Act 1875	See note in right hand column	
Applications for a certificate of naturalisation	The average processing time for a standard adult application is currently 30 months. Applications from refugees / stateless persons / minors, etc are processed more quickly as these applications are normally less complicated	All the procedures involved in processing such applications have been developed and refined over a number of years. These procedures are necessary to maintain the integrity of the naturalisation process. Consequently, having regard to the resources available, which are kept under constant review, there is a limit to the reduction in the processing time that can be achieved. I have instructed my officials to undertake a review of the various processes in order for these to be streamlined further where possible
Renewal of temporary leave to remain in the State under Irish Born Child/05 scheme	3-4 Weeks	A dedicated unit was established in order to process renewal applications
Applications for temporary leave to remain in the State under Section 3 of the Immigration Act 1999, as amended	Each application is decided on its own merits. The huge number of applications and the complexity of the issues to be considered preclude the stating of a time frame for completion of applications	Development of a new IT system. A common system throughout the Irish Naturalisation and Immigration Service will increase productivity and assist decision making. Additional staff have been assigned to the Irish Naturalisation and Immigration Service
Renewal of temporary leave to remain in the State under Section 3 of the Immigration Act 1999, as amended	1-3 Months	Additional staff have been assigned to the area. Development of a new IT system
Applications for revocation of Deportation Orders under Section 3 of the Immigration Act 1999, as amended	1-2 weeks	Time scale is appropriate to the decision and process involved
Applications for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations	Each application is decided on its own merits. The huge number of applications and the complexity of the issues to be considered preclude the stating of a time frame for completion of applications	Additional staff have been assigned to the area Training has been provided for staff in-house and by the UNHCR in Dublin Development of a new IT system

Type of Application	Average Waiting Time to Process each application	Steps being taken to speed up processing time
Applications in accordance with Section 4(2) of the European Communities (Eligibility for Protection) Regulations for admittance into the Subsidiary Protection process	4-6 weeks	Time scale is appropriate to the decision and process involved
Applications for readmittance to the asylum process under Section 17(7) of the Refugee Act 1996, as amended	4 weeks	Time scale is appropriate to the decision and process involved
Visas	At present 4-6 weeks for applications referred to Dublin for consideration. Applications are also processed in the overseas Visa Offices in London, Moscow, Beijing, New Delhi, Cairo and Abuja. On average, the waiting time for such applications would be two weeks	Visa processing times have reduced significantly in recent years, due to the deployment of additional resources to visa processing and the establishment of the overseas Visa Offices. A computerised visa tracking system (AVATS) is being rolled out at present which will further improve the efficiency of visa applications processing and will include an on-line application facility
Re-entry visas	Applications for re-entry visas can be processed while the applicant waits at the Public Office of the Irish Naturalisation and Immigration Service. Applications by post are processed, on average, within four working days	Time scale is appropriate to the decision and process involved
EU Treaty Rights — Applications for residence by non-EEA family members of EU or EEA citizens. EU Directive 2004/38/EC and SI 656/2006 refers.	6 months (EU law requires that applications be processed within 6 months)	Additional staff are being assigned to the area
Married to Irish National — applications from non EEA national spouses of Irish nationals for residence in the State on the sole basis of their marriage.	9-12 months to process from receipt at Irish Naturalisation and Immigration Service	The time scale is necessary to investigate the bona fides of the marriage. The time scale was recently upheld in the High Court
Business Permission — Applications from non EEA nationals for permission to reside in the State for the purposes of establishing and operating a commercial business.	6-8 months to process from receipt at Irish Naturalisation and Immigration Service	Time scale is appropriate to the decision and process involved
Travel Documents — 1951 Convention Travel Document — issued to persons granted a declaration of Refugee status in the State under s17(1) Refugee Act 1996 and Programme Refugees. Temporary Travel Document — may issue in specific emergency circumstances	6-8 months to process from receipt at Irish Naturalisation and Immigration Service	
Foreign Adoption — Immigration Clearance letter issued in respect of approved (by the Irish Adoption Board) Foreign Adoption	Processed within 15 working days of receipt at Irish Naturalisation and Immigration Service.	
Irish Born Child pre 2003 — Family Dependents — Applications made by non EEA nationals granted residence under pre 2003 conditions for residence in the State for specified minor family dependents.	4-6 months to process from receipt at Irish Naturalisation and Immigration Service	

[Deputy Brian Lenihan.]

Type of Application	Average Waiting Time to Process each application	Steps being taken to speed up processing time
Change of Status: Non EEA national granted a particular permission to remain in the State and seeking an alternative residency status in the State	18 months	Development of a new Irish Naturalisation and Immigration Service IT system
Non EEA national in relationship with Irish/non EEA national and seeking permission to remain in the State on that basis	18 months	
Non EEA national previously granted permission to study seeking extension of Student Conditions	18 months	
Non EEA national previously granted permission to remain in the State as a visitor seeking extension of those conditions	18 months	
Non EEA national previously granted permission to remain in the State on work permit conditions seeking extension of those conditions	18 months	
Persons admitted to the State for various reasons and subsequently seeking permission to remain for medical treatment	18 months	
Persons admitted to the State for various reasons and subsequently seeking permission to remain as a Temporary Registered Doctor	18 months	
Turkish nationals seeking permission to remain in the State pursuant to the Turkish Association Agreement	18 months	
Non EEA nationals who have completed 60 months legal residency in the State on work permit/work visa/work authorisation conditions and now seeking permission to remain under the administrative Long Term Residency scheme	15 months	
Persons granted refugee status in the State seeking Family Re-unification for other family members	24 months	

Disability Support Service.

120. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform the role of his Department in relation to the National Disability Strategy Stakeholder Monitoring Group and its role in the overall implementation of the National Disability Strategy; the way in which the monitoring group is monitoring the roll out of services contained in the six sectoral plans; and if he will make a statement on the matter. [27536/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The National Disability Strategy was launched by Government in

September 2004 and underpins the participation of people with disabilities in Irish society by building on existing policy and legislation. The implementation of the Strategy is the agreed focus of disability policy under the Partnership Agreement, Towards 2016.

My Department is responsible for the provision of important aspects of the framework for the implementation of the Strategy including cross-Departmental co-ordination and reports to the Cabinet Committee on Social Inclusion on progress of the Strategy. My Department also has particular responsibility for the implementation of key provisions of the Disability Act 2005. Minister of State Dr. Jimmy Devins, T.D. has special

responsibility for disability including mental health.

Under the terms of Towards 2016, the National Disability Strategy Stakeholder Monitoring Group was established in December 2006 to monitor progress on the overall implementation of the National Disability Strategy. The Group comprises representatives of stakeholder groups, senior officials and the National Disability Authority while my Department also serves as Secretariat to the Group. The Group has received two reports on the National Disability Strategy by senior officials of the Government Departments concerned and a further progress report is due to be submitted to the Group at the end of 2007.

A key element of the National Disability Strategy is the Sectoral Plans for service provision for people with disabilities provided for in the Disability Act 2005. Under the Act, six Government Departments prepared plans in key sectors including transport, built infrastructure, housing, training and employment, health and social welfare provision. My Department was responsible for the co-ordination of the production and presentation of the plans to the Oireachtas and for the publishing of the plans in December 2006. The Departments have provided targets and costings for the implementation of the Sectoral Plans and have established separate fora with stakeholder representatives to monitor progress on the implementation of the plans.

Proposed Legislation.

121. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform if it is intended to proceed with the Privacy Bill 2006; and if he will make a statement on the matter. [27388/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Privacy Bill 2006 was restored by the Leader of the Seanad to the Seanad Order Paper on 26 September, 2007. It awaits to be dealt with as in the case of other Bills that come within my area of responsibility.

Civilianisation Programme.

122. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform his proposals for further civilianisation of the Gardaí in order to free trained members for front line duty; his views on the view expressed in the Final Report of the Advisory Group on Garda Management and Leadership Development that progress in regard to civilianisation has been risible; and if he will make a statement on the matter. [27371/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I fully support the Garda Commissioner in the continued implementation of the civilianisation programme proposed for An Garda Síochána and am happy to say that significant progress has been made to date in the

recruitment of civilian staff by the Garda Commissioner.

The number of full time and part time civilian staff assigned to the Garda Síochána as at the 2nd November 2007 was 2,267. Approximately 284 Clerical Officers have been recruited and assigned positions within An Garda Síochána since the 1 January 2007. These have been allocated to the Dublin Metropolitan Region, Garda Headquarters and Specialised Units.

A campaign to recruit a further 300 civilians which will release trained members of the Force for front-line duty is well underway and interviews are currently being held by the Public Appointments Service to recruit these Clerical Officers. These persons will be allocated to Divisions outside the Dublin Metropolitan Region.

The civilianisation of middle and senior positions in the Garda Síochána has commenced. Currently, there is a Chief Administrative Officer, Director of Finance, Head of Internal Audit, HR Manager, Housing Officer, Transport Manager and a civilian of Principal Officer grade in the Information Technology section. A civilian Director of Communications has recently taken up her post. Recruitment for the following positions will start shortly: — Director of Information and Communications Technology, Director of Change Management, Head of Legal Affairs and Executive Director of Human Resources. This will be in addition to the recruitment of a number of civilian crime analysts.

A dedicated Human Resource Directorate has been established in the Garda Síochána to serve the needs of the civilian, administrative, professional, technical and industrial staff in the Garda Síochána and to promote an extensive programme of civilianisation.

I am assured by the Commissioner that the Garda Síochána is committed to developing the civilian support function within the Garda Síochána to the level of best international practice and that he will continue to work to drive the civilianisation programme forward. I will fully support the Garda Commissioner in the continued implementation of organisational reform which is supported by the analysis and recommendations of the Hayes Group.

Missing Persons.

123. **Deputy John Perry** asked the Minister for Justice, Equality and Law Reform his views on the setting up of a dedicated missing persons unit under the aegis of An Garda Síochána having regard to the large number of unresolved missing persons cases; and if he will make a statement on the matter. [27336/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that local Garda management take direct responsibility for missing person cases, and special investigation teams are appointed as necessary. All missing persons are recorded on

[Deputy Brian Lenihan.]

the PULSE system. When a person is reported missing, the local Garda Superintendent will appoint an investigation team to include any specialised unit deemed necessary, such as the National Bureau of Criminal Investigation or the Technical Bureau. Missing Persons Bureau staff have undergone training on search management in line with best international practice in order to provide support to local Garda management.

An Garda Síochána interacts fully and as appropriate with media outlets — print, radio and TV — in highlighting cases involving missing persons. The services of other external agencies such as Interpol and Europol are also available to assist in the investigation. In addition, every Garda District has a specially trained search team that is familiar with the locality. The investigation of missing persons is a dedicated subject on the curriculum at the Garda College, Templemore, and is also a subject covered in in-service training.

The Garda authorities are continuously monitoring international developments in relation to investigations of missing persons in order to ensure that best practice is followed. If their professional judgement is that some change in the existing legislation, protocols or structures would be of assistance in improving investigations, this would be considered. Garda management have assured me that they are satisfied that adequate resources are in place to deal with reported cases of missing persons.

I should mention also that the Programme for Government envisages the Garda Inspectorate assessing the needs in this area.

Question No. 124 answered with Question No. 100.

Question No. 125 answered with Question No. 51.

Witness Intimidation.

126. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take of a legislative or administrative nature to address the issue of witness intimidation; and if he will make a statement on the matter. [27509/07]

259. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take to prevent the intimidation of witnesses; if the setting up of special criminal courts is an option; if other options are being considered; if he will take action in this regard in the near future; and if he will make a statement on the matter. [27785/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 126 and 259 together.

The intimidation of witnesses is already an offence pursuant to Section 41 of the Criminal

Justice Act 1999. Section 41 specifies the offence as harming, threatening or menacing or in any other way intimidating or putting in fear another person who is assisting in the investigation of an offence by the Garda Síochána, with the intention of causing the investigation or course of justice to be obstructed, perverted or interfered with. The offence applies to the intimidation of witnesses, jurors or potential jurors or any member of the said person's family. The offence is punishable upon indictment by a fine or a term of imprisonment of up to ten years.

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 Section 40 of the Criminal Justice Act 1999. Section 40 makes it an offence for any person, without lawful authority, to try to identify the whereabouts or any new identity of a witness who has been relocated under the Programme. The offence is punishable upon indictment by a fine or a term of imprisonment of up to five years.

The Garda Síochána rigorously enforces these statutory provisions.

With respect to the Special Criminal Court (SCC), provision already exists for the forwarding for trial in the SCC of persons accused of both scheduled and non-scheduled offences. In the case of scheduled offences which are also indictable offences, such persons shall be returned for trial to the SCC unless the Director of Public Prosecutions (DPP) otherwise directs. In the case of non-scheduled offences, such persons shall be returned for trial to the SCC upon direction of the DPP. The conviction of many serious organised criminals has already been successfully secured in the SCC. Issues relating to the operation of the Court in such circumstances are, of course, kept under review.

Court Procedures.

127. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he will make a statement on reports over summer 2007 that thousands of defective summons were in circulation due to problems with the PULSE system following changes to the legislation governing the District Court rules necessitating Gardaí to track down court summons and re-write them by hand. [27396/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that there have been no problems with the PULSE system following changes to legislation governing District Court Rules as indicated by the Deputy.

A minor amendment was made to the legislation governing the Rules on 1st August, 2007 by the substitution of summons Form 15.2 Schedule B with a new Form 15.2 (Statutory Instrument No. 418 of 2007 refers).

The Garda authorities advise that the substituted Form has had no operational impact on the organisation and has not necessitated Gardaí tracking down court summons and re-writing them by hand.

Proposed Legislation.

128. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform if he intends introducing legislation to strengthen the law in relation to the rights of the person to defend their homes against trespass and attack. [27347/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Law Reform Commission published a Consultation Paper on Legitimate Defence in November, 2006 which addressed the law relating to the criminal defence of legitimate defence in the context of homicide. The Consultation Paper included provisional recommendations in relation to the issue of householders rights to defend themselves and their property. The Law Reform Commission Paper forms the basis for discussion and further consideration of the issues and consultation with interested parties. On completion of this process the Law Reform Commission will publish a final report containing its final recommendations and I understand that it is expected that this report will be published in the first half of 2008.

The Government's Autumn Legislative Programme includes a proposed Criminal Law (Defence of Life and Property) Bill and as the Deputy is no doubt aware the previous Government approved the drafting of a Bill on this topic in March, 2007. In view of the fact that this issue is currently being examined by the Law Reform Commission, it is my intention to await its publication before undertaking a comprehensive assessment to see what, if any, of its recommendations should be taken on board, before proceeding with the legislation.

Garda Promotions.

129. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform his views on the concerns raised by the Commission for Public Service Appointments in respect of the methods used in the promotion of Gardaí and the concerns of the AGSI in the same regard; and if he will make a statement on the matter. [27391/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have requested the views of the Garda Commissioner on the issue

raised by the Deputy and I will write to the Deputy shortly.

Garda Deployment.

130. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the number of Gardaí assigned to community policing; if this represents less than 4% of the overall strength of the force; if he has plans to increase the number of community Gardaí; and if he will make a statement on the matter. [27379/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer to my reply to Question 490 of 31 October 2007. The information requested by the Deputy is contained therein.

Question No. 131 answered with Question No. 64.

Question No. 132 answered with Question No. 59.

Departmental Expenditure.

133. **Deputy Lucinda Creighton** asked the Taoiseach the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27616/07]

The Taoiseach: The amount spent by my Department on Travel and Subsistence in the first nine months of 2007 is €442,220 compared to total spend of €541,393 for same period in 2006. This shows a reduction of total expenditure in this Subhead of €99,173 in 2007 compared to 2006 for the months January to September.

134. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Finance the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27611/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): In the nine months ended 2007, my Department spent some €665,000 on Travel & Subsistence of which €374,000 was in respect of EU and international travel. This compares with €633,000 spent during the same period in 2006 of which €378,000 was in respect of EU and international travel. The increase arises in the Home Travel category, which is mainly due to increased audits carried out by European Regional Development Fund Unit (ERDF), audits carried out by the newly established Central Expenditure Evaluation Unit (CEEU) and increases in the rates of T&S in the region of 3.8%.

Tourism Promotion.

135. **Deputy Mary O'Rourke** asked the Tánaiste and Minister for Finance the status of the mid Shannon corridor tourism infrastructure investment scheme. [27647/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Mid-Shannon Corridor Tourism Infrastructure Investment Scheme was introduced in the Finance Act 2007. It is a new pilot tax based scheme for tourism facilities in the mid-Shannon area. The scheme is aimed at encouraging the development of new tourism infrastructure, or the refurbishment of existing tourism infrastructure, in that area.

The scheme will be commenced by way of Ministerial order as soon as the scheme's guidelines have been drawn up and agreed and the scheme has been approved by the European Commission.

The development of the guidelines has been the subject of ongoing consultations between the Department of Arts, Sports and Tourism and my Department. These guidelines and accompanying application forms are now at an advanced stage and will be completed very shortly.

Departmental Staff.

136. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance if he will investigate from the Office of Public Works when a person (details supplied) in County Mayo within a certain position in the OPW will be paid the extra money; the reason this person is not getting paid currently; and the reason this matter has not been resolved to date within the OPW. [27675/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The person in question sought payment of an allowance in respect of a three week period in August 2006, during which time his trade union claimed that he had acted up from the position of a drainage machine driver to that of ganger. In response the Office of Public Works reminded the trade unions that grades of machine driver and ganger had been amalgamated with effect from the 1st of June 2005, in accordance with national agreements made under the Parallel Benchmarking Process for the State Industrial Sector. In the circumstances no extra payments are due in this case.

Tax Yield.

137. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the predicted level of total voted current expenditure and total tax revenue on a monthly basis for each of the past five years; the actual level and the deviation between the two; and the same data for each month to date in 2007. [27696/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Since 2003 expenditure profiles

are published annually on the Department of Finance website. The actual amount of expenditure issued is published as part of the end month exchequer material. Set out below are tables for each year that compare the published profile of net voted current expenditure with the actual amounts issued from the Exchequer on a monthly basis since 2003. Prior to 2003, my Department did not publish expenditure profiles, therefore, the tables below include an unpublished net voted current expenditure profile for 2002. The disparities between the two columns reflect, inter alia, adjustments to the Estimates of expenditure (as originally profiled in January of each year) in the context of the Revised Estimates, which are published in February or March, and Supplementary Estimates that may be passed by the Dáil in the course of the year.

2002 Net Voted Current Expenditure (€ million)

Month	Issues	Profile	Difference
			%
January	1,735	1,967	-11.8
February	1,797	1,796	0.1
March	1,842	1,828	0.8
April	1,972	1,946	1.3
May	2,239	2,085	7.4
June	1,687	1,856	-9.1
July	1,951	1,900	2.7
August	1,859	1,932	-3.8
September	2,064	1,722	19.9
October	2,055	2,215	-7.2
November	2,035	1,898	7.2
December	2,140	2,084	2.7
Total	23,376	23,229	0.6

2003 Net Voted Current Expenditure (€ million)

Month	Issues	Profile	Difference
			%
January	2,440	2,440	0.0
February	1,762	2,006	-12.2
March	1,929	1,962	-1.7
April	2,029	2,049	-1.0
May	2,102	2,147	-2.1
June	2,069	2,465	-16.1
July	2,164	2,133	1.4
August	1,903	1,943	-2.1
September	2,091	2,003	4.4
October	2,475	2,505	-1.2
November	1,961	1,881	4.3
December	2,562	1,809	41.6
Total	25,487	25,345	0.6

2004 Net Voted Current Expenditure (€ million)

Month	Issues	Profile	Difference
			%
January	2,337	2,361	-1.0
February	1,982	2,130	-7.0
March	2,086	2,088	-0.1
April	2,378	2,435	-2.3
May	2,127	2,122	0.2
June	2,257	2,191	3.0
July	2,505	2,438	2.8
August	1,897	2,048	-7.4
September	2,548	2,636	-3.3
October	2,310	2,442	-5.4
November	2,184	2,144	1.9
December	2,619	2,415	8.5
Total	27,230	27,450	-0.8

2005 Net Voted Current Expenditure (€ million)

Month	Issues	Profile	Difference
			%
January	2,823	2,854	-1.1
February	2,191	2,346	-6.6
March	2,208	2,228	-0.9
April	2,584	2,622	-1.4
May	2,132	2,216	-3.8
June	2,371	2,508	-5.5
July	2,702	2,654	1.8
August	2,152	2,166	-0.6
September	2,907	2,949	-1.4
October	2,393	2,403	-0.4
November	2,310	2,352	-1.7
December	2,920	2,705	7.9
Total	29,693	30,002	-1.0

2006 Net Voted Current Expenditure (€ million)

Month	Issues	Profile	Difference
			%
January	2,732	2,736	-0.1
February	2,345	2,521	-7.0
March	2,754	2,534	8.7
April	2,583	2,807	-8.0
May	2,386	2,565	-7.0
June	2,770	2,815	-1.6
July	2,841	3,040	-6.5
August	2,734	2,623	4.2
September	3,089	3,295	-6.2
October	2,797	2,606	7.3
November	2,688	2,818	-4.6
December	3,268	3,147	-3.9
Total	32,986	33,508	-1.6

2007 Net Voted Current Expenditure (€ million)

Month	Issues	Profile	Difference
			%
January	3,260	3,234	0.8
February	2,635	2,703	-2.5
March	3,114	3,021	3.1
April	3,242	3,188	1.7
May	2,893	3,037	-4.8
June	2,990	2,909	2.8
July	3,252	3,233	0.6
August	3,002	2,953	1.6
September	3,409	3,452	-1.2
October	3,056	2,065	-0.3
Total to Oct	30,854	30,795	0.2

Since 2003 my Department has published tax profiles. Also on a monthly basis the actual amount of tax Revenue received is published in the end-month Exchequer statement.

In considering the Tax Revenue information it is important to note that tax profiles prior to 2004 are only available on a Revenue net receipts basis. Net receipts figures differ from Exchequer receipts due to timing and cash flow issues. To aid comparability, the 2002 and 2003 profile figures have been adjusted downwards by the amount of the receipts from certain excise duties on tobacco products collected by the Revenue Commissioners and paid by way of Appropriations-in-Aid to the Vote for Health and Children (€168 million) as this is the major numerical difference between Exchequer and Net Receipts figures. 2002 and 2003 profiles also exclude other small Levies.

From 2004 onwards all tax figures are on an Exchequer basis which does not include the Tobacco Levy.

	Unpublished Revenue Net Receipts Profile	Outturn (Exchequer)		
2002	€m	€m	±€m	±%
Jan-02	2,542	2,544.8	2.8	0.1
Feb-02	1,774	1,605.1	-168.9	-9.5
Mar-02	2,186	2,067.0	-119.0	-5.4
Apr-02	1,633	1,798.4	165.4	10.1
May-02	2,997	2,941.9	-55.1	-1.8
Jun-02	2,442	2,368.5	-73.5	-3.0
Jul-02	4,088	3,742.9	-345.1	-8.4
Aug-02	1,668	1,454.6	-213.4	-12.8
Sep-02	2,576	2,465.6	-110.4	-4.3
Oct-02	2,103	2,111.8	8.8	0.4
Nov-02	3,882	4,083.0	201.0	5.2
Dec-02	2,427	2,110.4	-316.6	-13.0
Total	30,318	29,294.1	-1,023.9	-3.4

[Deputy Brian Cowen.]

	Published Net Receipts Profile minus Tobacco Levy	Outturn (Exchequer)		
2003	€m	€m	±€m	±%
Jan-03	2,616	2,807.6	191.6	7.3
Feb-03	1,940	1,606.0	-334.0	-17.2
Mar-03	2,421	2,542.1	121.1	5.0
Apr-03	1,614	1,506.4	-107.6	-6.7
May-03	3,073	3,069.6	-33.4	-1.1
Jun-03	3,285	3,051.8	-233.3	-7.1
Jul-03	2,753	2,889.5	136.5	5.0
Aug-03	1,669	1,650.0	-19.0	-1.1
Sep-03	2,769	2,791.1	22.1	0.8
Oct-03	2,290	2,346.9	56.9	2.5
Nov-03	4,965	5,564.3	599.3	12.1
Dec-03	2,245	2,307.8	62.8	2.8
Total	31,640	32,102.9	462.9	1.5

	Published Exchequer Tax Profile	Outturn (Exchequer)		
2004	€m	€m	±€m	±%
Jan-04	3,097	3,167.4	70.6	2.3
Feb-04	1,950	2,186.3	236.1	12.1
Mar-04	2,648	2,657.8	10.0	0.4
Apr-04	1,666	1,864.2	197.8	11.9
May-04	3,258	3,375.7	118.0	3.6
Jun-04	2,883	3,300.0	416.5	14.4
Jul-04	2,863	3,032.6	169.6	5.9
Aug-04	1,658	1,878.4	220.8	13.3
Sep-04	2,937	3,135.3	198.4	6.8
Oct-04	2,361	2,498.2	137.0	5.8
Nov-04	5,879	6,216	337.0	5.7
Dec-04	2,200	2,269	69.1	3.1
Total	33,400	35,580.8	2,180.8	6.5

	Published Exchequer Tax Profile	Outturn (Exchequer)		
2005	€m	€m	±€m	±%
Jan-05	3,387	3,467.7	80.2	2.4
Feb-05	2,628	2,654.2	25.8	1.0
Mar-05	2,787	2,902.2	115.0	4.1
Apr-05	1,923	1,990.4	67.1	3.5
May-05	3,576	3,527.3	-48.9	-1.4
Jun-05	2,616	2,696.9	80.4	3.1

	Published Exchequer Tax Profile	Outturn (Exchequer)		
2005	€m	€m	±€m	±%
Jul-05	3,173	3,574.6	401.9	12.7
Aug-05	1,983	2,115.8	133.2	6.7
Sep-05	3,365	3,510.7	145.5	4.3
Oct-05	2,742	2,982.2	240.0	8.8
Nov-05	6,975	7,456.8	481.8	6.9
Dec-05	2,348	2,375.3	27.0	1.1
Total	37,505	39,254.0	1,749.0	4.7

	Published Exchequer Tax Profile	Outturn (Exchequer)		
2006	€m	€m	±€m	±%
Jan-06	4,230	4,229.5	-0.2	0.0
Feb-06	3,003	3,080.1	77.0	2.6
Mar-06	3,081	3,439.4	358.8	11.6
Apr-06	2,070	2,052.7	-17.4	-0.8
May-06	3,706	4,166.2	460.2	12.4
Jun-06	2,517	2,619.2	101.9	4.0
Jul-06	3,466	3,807.8	341.6	9.9
Aug-06	2,234	2,450.4	216.1	9.7
Sep-06	3,544	3,813.3	269.4	7.6
Oct-06	3,232	3,426.7	194.8	6.0
Nov-06	8,268	10,010.9	1,742.9	21.1
Dec-06	2,299	2,442.8	143.9	6.3
Total	41,650	45,538.9	3,888.9	9.3

	Published Exchequer Tax Profile	Outturn (Exchequer)		
2007	€m	€m	±€m	±%
Jan-07	4,690	4,745.5	55.4	1.2
Feb-07	3,365	3,500.3	135.1	4.0
Mar-07	3,763	3,600.1	-162.4	-4.3
Apr-07	2,248	2,344.7	96.9	4.3
May-07	4,556	4,412.5	-143.7	-3.2
Jun-07	2,322	2,210.2	-111.7	-4.8
Jul-07	4,079	4,194.3	114.8	2.8
Aug-07	2,591	2,336.7	-254.5	-9.8
Sep-07	4,337	4,117.9	-219.6	-5.1
Oct-07	3,614	3,472.8	-141.0	-3.9
Total	35,565	34,935.0	-630.4	-1.8

Note: Rounding may affect totals.

Tax Code.

138. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if a vehicle which has been purchased in the UK on which vehicle registration tax was paid at the time of purchase, would be eligible for a refund of VRT when it is traded in in the UK for a replacement vehicle; and if he will make a statement on the matter. [27704/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): There is no mechanism at present allowing for a refund of VRT where a car is exported to the UK from the State; and I have no plans to introduce such a scheme at this time.

Flood Relief.

139. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance if he will ascertain from the Office of Public Works that works will be carried out to alleviate the flooding problem for persons (details supplied) in County Mayo; if preventative works will be carried out to ensure that the flooding does not reoccur in 2007; the discussions that have taken place in this regard; if funding has been provided; the works that will take place; and if he will make a statement on the matter. [27741/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): Further to my response to the House on 26th September, 2007 in this matter, the OPW is continuing to engage with Mayo County Council engineering staff to establish a solution, which would be economically, socially and environmentally feasible to the flood risk problem in the region referred to.

It is not possible at this stage to put a timescale or a costing on such a scheme if a feasible scheme is identified. These issues will be addressed as soon as possible when staff resources, which are fully deployed dealing with other urgent flood risk management cases in the region are available.

Services for People with Disabilities.

140. **Deputy David Stanton** asked the Tánaiste and Minister for Finance if the total public expenditure on disability specific services in 2006 was €3.3 billion as detailed in his speech (details supplied); if not, the total for 2006 with a breakdown of to whom this money was allocated and on what it was spent; and if he will make a statement on the matter. [27803/07]

141. **Deputy David Stanton** asked the Tánaiste and Minister for Finance if the budget for the special disability multi-annual funding package from 2006 to 2009 remains at €900 million as announced in Budget 2005 with a breakdown of total public expenditure each year respectively to date in 2007 under this special package; the type of services and so on that this funding covers and the location to where it is allocated with a breakdown of total estimated and expected expenditure per annum for each of the remaining years of the package; and if he will make a statement on the matter. [27804/07]

142. **Deputy David Stanton** asked the Tánaiste and Minister for Finance the overall public expenditure on disability specific services each year respectively since 2004; and if he will make a statement on the matter. [27805/07]

143. **Deputy David Stanton** asked the Tánaiste and Minister for Finance if the expenditure on the multi-annual funding package is included in the figures for total public expenditure on disability specific services each year; and if he will make a statement on the matter. [27806/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 140 to 143, inclusive, together.

The overall allocation of Exchequer funding for the provision of disability specific services is provided for in the annual estimates.

The multi annual investment package for disability announced in Budget 2005 provided for expenditure of €135m in 2006, €198m in 2007, €253m in 2008 and €308m in 2009 mainly for health and education. Expenditure on Disability for 2006 of €3.3 billion mentioned in my speech and for previous years covers expenditure by the main Departments on programmes but does not include expenditure on income support by the Department of Social and Family Affairs and disability related expenditure by other Departments. Following the enactment of the Disability Act, 2005, and consultation with Departments in the matter, my Department has recently begun co-ordinating the collection of actual expenditure on Disability Services.

The provision for expenditure on the multi annual investment programme, for expenditure on disability specific services referred to in my speech and since 2004 and the existing level of service provision for 2008 together with the outturn for 2006, as reported by individual Departments to my Department, is as follows:

[Deputy David Stanton.]

Disability Expenditure

Department	2004 Estimate	2005 Estimate	2006 Estimate	2006 Outturn	2007 Estimate	2008 Pre Budget Outlook
	€m	€m	€m	€m	€m	€m
Health & Children	1,958	2,183	2,420	2,385	2,577	2,743
Education & Science	469	568	703	925	823	878
Enterprise Trade & Employment	56	64	79	68	77	78
Environment	35	47	47	58	53	54
Justice	7	11	12	15	14	14
Transport	6	6	15	8	15	16
Foreign Affairs		2	2	0.3	2	2
Finance	1	1	5	14	18	18
Social and Family Affairs				1,903	2,567	2,749
Communications, Energy and Natural Resources			2	3	1	1
Cost to the Exchequer of the Disabled Drivers Scheme	53	56	62	68	75	83
Total (Including cost to the Exchequer of the Disabled Drivers Scheme)	2,585	2,938	3,347	5,447	6,222	6,636

* The provisional outturn for 2007 will be available at Budget time.

Information is still awaited from the Departments of Agriculture, Arts Sports and Tourism, Community Rural and Gaeltacht Affairs and Defence. This expenditure is relatively small. I have asked the Departments to provide this information directly to the Deputy.

As regards the issue of additional funding for Disability Specific Services in 2008, I will present Budget 2008 to the Dáil on 5 December 2007 and, as is normal, I will not comment on the contents of the Budget in advance of that date.

The development of policy, the provision of services for people with disability and expenditure on those services in each sector are primarily a matter for the Minister responsible for each sector. Under the Disability Act 2005, each Minister is responsible for allocating out of the moneys available to him or her the maximum amount as he/she considers appropriate for such services having regard to the other obligations which he or she must provide for.

In addition, the Departments of Communications, Energy and Natural Resources, the Environment, Heritage and Local Government, Enterprise, Trade and Employment, Health and Children, Social and Family Affairs and Department of Transport are responsible for preparing Disability Sectorial Plans. The Departments covered have prepared Sectorial Plans on disability and these plans were presented to Dáil Éireann and Seanad Éireann on 17 and 18 October 2006 respectively. These plans cover vital areas of communications, work and training, health, transport, the accessibility of the environment, local government services and social welfare. They set out how services will be better and

more accessible. A high level monitoring group representing Government Departments and people with disabilities is working together to make the plans become a reality.

Any queries in relation to the detail of the provision of and expenditure on disability specific services should therefore be referred to the relevant Ministers.

Civil Registration.

144. **Deputy Róisín Shortall** asked the Minister for Health and Children the sections and subsections of the Civil Registration Act 2004 that have yet to be commenced in full, and where part of a section or subsection has been commenced to identify which part has been commenced and which part has not. [27684/07]

145. **Deputy Róisín Shortall** asked the Minister for Health and Children the sections and subsections of the Civil Registration (Amendment) Act 2005 that have yet to be commenced in full, and where part of a section or subsection has been commenced to identify which part has been commenced and which part has not. [27685/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 144 and 145 together.

The Civil Registration Act, 2004 allows for the graduated commencement of the various provisions.

Section 27 of the Act was commenced on 2nd March, 2004 and section 65 was commenced on 1st October 2004.

The Civil Registration Act 2004 (Commencement) Order 2005, with effect from 5th December 2005 commenced the following provisions: Section 4, and the Second Schedule, in so far as they apply to the enactments specified in the Schedule to the Order; Part 1 (other than section 4); Part 2 (other than paragraphs (c) and (e) of section 13 (1)); Part 3, in so far as it was not already in operation; Part 5; Part 8 (other than section 73), in so far as it is not already in operation; and Parts 1, 2 and 5 of the First Schedule.

The Civil Registration Act 2004 (Commencement) Order 2007, with effect from 5 November 2007, commenced the following provisions: Section 4 in so far as it relates to the repeal of the enactments specified in the Schedule to the Order; Section 13(1)(e); Part 6 (as amended by the Health Act 2007 (No. 23 of 2007)); and the Second Schedule in so far as it related to the repeal of the enactments mentioned in the Schedule to the Order.

The Parts and sections of the Act yet to be commenced are; Section 4 in so far as it relates to the repeal of enactments still required and in force; Sections 13(1) (c), 13(1) (f) and 13(1) (g); Part 4; Part 7; Section 73 of Part 8; and the Second Schedule in so far as it relates to enactments still in force, namely the Vital Statistics and Births Deaths and Marriages Registration Act, 1952, section 6 of the Adoption Act, 1952, and sections 6 & 7 of the Adoption Act, 1991.

In general, all sections of the Act, except those relating to adoptions and the registration of decrees of divorce and decrees of nullity have now been commenced. All sections of the Civil Registration (Amendment) Act 2005 have been commenced in full.

Health Service Allowances.

146. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the reason domiciliary care allowance has not been approved in the case of persons (details supplied) in County Kildare who have special educational needs; and if she will make a statement on the matter. [27792/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Suicide Prevention.

147. **Deputy Finian McGrath** asked the Minister for Health and Children if she will include

funding for families of patients with eating disorders in their efforts against suicide. [27580/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Responsibility for the implementation of "Reach Out" the National Strategy for Action on Suicide Prevention, which was published in September 2005, rests with the HSE's National Office for Suicide Prevention (NOSP). The Minister and the National Office are fully committed to the implementation of the strategy.

Significant additional funding of €3.05 million was provided in 2006 and 2007 which brings the total funding available to support suicide prevention initiatives in 2007 to €8 million. This funding is being used to develop and implement national training programmes, complete the availability of self-harm services through A&E departments, develop mental health awareness campaigns, implement recommendations arising from a review of bereavement services and support voluntary organisations working in the field of suicide prevention.

"A Vision for Change" was launched in January 2006 provides a framework for action to develop a modern, high quality mental health service over a 7 to 10 year period. It acknowledges gaps in the current provision of services for people with eating disorders and makes several recommendations for the further improvement of these services.

Recommendations include support for health promotion initiatives that encourage greater community and family awareness of eating disorders, the further development of primary and community care services and the provision of a full multidisciplinary team in a National Centre for Eating Disorders for complex cases that cannot be managed by local child and adolescent community mental health teams. Responsibility for the implementation of these recommendations rests with the HSE.

Mental Health Services.

148. **Deputy Finian McGrath** asked the Minister for Health and Children if she will explore the proposal to send their therapists on eating disorder courses run by a centre (details supplied) in Dublin 3. [27581/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive

[Deputy Jimmy Devins.]

to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

149. **Deputy Paul Connaughton** asked the Minister for Health and Children the position regarding the proposed construction of the Tuam Health Campus; if the competitive dialogue process has concluded; if an ambulance base is still proposed for the campus; the position on the project; and if she will make a statement on the matter. [27596/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter 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 Accommodation.

150. **Deputy Paul Connaughton** asked the Minister for Health and Children if a portion of land owned by the Health Service Executive at St. Bridget's Hospital, Ballinasloe, County Galway will be made available for the provision of accommodation for the elderly by way of a voluntary housing project; and if she will make a statement on the matter. [27599/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter 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.

Departmental Expenditure.

151. **Deputy Lucinda Creighton** asked the Minister for Health and Children the amount spent on travel and subsistence in her Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27613/07]

Minister for Health and Children (Deputy Mary Harney): The amounts paid in respect of travel and subsistence by my Department for the period January to September for each of the

years 2006 and 2007 were €0.6m and €0.649m respectively. The increase in the amount paid in 2007 over 2006 was due to increased rates of travel and subsistence and an increase in the number of travel claims processed in 2007 over the same period in 2006.

Health Repayment Scheme.

152. **Deputy Timmy Dooley** asked the Minister for Health and Children when a person (detail supplied) will receive a refund under the Health Repayment Scheme. [27621/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Health Services.

153. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist persons (details supplied). [27623/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular 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.

Cancer Screening Services.

154. **Deputy Michael Ring** asked the Minister for Health and Children the additional costs involved in moving the diagnostics and follow up clinics for mammogram and colonoscopy patients from a hospital (details supplied) in County Mayo. [27626/07]

155. **Deputy Michael Ring** asked the Minister for Health and Children if the decision to cease oncology surgery at a hospital (details supplied) in County Mayo was reached in consultation with the surgeons involved or the Royal College of Surgeons; if not, if she will consult with the surgeons in this regard; and if she will make a statement on the matter. [27627/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 154 and 155 together.

The implementation of the National Cancer Control Programme is a major priority for me and for this Government. I fully support the appointment by the Health Service Executive (HSE) of Prof. Tom Keane as Interim National Cancer Control Director. The delivery of cancer services on a programmatic basis will serve to ensure equity of access to services and equality of patient outcome irrespective of geography. The decisions of the HSE in relation to four managed cancer control networks and eight cancer centres will be implemented on a managed and phased basis. The HSE plans to have completed 50% of the transition of services to the cancer centres by end 2008 and 80-90% by end 2009.

The HSE has designated University College Hospital Galway and Limerick Regional Hospital as the two cancer centres in the Managed Cancer Control Network for the HSE Western Region, which includes Mayo. The designation of cancer centres aims to ensure that patients receive the highest quality care while at the same time allowing local access to services, where appropriate. Where diagnosis and treatment planning is directed and managed by multi-disciplinary teams based at the cancer centres, then much of the treatment (other than surgery) can be delivered in local hospitals, such as Mayo General Hospital.

The National Cancer Control Strategy was developed by the National Cancer Forum, a multidisciplinary group of experts which was chaired by a member of the Royal College of Surgeons in Ireland (RCSI). A HSE Advisory Group on the Cancer Control Programme, which included representation from the RCSI, advised on the hospitals to be designated as cancer centres.

The specific question raised by the Deputy regarding the costs involved in moving services from Mayo General Hospital relates to the management and delivery of health, personal and social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in relation to the matter raised.

Hospitals Building Programme.

156. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the position regarding her plans to co-locate private for profit hospitals on the sites of public hospitals; the number of locations involved in the process; the stage which the tendering process has reached in each case; the contracts which have been signed and the companies to whom contracts have been awarded; the cost of the process to date; and if

she will make a statement on the matter. [27662/07]

Minister for Health and Children (Deputy Mary Harney): The Board of the Health Service Executive approved preferred bidders for the following six co-located hospital sites at its July meeting: Waterford Regional Hospital; Cork University Hospital; Limerick Regional Hospital; Sligo General Hospital; Beaumont Hospital; St. James's Hospital.

Since then the hospitals and the preferred bidders have been working towards finalising the Project Agreements for these sites. It is expected that the Project Agreements for the sites will be concluded in the near future.

Connolly Hospital and Tallaght Hospital, which are also participating in the co-location initiative, are at an earlier stage of the procurement process. A tender in relation to the former is under consideration. It is expected that the invitation to tender (ITT) for Tallaght Hospital will issue in the near future. Within 5 working days of the execution of a Project Agreement, the preferred bidder is required to pay the HSE a sum of €350,000. The HSE advises that this should be sufficient to meet the costs incurred by it in undertaking the procurement process.

Ambulance Service.

157. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if there has been progress in considering the provision of anti-stab vests for front-line paramedics; and if she will make a statement on the matter. [27671/07]

Minister for Health and Children (Deputy Mary Harney): Under the Health Act 2004, the Health Service Executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for paramedics and ambulance personnel.

My Department has been informed that the HSE will be carrying out a review of the need for anti-stab vests for ambulance service personnel and that this review will be carried out within the Executive's Partnership Forum.

My Department has requested the HSE to investigate what progress has been made in relation to this Review and to reply directly to her on the matter.

Water Fluoridation.

158. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if she will investigate fluoride exposure in the Irish population particularly in view of a study (details supplied) carried out in Donegal which found that seven out of ten people in that county are at or above the safe intake level of fluoride; and if she will make a statement on the matter. [27672/07]

Minister for Health and Children (Deputy Mary Harney): There is a commitment in the Programme for Government to mandate the Health Service Executive to publish a comprehensive report on water fluoridation. In this connection, the Irish Expert Body on Fluorides and Health (Expert Body) is committed to carrying out a baseline study to monitor the effects of the change in water fluoridation following the introduction of revised Regulations earlier this year. (The Regulations reduced the level of fluoride in public water supplies to between 0.6 parts per million (ppm) fluoride and 0.8 ppm).

Regarding the Deputy's question in relation to over exposure to fluoride in the general population and in County Donegal in particular, I have asked officials in my Department to refer this matter to the Expert Body for its consideration. The Expert Body will advise me on the outcome of its consideration of this matter in the context of its above report.

Child Care Services.

159. **Deputy Jack Wall** asked the Minister for Health and Children if his attention has been drawn to the problems experienced by community based childcare facilities, particularly in the west of Ireland, with the National Childcare Investment Programme, that due to the inability of people in this area to pay substantially higher fees as they are just over the family income supplement threshold and the problems with the lack of numbers of families in this region who qualify for FIS, many facilities will have to close or substantially reduce their services; and if she will make a statement on the matter. [26518/07]

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 €400 million in a full year. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of childcare they choose and regardless of whether they live in urban or rural areas. In addition to these universal supports, Government childcare policy has also recognised the need to target additional supports towards disadvantaged families.

Under the Equal Opportunities Childcare Programme 2000-2006 (EOCP), which is co-funded under the EU Social Fund (ESF), targeted support was provided through the staffing support grant scheme whereby community based not-for-profit childcare providers with a strong focus on disadvantage were awarded grant aid towards their staffing costs to allow them to

operate reduced fees to disadvantaged parents. Funding under this scheme was originally awarded for a limited period during which services were expected to move towards sustainability. This funding was subsequently continued to the end of 2007, where it was considered necessary to enable services to continue to make their services accessible to disadvantaged parents. This continuation funding was subject to the condition that tiered fee structures were implemented by the services in question.

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 are required to ask parents using their services to complete a simple declaration form which will be included in a return to my Office and on which basis the level of subvention for each service will be determined. The subvention received by services will, in turn, be reflected in the reduced fees for parents who qualify as disadvantaged under the scheme.

In practice, this will mean that parents with children in such services and in receipt of most social welfare payments (or participating in a scheme such as Community Employment which demonstrates an underlying entitlement to same) will see a €80 weekly subvention in respect of full daycare (with pro-rata reductions in respect of shorter hour services). Parents in receipt of Family Income Supplement (FIS), will see a €30 weekly subvention in respect of full daycare (with pro-rata reductions). A further subvention of €30 per week will be paid where the subvented child is a baby, in recognition of the higher costs associated with the care of children aged under 1 year. Parents who do not qualify under either of these categories will be charged the cost price for their childcare service, however, as community not-for-profit services will, generally, have availed of capital grant aid under the EOCP or NCIP removing the requirement to cover rent or a mortgage, and as the services are run on a not-for-profit basis, this should still be significantly below the market price.

It is considered that the new scheme will provide an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community childcare services generally. The scheme has been informed by and takes account of a number of enhancements recommended by the report of the Value for Money Review of the EOCF. 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 EOCF 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.

The Community Childcare Subvention Scheme will not discriminate against rural services and the number of parents in rural areas supported by the new scheme is not expected to be lower than in urban areas. Per capita, the majority of the social welfare benefits which are referenced by the new scheme are availed of by more people outside the Dublin area than in it and parents in receipt of Farm Assist will attract the higher level of subvention. Data available from EOCF grant applications also suggests that the costs of running a rural service, and therefore the costs charged to parents, are lower than those for services in urban areas.

Transitional arrangements have been made under which existing grant recipients will continue to be funded at their current levels until 1st July 2008. This is to ensure that existing childcare services are facilitated to adjust to the new scheme, including making any adjustments necessary to their fee structures. As signalled when I announced the new scheme in July this year, the transitional period between now and 1 July 2008 will also be used to monitor and review the impact it will have on individual groups, on the basis of the more detailed and comprehensive data which is due to be received from applicants in November. If appropriate, any adjustments necessary to the scheme to secure the best out-

comes for childcare services and for disadvantaged parents and their children will be considered on the basis of this data and well in advance of the commencement of the new funding levels in July 2008.

Health Services.

160. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if an early ultra sound scan or scan for abdomen and pelvis will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27708/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Vaccination Programme.

161. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of children in County Kildare who have received the BCG vaccine in each of the past eight years; the extent of inoculations in 2007; the availability of vaccine to meet requirements; and if she will make a statement on the matter. [27709/07]

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 Services Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Acquired Infections.

162. **Deputy Brian O'Shea** asked the Minister for Health and Children the number of patients who contracted a hospital acquired blood stream infection in Waterford Regional Hospital in 2006 and to date in 2007. [27735/07]

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 HSE 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

[Deputy Mary Harney.]

body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

163. **Deputy Pat Breen** asked the Minister for Health and Children the status of an application by a person (details supplied) in County Clare. [27742/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. 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.

Child Care Services.

164. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to the new community child care subvention scheme; if he will re-examine this decision; and if she will make a statement on the matter. [27794/07]

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 child care costs are Child Benefit and the Early Child care Supplement. The latter payment, which is in recognition of the higher child care costs of pre-school children, is the responsibility of my Office, and it alone amounts to expenditure of over €400 million in a full year. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of child care they choose and regardless of whether they live in urban or rural areas. In addition to these universal supports, Government child care policy has also recognised the need to target additional supports towards disadvantaged families.

Under the Equal Opportunities Child care 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 child care providers with a strong

focus on disadvantage were awarded grant aid towards their staffing costs to allow them to operate reduced fees to disadvantaged parents. Funding under this scheme was originally awarded for a limited period during which services were expected to move towards sustainability. This funding was subsequently continued to the end of 2007, where it was considered necessary to enable services to continue to make their services accessible to disadvantaged parents. This continuation funding was subject to the condition that tiered fee structures were implemented by the services in question.

With the closure of the EOCP in December 2007, to continue to support community child care services to provide affordable child care to disadvantaged parents, the Community Child care Subvention Scheme (CCSS) is being introduced from January 2008 under the Exchequer funded National Child care 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 child care services to provide reduced child care 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 are required to ask parents using their services to complete a simple declaration form which will be included in a return to my Office and on which basis the level of subvention for each service will be determined. The subvention received by services will, in turn, be reflected in the reduced fees for parents who qualify as disadvantaged under the scheme.

In practice, this will mean that parents with children in such services and in receipt of most social welfare payments (or participating in a scheme such as Community Employment which demonstrates an underlying entitlement to same) will see a €80 weekly subvention in respect of full day care (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 day care (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 child care 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 child care services generally. The scheme has been informed by and takes account of a number of enhancements recommended by the report of the Value for Money Review of the EOC. 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 EOC 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 Child care 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 1 July 2008. This is to ensure that existing child care services are facilitated to adjust to the new scheme, including making any adjustments necessary to their fee structures. As signalled when I announced the new scheme in July this year, the transitional period between now and 1 July 2008 will also be used to monitor and review the impact it will have on individual groups, on the basis of the more detailed and comprehensive data which is due to be received from applicants in November. If appropriate, any adjustments necessary to the scheme to secure the best outcomes for child care services and for disadvantaged parents and their children will be considered on the basis of this data and well in advance of the commencement of the new funding levels in July 2008.

Health Services.

165. **Deputy Michael Kennedy** asked the Minister for Health and Children the number of accounts administered nationally by the Health Service Executive under the patient private prop-

erty account scheme; the value of these accounts both nationally and locally in the Dublin north region; the number of patients from north Dublin on whose behalf the HSE is administering accounts in both local PPP accounts and central PPP categories; the measures taken to ensure that these accounts are monitored and left untouched by the HSE; and if she will make a statement on the matter. [27797/07]

Minister for Health and Children (Deputy Mary Harney): The HSE maintains up to 15,000 Patient Private Property (PPP) accounts on behalf of clients who are in long-term residential care at HSE Care Centres, such as Older Persons, Mental Health, and Intellectual/Physical Disability Centres.

The HSE operates 2,427 local PPP accounts for clients resident at Care Centres within the North Dublin Region (the area previously served by the ERHA Northern Area Health Board). A further 185 PPP accounts are maintained by the PPP accounts Central Unit, Tullamore for clients resident at these Care Centres. The total value of PPP funds administered by the HSE at 31 December 2006 was €92.5 million. The value of PPP funds retained at North Dublin Region Care Centres at that date was €7.8 million.

All Patient Private Property funds are held separately from HSE funds. Separate independent bank accounts are maintained at Care Centres for PPP funds and a record of each client's PPP balance and spending is retained at each Care Centre. Ongoing reconciliation and review of PPP accounts is undertaken by the HSE.

An external firm of Accountants undertakes an audit of PPP accounts at each of the 154 Care Centres throughout the country that operates PPP accounts and prepares this set of draft accounts on behalf of the HSE to be forwarded to the Comptroller and Auditor General. A set of national guidelines was issued by the HSE in March 2006 controlling the operation of PPP accounts at each Care Centre.

Disabled Drivers.

166. **Deputy David Stanton** asked the Minister for Health and Children the changes to the eligibility criteria of the motorised transport grant in the past 12 months; if she has plans to allow those over 66 to receive the grant; and if she will make a statement on the matter. [27807/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Department of Health and Children Motorised Transport Grant circular of March 2007 states that "The Health Service Executive may pay a grant towards the purchase of a vehicle and/or adaptations to a vehicle being purchased by a person with a severe disability who is 17 years or older and under 66 years of age, where a vehicle

[Deputy Jimmy Devins.]

is essential for him/her to retain employment.” My Department is aware of the issue of age related criteria for health allowances and grants. Having regard to equality legislation, my Department is considering the question of removing the upper age limit for this scheme.

Hospital Services.

167. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment date for surgery at Tallaght General Hospital; and if she will make a statement on the matter. [27813/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

168. **Deputy Róisín Shortall** asked the Minister for Health and Children the action she will take to introduce a cost of disability payment; and if she will make a statement on the matter. [26276/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As the Deputy is aware my Department published a Sectoral Plan in 2006 as part of the implementation of the Disability Act 2005. The Sectoral Plan establishes a system for the assessment of individual needs for people with a disability.

The Sectoral Plan also identifies key objectives in relation to income support and associated benefits for people with disabilities. This Government is committed to developing income and related supports for people with disabilities in order to ensure that they have adequate, secure and sustainable income. The Government is working towards ensuring that income supports and associated benefits do not create financial barriers to people with disabilities. My Department is committed to considering the issues around the cost of disability following the development of the needs assessment system provided for in the Disability Act.

Registration of Births.

169. **Deputy Róisín Shortall** asked the Minister

for Health and Children if she is satisfied that the registration system for births is robust and free of fraud; the actions her Department has taken to quality assure the service; if she has further satisfied herself that language skills within the service are adequate and that information provision about the service is adequate. [26267/07]

Minister for Health and Children (Deputy Mary Harney): The legislative provisions governing the registration of births are contained in the Civil Registration Act, 2004. Where a birth occurs in the State, it is the duty of the hospital to notify the Registrar General of the facts of the birth. Where a birth takes place other than in a hospital or nursing home, and the birth was attended by a medical practitioner or midwife, it is the duty of that person to notify the Registrar General of the facts of the birth. This ensures that the facts concerning virtually all births occurring in the State are independently notified to the Registrar General. Births which have not occurred in a hospital or nursing home, or which were not attended by a registered medical practitioner or a midwife, are extremely rare. In such cases, every effort is made to independently establish the facts of the birth. When the parents present at the registrar’s office to register the birth, the registrar will already be in possession of the independent birth notification.

Under section 19 of the Civil Registration Act, the primary responsibility for registering a birth rests with the parents. It is only when the parents are dead or cannot be found that another qualified informant may register a birth. When the parents and the registrar are satisfied that the facts to be entered in the register are correct and complete, the parents must sign the register in the presence of the registrar to complete the registration process.

At the time of registration, the qualified informants must present evidence of identity, which is typically a passport or driving licence. Where parents indicate that they are married, verification of their marital status is made by examination of their marriage certificate. The Personal Public Service Number of the parent or parents is a required particular for registration.

Section 69 of the Civil Registration Act provides for offences, which include a failure by a registrar to protect the integrity of the register and a failure by the parents to comply with their statutory obligations under the Act, including the obligation to provide accurate information to the registrar. These obligations are explained to parents as part of the registration process. Where an error or omission has occurred in a registered entry, the Act provides for the correction of errors on the basis of statutory declarations and other independent evidence as to the facts of the matter. On the basis of the foregoing, I am satisfied that all reasonable measures are in

place to preserve and protect the integrity of the register of births.

Comprehensive guidance notes are available to members of the public in respect of the registration procedures and requirements, and these are widely available from registrars' offices, voluntary and community organisations, and from the websites of the General Register Office (www.groireland.ie) and the Health Service Executive (www.hse.ie). The documentation has been translated into the eight most widely spoken non-indigenous languages, including Polish, Arabic, Mandarin and Russian. Where parents are unable to understand the registration process, for reasons of language, arrangements can be made to have a person present who understands the language of the parents.

Coast Guard Service.

170. **Deputy Dinny McGinley** asked the Minister for Transport if his attention has been drawn to the widespread concern throughout the north west at proposals to downgrade the station at Malin Head, County Donegal; if he will carry out a reassessment of such plans with a view to maintaining and enhancing the services available there; and if he will make a statement on the matter. [27630/07]

Minister for Transport (Deputy Noel Dempsey): I want to assure the Deputy that I am aware of concerns expressed relating to the change of Coast Guard functions that I recently announced for Malin Head Marine Rescue Co-ordination Sub Centre as part of the enhancement of the marine emergency response capability in Ireland. There is no suggestion that Malin (or indeed, Valentia) will be closed or be disposed of as Irish Coast Guard locations. The Stations will be retained as part of the Coast Guard infrastructure and some operations will continue to be delivered from these locations. The precise nature of their long-term function has yet to be finalised.

The process of migrating from the present situation to the new developments will be planned and implemented in consultation. That process will take account of the safety needs of local communities, and ongoing improvement of the service to the public and the concerns of individual staff members.

The details of the reorganisation are as follows. The Irish Coast Guard and Maritime Administration of my Department at present operates three manned Co-ordination Centres at Dublin, Malin and Valentia. The equipment at these locations is dated and in need of replacement. As part of continuing investment in improving maritime safety a tendering process for a new Integrated Communications System equipment for delivery and commissioning in 2009 is under way.

This will provide for a two-centre operation, geographically separated. Each centre will be equipped and manned in such a way that if one centre ceased to operate the other could take over the maritime emergency management of Ireland for the required period. The Marine Rescue Co-ordination Centre (MRCC) and the Marine Emergency Room will be transferred from Dublin and co-located with a new HQ for the Irish Coast Guard and Maritime Administration in Drogheda. The second national centre, a Marine Rescue Sub Centre (MRSC), will be in an urban or near urban location on the west coast.

Departmental Expenditure.

171. **Deputy Lucinda Creighton** asked the Minister for Transport the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27617/07]

Minister for Transport (Deputy Noel Dempsey): The following amounts have been spent by my Department on travel and subsistence.

1 January to 30 September 2006 —
€2,746,111.89.

1 January to 30 September 2007 —
€1,122,223.33.

The reason for the decrease in expenditure in 2007 is the transfer of functions to the Road Safety Authority.

Light Rail Project.

172. **Deputy Tony Gregory** asked the Minister for Transport if a LUAS line through Broadstone, Dublin 7 remains a definite objective; if so, if this is an integral part of the brief given to the consultants to examine Irish Rail's proposal for mainline rail on the same line; and if he will make a statement on the matter. [27697/07]

Minister for Transport (Deputy Noel Dempsey): Transport 21 provides for the development of a Luas line from St Stephen's Green to Liffey Junction, using the old Broadstone railway alignment. This is consistent with the long-term transportation strategy for the Greater Dublin Area in the Dublin Transportation Initiative (1995) and in the Dublin Transportation Office's strategy A Platform for Change (2001), both of which envisaged the old Broadstone alignment being used for Luas or Metro Services.

Iarnród Éireann recently submitted a proposal to my Department in relation to an alternative use of the Broadstone alignment for suburban rail services. My Department has engaged transport consultants Booz, Allen and Hamilton to review

[Deputy Noel Dempsey.]

this proposal. I remain committed to the strategy set out in Transport 21 for the use of the old Broadstone alignment, unless the independent consultants confirm there are very strong strategic, transport and operational arguments which require consideration of an alternative use.

Road Traffic Offences.

173. **Deputy Bernard J. Durkan** asked the Minister for Transport if he is satisfied that recipients of penalty points who paid their on the spot fines are as fairly treated as those who appeal the fines associated therewith to the Courts; and if he will make a statement on the matter. [27711/07]

Minister for Transport (Deputy Noel Dempsey): Both the enforcement of the Road Traffic Acts and the operation of the Courts are a matter for the Minister for Justice, Equality and Law Reform.

The option to pay an applicable fixed charge for certain road traffic offences and to receive a reduced number of penalty points is available in lieu of going to court and the choice in each case is a matter for the individual. The hearing of a case before the court is not an appeal against a fixed charge payment.

Where a person chooses to have their case heard in court and is convicted then he or she is liable to whatever monetary fine the court may impose and the full number of penalty points that apply to that offence are entered against their driving licence record.

State Airports.

174. **Deputy Deirdre Clune** asked the Minister for Transport if he will report on his meeting with the chairman of the Cork Airport Authority; and if he will make a statement on the matter. [27795/07]

Minister for Transport (Deputy Noel Dempsey): At a recent meeting with Mr. Joe Gantly, Chairman of the Cork Airport Authority, I discussed with him the appropriate conditions for airport restructuring under the State Airports Act 2004. Under the Act, as the Deputy will be aware, both I and the Minister for Finance will have to be satisfied as to the financial and operational readiness of the airport before any assets can transfer to the Cork Airport Authority. Accordingly, the Authority is required to prepare a comprehensive business plan for the Airport and obtain approval for the plan before restructuring can proceed.

DAA has a necessary coordination role in finalising the financial framework and the business plans that would enable airport separation to take place on a basis that ensures the financial sustainability of all three State airports. I would

hope that necessary progress can be made on this matter in the immediate period ahead.

Departmental Expenditure.

175. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27612/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): Total expenditure on travel and subsistence in my Department for the period January to September 2007 amounted to €7,147,619. This figure includes expenditure incurred by our 75 Missions overseas.

This compares with €7,774,954 for the same period in 2006. The reduction of 8% in 2007 is primarily due to an ongoing effort to achieve better value from air travel.

Economic Sanctions.

176. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will ensure that the sovereignty of Cuba is respected; and if he will actively support the United Nation General Assembly's vote for the sixteenth consecutive year against the inhuman and unjustifiable 47 years of US economic blockade of Cuba. [27633/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): As I informed the Deputy in my response to Parliamentary Question Number 95 of 1 November, 2007, 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 therefore voted at the United Nations General Assembly in favour of the annual Cuban-tabled resolution calling for an end to this embargo.

Residency Permits.

177. **Deputy Darragh O'Brien** asked the Minister for Enterprise, Trade and Employment the status of an application for residency under the green card work permit scheme for a person (details supplied) in County Dublin. [27659/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employ-

ment Permits Section of my Department informs me that a work permit application was received in respect of the above named person. The permit was refused and the applicant subsequently lodged an appeal of the decision. The appeal was successful and a Work Permit has now been issued.

Departmental Expenditure.

178. **Deputy Lucinda Creighton** asked the Minister for Enterprise, Trade and Employment the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27609/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The amount spent on travel and subsistence by my Department for the first nine months of 2007 was €1,557,964.53. Expenditure by my Department on travel and subsistence for the first nine months of 2006 was €1,653,603.60. Expenditure on travel and subsistence for the first nine months of 2007 was therefore lower than in the corresponding period in 2006.

Visa Applications.

179. **Deputy James Reilly** asked the Minister for Enterprise, Trade and Employment his views, in view of the long waiting times for workers who have work permits for over five years and have applied for naturalisation or long stay visas where current processing times are now heading for three years, on issuing new regulations for a three year flexible free work to permit those workers who have applied for naturalisation or long stay visa permitting the worker to apply for work in whatever sector they are qualified in and has held a work permit in Ireland for five years to permit the employee to apply for work and offer their skills to other employers in their sector; and if he will make a statement on the matter. [27634/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): All issues in relation to visa or residency applications are a matter for the Department of Justice, Equality and Law Reform. An employee who is the holder of a valid work permit for the same employer for a period of 60 months is entitled to receive an unlimited work permit. This permit remains valid provided the person remains with that employer. No fee is required for an unlimited permit application.

Should an employee who has an employment permit wish to move to another employer, a new application is required to be submitted. The standard employment permit application fees apply in this case. All employment permits issued are specific to the employer cited on the application. Under the employment permits arrangements

launched earlier this year, a job-offer is required in advance of applying for a permit. Permits issued specify the employer of the permit holder.

Work Permits.

180. **Deputy James Reilly** asked the Minister for Enterprise, Trade and Employment his views on issuing a work permit to a person (details supplied) in County Dublin to enable them to apply for employment in their profession as a management accountant; and if he will make a statement on the matter. [27673/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I am advised by the Employment Permits Section of this Department that the person referred to has been a work permit holder since 2002. We would look favourably on a new application if submitted to our section.

Construction Industry.

181. **Deputy Michael Kennedy** asked the Minister for Enterprise, Trade and Employment if the Construction Industry Federation was involved in the recent trade mission to London in relation to the Olympic Delivery Authority; if measures are in place to involve the CIF in any future trade negotiations; and if he will make a statement on the matter. [27798/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): No representatives of the Construction Industry Federation (CIF) participated in the recent Trade Mission to London. That Trade Mission had several distinct elements; — an event for Irish Software companies meeting representatives of the London local authorities; — participation in the Techlink UK-Ireland conference, involving the Life Science and Technology sectors; and, finally a briefing session with the London Olympic Delivery Authority. That final event did not involve any company participation.

However Enterprise Ireland (EI) have a close working relationship with the CIF and have actively included that organisation in Olympic events to date, with the ex-Director General participating in an EI event in London last year, involving the key Olympic delivery agencies. On the 14th November next, EI are hosting a 'Building towards London' conference in Dublin, which will involve key figures from UK industry and the Olympic delivery partners. The Director General of the CIF will chair this conference. The London Olympics provides a platform for Enterprise Ireland/CIF cooperation and the CIF are a key partner with Enterprise Ireland's construction sector activity.

Job Losses.

182. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Employment the number of job losses in Waterford City and County in each of the years 2004 to date in 2007; and if he will make a statement on the matter. [27800/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Agency employment data does not distinguish between Waterford (city and county) and as data is collated on an annual basis, no data is yet available for 2007. The table below sets out the position in relation to the number of full time job gains and job losses in firms assisted by the enterprise development agencies under the aegis of my department (Enterprise Ireland and IDA Ireland) for Waterford in each of the years between 2004 and 2006. Over the period, there was a net decrease of 556 in the numbers employed in enterprise agency assisted companies. It is notable however that after two challenging years 2006 saw a marked turnaround with a net gain of 374 jobs. In the same period 124 net jobs were created in enterprises assisted by Waterford City and County Enterprise Boards.

In line with the National Spatial Strategy, IDA Ireland is focussed on advancing the economic development of the South East region primarily through the Gateway of Waterford City, the hub towns of Wexford and Kilkenny and the other key centres of Carlow and Clonmel. IDA Ireland is actively engaged with the existing IDA client base in Co. Waterford to encourage their transition to continually higher value activities and to promote further investment in Ireland.

Waterford has a key strength in engineering, in both indigenous and overseas sectors. In more recent years however, this has been giving way to newer, more advanced manufacturing, particularly in the Life Sciences sector and also to International & Financial Services activities. When marketing County Waterford for new foreign direct investment, IDA Ireland is focussed on attracting overseas companies in the services and knowledge-based industries, including advanced manufacturing.

Key interventions in support of the above efforts in recent years have been the development of the Waterford Business & Technology Park, Dungarvan Business Park and a 55 hectare Greenfield site in Belview, specifically targeted for larger scale utility intensive overseas investments. A further 20 hectare site adjacent to the Genzyme facility on the Kilmeaden road in Waterford City is also available for Greenfield investment.

In September 2007, I announced that Genzyme Corp- one of the world's largest biotechnology companies — is to invest up to a potential of €20m, with the support of IDA Ireland, to create

additional product and process development facilities at its manufacturing campus in Waterford where more than 380 people currently work. The investment will potentially create an additional 18 high level research and development (R&D) positions within three years.

Enterprise Ireland's activities are focussed on the creation of new jobs through supporting entrepreneurs in manufacturing and internationally traded services companies who are setting up new High Potential Start-Up Companies or expanding existing companies. Enterprise Ireland is represented on an inter agency working group set up by Waterford County Manager to foster economic development in the area. In April 2007, I launched a new €21m Community Enterprise scheme which is being managed by Enterprise Ireland and will target funding at those communities where job losses have been most acute and where there is an obvious need for initiatives of this type. Seven of these Community Enterprise Centres are located in Waterford namely Waterford City, Cappoquin, Dunhill, Lismore, Portlaw, Tallow and Dungarvan.

The enterprise agencies continue to work closely with Third Level educational institutes in the region and FÁS so that the skill sets necessary to attract or create high value add employment to the county are being developed. Waterford Institute of Technology will play an ever-increasing role in the attraction and maintenance of overseas companies in the county.

In addition the Waterford County and City Enterprise Boards provide assistance to small enterprises employing less than 10 people by providing employment and capital grants as well as grants for feasibility studies. The Boards provide soft supports such as business advice, management and E-commerce training.

Job Gains/ Job Losses in Enterprise Agency Assisted Companies in Waterford

	2004	2005	2006	Total
Gains	584	514	1,070	2,168
Losses	-888	-1,140	-696	-2,724
Net change	-304	-626	374	-556

Employment Action Plan.

183. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Employment if the inter-agency forum which was set up following the closure of Dungarvan Crystal continues to exist; if they succeeded in developing indigenous industry in the wake of the closure; the expenses that were claimed by this forum; if other costs were incurred by the forum; the persons who provided the funding for same; and if he will make a statement on the matter. [27801/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The inter agency forum in question was established by the Waterford County Manager. It included representatives of the relevant Industrial Development agencies under the aegis of my Department. I understand from Waterford County Council that no expenses or other costs have been incurred by the forum. The administrative costs are borne by the County Council and each agency is responsible for the time and travel of its staff. I understand that the forum continues as an economic sub-group of Waterford County Development Board but that it now operates with agency representatives only.

As part of the forum's work, the Industrial Training agency FÁS led an employment / training group to respond to the needs of the workers who lost their jobs. To date, 290 former employees of the company in question have availed of FÁS training in Dungarvan at a cost of €308,000. I understand that of the 405 people directly affected by the closure, only a small number remain on the Live Register. Ten of these are working part-time and the remainder are availing of FÁS and other services and supports. As a further part of its work with the forum, FÁS is co-funding a Business Development Executive in Dungarvan where significant progress is being made on Economic Development measures for the area.

Enterprise Ireland is the agency responsible for developing indigenous industry in the region. A range of strategies, programmes and financial incentives are in place to promote economic development that give rise to sustainable employment. In connection with the forum, a sum of €300,000 was approved for a new Community Enterprise Centre in Dungarvan. At present, the agency is working with 192 client companies in Co. Waterford, which, according to the 2006 Forfas Annual Employment Survey, employ 4,910 people.

I am confident that the strategies being pursued will continue to bring sustainable indigenous industry to the region.

Industrial Development.

184. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Employment the number of meetings that have taken place between the industrial development agencies in his Department and Waterford Crystal Management to assist them in ensuring there is minimal job losses as a result of their restructuring plan; if financial assistance is being offered to ensure that this industry remains in Waterford; and if he will make a statement on the matter. [27802/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The company in question is a client of the Industrial Development agency Enterprise Ireland. The agency has

developed a committed business relationship with the company over a number of decades, and has offered support in developing the company's Irish manufacturing base and in increasing its exports.

In relation to the current situation, Enterprise Ireland has already arranged two meetings with the company. These meetings took place on 19 October and 5 November. Contact between the agency and the company will continue in the coming weeks.

I am aware that at the Annual General Meeting of Waterford Wedgewood on 11 October, 2007, the company outlined that sales were down by 9% because of the impact of the dollar exchange rate which is outside of our control. The company also announced new money which would be used for root and branch restructuring of its business and that the restructuring measures must be in place before the end of the current fiscal year.

While Enterprise Ireland does not have the capacity to reverse operational decisions of any client company, it will continue to work very closely with the company during this challenging period. The agency will, of course, assist in whatever way it can.

Departmental Expenditure.

185. **Deputy Lucinda Creighton** asked the Minister for Arts, Sport and Tourism the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27604/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The expenditure on travel and subsistence by my Department from January to September 2006 was €177,003. The corresponding figure for the same period in 2007 was €178,872, an increase of €1,869 or just over 1%.

In the 12-month period up to end September 2007, the Consumer Price Index rose by 4.6% and within that transport costs rose by 2.2%.

Social Welfare Benefits.

186. **Deputy Mary Upton** asked the Minister for Social and Family Affairs his views on whether it is correct that persons who work more than thirty hours a week are not entitled to rent supplement; the proposals he has brought forward at Government level to help resolve this issue; and if he will make a statement on the matter. [27640/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The purpose of the rent supplement scheme is to assist people who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source.

[Deputy Martin Cullen.]

In General, people in full-time employment are not entitled to rent supplement. For this purpose, full-time employment is regarded as 30 hours per week or more. However, people accepted by local authorities as eligible for the Rental Accommodation Scheme may now take up full-time, and still receive rent supplement, subject to the standard means test. This measure was introduced in June 2007 to provide a progressive support in the transition from welfare to work.

I am satisfied that the scheme as currently structured is targeted as those who most need support. In that regard I do not consider that a universal extension of the scheme to those in employment for more than 30 hours is warranted at this point in time.

Pension Provisions.

187. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if he has plans to change the law governing the time-frame within which individuals must apply for State pensions; and if he will make a statement on the matter. [27587/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The legislative provisions relating to late claims for social welfare benefits are set out in Section 241 of the Social Welfare Consolidation Act 2005, and in Regulations made under that section. These provisions set out the times within which a person must make a claim, the disqualifications which apply where a claim is made late, and the circumstances in which the time limits may be extended. Legislation provides for relaxation of the restrictions on backdating late claims under many schemes including State pensions and for further payment to be made, up to the level of full retrospectation where the circumstances would warrant it, where:

- the delay was due to incorrect information having been given by my Department, or
- illness or a *force majeure* prevented a person from claiming earlier or,
- the person is dependent on the arrears of payment to relieve financial hardship.

It is generally accepted that there is an obligation on people to claim their social welfare entitlements in time. However, cases inevitably arise where they fail to do so and the legislative provisions are designed to cater for such situations. I am satisfied that the current provisions strike a reasonable balance between, on the one hand the need to exercise supervision and control of claims and, on the other hand, the need for appropriate recognition to be given to cases of genuine hardship or difficulty.

Departmental Expenditure.

188. **Deputy Lucinda Creighton** asked the Minister for Social and Family Affairs the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27615/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The total expenditure incurred by my Department under the A. 2 Travel and Subsistence Subhead was €3,052,880 from 1 st January to 30th September 2007 compared to €2,787,448 during the same period in 2006.

The increase is as a result of additional activities undertaken in the context of the Modernisation Action Plan, control activities, staff training, corporate development and associated activities. It also reflects the increase in Travel and Subsistence rates from 1 st July, 2007.

The increase in expenditure was anticipated and is within projected budgets.

Social Welfare Benefits.

189. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs when the lower threshold in relation to the means test for lone parents receiving welfare but engaged in employment was last increased; and the rationale for not increasing this threshold. [27628/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The main income support mechanism for lone parents is currently the one parent family payment (OFP) — a payment for parents (either male or female) who are bringing up a child without the support of a partner.

To qualify for payment, a parent must have main care and charge of at least one qualified child, must have earnings under €400 per week and satisfy a means test, must not be cohabiting with another person as husband and wife and must satisfy the habitual residence condition.

The weekly disregard for earned income is currently €146.50. Income up to this amount is disregarded in the calculation of OFP for a claimant. This threshold has been in place since 1997. In addition, only half of any additional earned income is assessed as means up to the upper earnings threshold of €400 per week. This upper earnings limit was increased from €293 a week over the course of the last two budgets, in accordance with a recommendation contained in the 2006 Government discussion paper, Proposals for Supporting Lone Parents.

Despite increases in both the weekly rates of payment and in the upper earnings limit, I fully accept that lone parents group is still one of the groups most at risk of poverty today in Ireland.

It is generally accepted that the best route out of poverty is through employment. Therefore, I am convinced that the best way to help those lone

parents who are still caught in the poverty trap is through the provision of quality supports and activation measures, combined with social assistance payments.

I do not believe that increasing the lower earnings threshold for recipients of OFP would actively help them to combat the risk of poverty. Instead, my Department is actively considering options for reforming income supports to lone parents, with a view to making it easier for them to take up employment. In addition the senior officials group on social inclusion is examining proposals geared towards helping lone parents into quality employment and away from long-term welfare dependency. This can only be to the benefit of the parents themselves and more importantly, their children.

190. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs when the living alone allowance was first introduced and the rate that applied at that time; the rate of the maximum old age pension that applied at the time of its introduction; the rate the living alone allowance

has subsequently been increased in each year; and the new rate of the allowance and the rate of the maximum old age pension in that year in each case. [27629/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The living alone increase is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people under 66 years of age who are living alone and who receive payments under one of a number of invalidity type schemes.

The increase is intended as a contribution towards the additional costs people face when they live alone. It was introduced in 1977 at the rate of £1.00 (€1.27) per week. The old age contributory pension (now the state pension (contributory)) was paid at the rate of £13.90 (€17.65) per week at the time. Changes made to the living alone increase since its introduction in 1977 and the corresponding rate of state pension (contributory) are given in the following table.

Table: Changes to the Living Alone Increase and corresponding rate of State Pension (Contributory) 1 since 1977

Year	Living Alone Increase		State Pension (Contributory)	
	Amount (Punts)	Euro Equivalent	Amount (Punts)	Euro Equivalent
	£	€	£	€
01/04/1977	1.00	1.27	13.90	17.65
07/04/1978	1.10	1.40	16.05	20.38
06/04/1979	1.30	1.65	18.60	23.62
04/04/1980	1.65	2.10	24.50	31.11
03/04/1981	2.05	2.60	30.65	38.92
02/10/1981	2.15	2.73	32.20	40.89
02/04/1982	2.70	3.43	40.25	51.11
01/07/1983	3.00	3.81	45.10	57.27
06/07/1984	3.20	4.06	48.25	61.26
12/07/1985	3.40	4.32	51.40	65.26
18/07/1986	3.55	4.51	53.45	67.87
24/07/1987	3.70	4.70	55.10	69.86
29/07/1988	3.80	4.83	56.80	72.12
28/07/1989	3.90	4.95	58.50	74.28
27/07/1990	4.10	5.21	61.50	78.09
26/07/1991	4.30	5.46	64.00	81.26
31/07/1992	4.50	5.71	66.60	84.56
30/07/1993	4.70	5.97	68.90	87.48
29/07/1994	4.80	6.09	71.00	90.15
16/06/1995	4.90	6.22	72.80	92.44
14/06/1996	6.00	7.62	75.00	95.23
04/01/2002	6.06	7.70*	116.01	147.30

* Resulted from a general rounding up of rates following the introduction of the Euro

Social Welfare Legislation.

191. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Social Welfare Consolidation

Act 2005 that have yet to be commenced in full and where part of a section or subsection has been commenced to identify which part has been commenced and which part has not. [27678/07]

192. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Social Welfare and Pensions Act 2007 that have yet to be commenced in full, and where part of a section or subsection has been commenced to identify which part has been commenced and which part has not. [27679/07]

194. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Social Welfare Act 2006 that have yet to be commenced in full, and where part of a section or subsection has been commenced to identify which part has been commenced and which part has not. [27681/07]

195. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Social Welfare Law Reform and Pensions Act 2006 that have yet to be commenced in full, and where part of a section or subsection has been commenced to identify which part has been commenced and which part has not. [27682/07]

196. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Social Welfare Act 2005 that have yet to be commenced in full, and where part of a section or subsection has been commenced to identify which part has been commenced and which part has not. [27683/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 191, 192 and 194 to 196, inclusive, together.

In the case of the Social Welfare Consolidation Act 2005, all provisions other than Schedule 6, which comprises four (4) items, have been commenced. All provisions of the Social Welfare Act 2005, the Social Welfare Law Reform and Pensions Act 2006 and the Social Welfare Act 2006 have been commenced.

In relation to the Social Welfare and Pensions Act 2007, all Sections have been commenced in full, with the exception of the Sections listed as follows. Section 9 Sub-sections (a), (c), (d), (e)(ii), (f), (g)(ii), (h) and (j) have been commenced, and Sub-sections (b), (e)(i), (g)(i) and (i) are uncommenced; Section 21 Sub-sections (b) and (c) have been commenced, and Sub-section (a) is uncommenced; Section 25 Sub-section (1) has been commenced and Sub-section (2) is uncommenced; Section 27 is uncommenced.

Citizens Information Legislation.

193. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Citizens Information Act 2007 that have yet to be commenced in full, and where part of a section or subsection has been com-

menced to identify which part has been commenced and which part has not. [27680/07]

197. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Comhairle Act 2000 that have yet to be commenced in full, and where part of a section or subsection has been commenced to identify which part has been commenced and which part has not. [27686/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 193 and 197 together.

Section 3 of the Citizens Information Act, 2007, which changed the name of the statutory body, came into force on 21 February 2007 when the Act was signed into law by the President. Sections 1, 2 and 4 (except insofar as it provides for the insertion of paragraph (bb) in section 7 (1) of the Comhairle Act, 2000), and sections 6, 7, 8, 9 and 10 of the Citizens Information Act, 2007 came into force on 30 March 2007 when the Citizens Information Act 2007 (Commencement) Order 2007 (S.I. No. 141 of 2007) was signed.

The part of section 4 which has been commenced confers new functions on the Citizens Information Board in relation to enhanced provision of information services, including a statutory requirement on the Board to set terms and conditions for the provision of funding to voluntary bodies.

The remaining sections of the Citizens Information Act, 2007, i.e. part of Section 4 (insofar as it provides for the insertion of paragraph (bb) in section 7 (1) of the Comhairle Act, 2000) and all of Section 5, which concern the introduction of the Personal Advocacy Service, are subject to a commencement order.

All sections of the Comhairle Act, 2000 came into force on 2 March 2000 when the Act was signed into law by the President.

Questions Nos. 194 to 196, inclusive, answered with Question No. 191.

Question No. 197 answered with Question No. 193.

Pensions Legislation.

198. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Pensions Act 1990 that have yet to be commenced in full, and where part of a section or subsection has been commenced to identify which part has been commenced and which part has not. [27687/07]

199. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Pensions (Amendment) Act 1996 that have yet to be commenced in full. [27688/07]

200. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Pensions (Amendment) Act 2002 that have yet to be commenced in full. [27689/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 198 to 200, inclusive, together.

All sections of the Pensions Act 1990 and the Pensions (Amendment) Act 1996 have been commenced. In relation to the Pensions (Amendment) Act 2002, section 3 of the Act has been commenced in full except in so far as it relates to the insertion of a new section 122 into the Pensions Act 1990. Sections 39 and 43 of the Pensions (Amendment) Act 2002 have also yet to be commenced. Section 39 provides for the insertion of a new section 56A into the Pensions Act 1990 while section 43 provides for the insertion of new sections 59D, 59E and 59F into the Pensions Act.

Family Support Agency Legislation.

201. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Family Support Agency Act 2001 that have yet to be commenced in full. [27690/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The provisions of the Family Support Agency Act 2001 were enacted in full by the Family Support Agency Act, 2001 (Establishment Day) Order 2003 (S.I. No. 181 of 2003), which was enacted on 6 May 2003.

Departmental Expenditure.

202. **Deputy Lucinda Creighton** asked the Minister for Community, Rural and Gaeltacht Affairs the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27606/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Records in my Department show that claims in respect of travel and subsistence from 1 January 2007 to 30 September 2007 amounted to €504,023. Expenditure for the same period in 2006 was €486,833. It is in the nature of such expenditure that variations will occur from time to time in line with business requirements. The increase in this case is 3.5%, which is within the parameters of normal variation in such expenditure and is within the amount provided for in the estimates for the Oireachtas.

Community Development.

203. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the

grants available to a group (details supplied) in County Kildare in view of the importance of such groups in communities; and if he will make a statement on the matter. [27643/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, my Department provides funding for a wide range of community projects, through a number of schemes and programmes. Each of the schemes and grant programmes operated by my Department is governed by rules and eligibility criteria which projects have to meet to qualify for funding. Funding for the regard to the group referred to by the Deputy may be available under my Department's Programme of Grants for Locally Based Community and Voluntary Organisations, or the Local Development Social Inclusion Programme. Detailed information in respect of these programmes can be found on my Department's website, www.pobail.ie.

Grant Payments.

204. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when the single farm payment and the area based payment will issue to a person (details supplied) in County Galway; and if she will make a statement on the matter. [27594/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 15 May 2007. During the processing of the application, it was necessary for an official of my Department to request additional information from the person named, which has now been supplied. Accordingly, the 50% advance payment under the Single Payment Scheme and the payment under the Disadvantaged Areas Scheme will issue to the person named shortly.

205. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway has not received their 2007 single farm payment and area based payment; and if she will make a statement on the matter. [27595/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 2 May 2007. The application was the subject of a ground eligibility inspection, following which documentation regarding entitlement to an area of commonage declared by the person named was requested from him. To date this documentation has not been submitted. The application will be further processed on receipt of the documentation requested.

Departmental Expenditure.

206. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food the amount spent on travel and subsistence in her Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27603/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): A total of €12.6 million was spent on travel and subsistence in my Department in the first nine months of 2007 compared with €11.9 million in the corresponding period in 2006. The higher level of expenditure in 2007 is mainly attributable to increased activities in home travel arising in areas such as the Farm Waste Management Scheme and animal/public health disease controls.

Scheme	2002	2003	2004	2005	2006
Scheme	(€ million)	(€ million)	(€ million)	(€ million)	(€ million)
Single Payment	—	—	—	1,058.417	1,308.948
Area Aid	134.238	130.418	132.640	2.099	0.418
Livestock Premia Schemes	910.491	927.524	937.533	584.488	4.882
Veterinary Compensation (BSE)	51.219	46.666	29.616	27.746	0.112
Rural Development Measures (including REPS, Forestry, Early Retirement, Disadvantaged Areas)	368.100	305.225	357.399	358.433	356.046
Other	6.099	0.87	0.007	0.004	0.003
Total	1,470.147	1,410.7	1,457.196	2,031.188	1,670.409

208. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a single farm payment for 2007 will issue to a person (details supplied) in County Roscommon in view of the fact that the on farm inspection has clarified that there is no overclaim and the landowner has furnished a contract outlining the control of the queried lands; and if she will make a statement on the matter. [27738/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 14 May 2007. As part of the control procedures under EU legislation governing the Single Payment Scheme, the application was selected for, and was the subject of, a ground eligibility inspection. This inspection was carried out and the application is now being processed for payment. It is expected that payment will issue shortly.

Animal Welfare.

209. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food if she has plans to update the legislation relating to animal

Grant Payments.

207. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food the value of all payments made by the EU to Irish farmers over the past five years; the breakdown of these payments according to category; and if she will make a statement on the matter. [27701/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The table that follows this reply sets out the value of EU payments made to Irish farmers over the past five years. Payments under the various schemes and measures are administered by my Department. The figures in the table exclude the national funding element of rural development and veterinary measures and EU funding for market support schemes.

welfare, as it applies to companion animals; the discussions she has had with her counterpart in Northern Ireland on an all Ireland approach to this issue; and if she will make a statement on the matter. [27739/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Programme for Government contains a number of animal welfare-related commitments, all of which are being progressed within my Department. One of those commitments provides for the consolidation of responsibility for the welfare of all animals, including non-farm animals, within my Department.

Work is also progressing on the drafting of a new Animal Welfare Bill which will update existing legislation, to ensure that the welfare of all animals is properly protected and that the penalties for offenders are increased significantly. My Department works closely with the Department of Agriculture and Rural Development in Northern Ireland across a range of areas of mutual interest and concern, particularly in the areas of animal health and welfare and as work progresses on the drafting of the new legislation, we will have the opportunity to consider the possi-

bility of further alignment of legislative provisions in the area of animal welfare.

Bovine Diseases.

210. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 360 of 2 October 2007, the reason the Irish definition of a restricted holding under article 12 of the Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1989 (S.I. No. 308 of 1989) fail to make a distinction between the suspension of the official health status and the actual withdrawal of the official health status for TB and brucellosis purposes as required by Council directive 64/432/EEC annex A thereof; the further reason the DVO waited until January 2007 to arrange to carry out the herd tests despite the herd owners agreement and reminder letters to the DVO calling upon her Department to ensure the tests were carried out; the location where is it specifically required as a matter of EC or community law, that a second clear test is required having regard to the herds official health history which has been free of TB and brucellosis for at least six years including the most recent clear herd tests completed on 5 January 2007; the reason it appears that the DVO was only aware of the test results report in January 2007 but not aware until end of July 2007 that the same veterinary inspector, who carried out the tests at the directions of her Department, had also signed and endorsed all the identity cards surrendered to them certifying that each animal had passed the test and the herd as far as they were concerned was free of TB and brucellosis, thus satisfying the 12 month testing requirement; and if she will make a statement on the matter.
[27744/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The position is that paragraph 1 (2) of Annex A to EU Directive 64/432 provides that a bovine herd will retain officially tuberculosis-free status if inter alia all animals on the holding, with the exception of calves under six weeks old which were born in the holding, are subjected to routine tuberculin testing at yearly intervals. The annual herd testing of bovine herds in Ireland represents yearly routine testing.

Annex A to the EU Directive also provides that the official TB free status of a herd is to be suspended or withdrawn if certain conditions are not met. Some of the conditions for suspension and withdrawal are similar and, in particular, the competent authority has the option of suspending or withdrawing disease free status if the conditions set out in paragraph 1(2) of the Annex are no longer fulfilled. These conditions include the annual herd test. The Annex also provides that the competent authority may withdraw disease

free status from a herd for any other reasons considered necessary for the purpose of controlling bovine tuberculosis. It also provides for the restriction of animals under both status withdrawn and status suspended circumstances.

With regard to the restoration of official TB free status, paragraph 1 of Annex A sets out the conditions for achieving officially tuberculosis-free status. These include the requirement that all the bovine animals over six weeks old have reacted negatively to at least two official intradermal tuberculin tests carried out in accordance with Annex B, the first six months after the elimination of any infection from the herd and the second six months later. In view of the nature of the disease and the fact that the herd in question had not been tested for 27 months and its status was unknown, my Department was unable to assume that the herd was disease free following the tests carried out in January 2007 and had no option but to require compliance with the requirement in paragraph 1 to the Annex before the disease free status of the herd could again be established. These requirements are implemented by administrative procedures.

With regard to the Bovine Tuberculosis (Attestation of the State and General Provisions) Orders, 1989 Order, I should point out that this Order is primarily intended to implement the TB disease eradication programme and goes well beyond the provisions of Directive 64/432/EEC, which sets down the rules governing intra-community trade. Article 12 of this Order provides that, where there has been a failure to comply with a provision of the 1966 Diseases of Animals Act or of the Order, including failure to test as required by the issuing of a 14 day notice by my Department, the holding shall be declared to be a restricted holding. A restriction in Irish legislation covers status suspended and status withdrawn. As indicated in my reply to Questions 39881/06 and 39882/06 on 23 November 2006 and Question 21506/07 on 2 October 2007, the holding relating to the herdowner referred to was restricted in October 2005 because of the repeated failure of the herdowner to comply with my Department's notices to have the annual herd test for TB and Brucellosis carried out on his herd.

With regard to de-restriction, the TB Order provides in Article 12 (5) that, where a veterinary inspector is satisfied that the animals on a holding are free from bovine tuberculosis, the holding shall cease to be a restricted holding. On the issue of the returned animal passports, I have already explained the position in my previous reply to Question 21506/07 but would add that the person concerned had not been notified that his holding had been de-restricted.

With regard to the reference to the communications made by the person concerned to the DVO regarding his agreement to test, the position is that under the current arrangements that have been in place since 1996, the onus is on

[Deputy Mary Coughlan.]

herdowner to arrange with and pay his own private veterinary practitioner for his annual herd test. In the interests of disease control, because of the herdowner's persistent refusal to test over a period of in excess of two years, my Department arranged for a veterinary inspector to test the herd in January 2007.

Vocational Training Opportunities Scheme.

211. **Deputy Dinny McGinley** asked the Minister for Education and Science if she has plans to increase the allowance paid to those attending VTOS courses in adult education; and if she will make a statement on the matter. [27583/07]

217. **Deputy Michael Ring** asked the Minister for Education and Science if she will increase the amount of the meal allowance and the travel allowance which is paid to VTOS students to a more realistic level. [27674/07]

220. **Deputy Martin Ferris** asked the Minister for Education and Science if she will increase the travel and meal allowance available to VTOS participants to a level that would adequately reflect the high cost of living here; and if she will make a statement on the matter. [27699/07]

223. **Deputy Dan Neville** asked the Minister for Education and Science if her Department will grant extra moneys to VTOS to allow them to be in a position to pay a meal and travel allowance relative to prices today to the VTOS students; and if she will make a statement on the matter. [27707/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 211, 217, 220 and 223 together.

The Vocational Training Opportunities Scheme (VTOS) is a second chance education initiative for unemployed persons, who are at least 21 years of age and in receipt of certain social welfare payments for at least six months, which is funded by my Department. It is operated through the Vocational Education Committees.

The aims of the Scheme are to give unemployed people education and training opportunities which will develop and prepare them to go into paid employment or on to further education opportunities leading to paid employment.

A training allowance is paid by the VECs to students who previously drew unemployment benefit or assistance. The student ceases to receive an unemployment payment and, instead, receives a VTOS training allowance at a rate equivalent to the maximum rate of unemployment benefit, plus a payment for an adult or child dependant, if appropriate. VTOS students also retain their social welfare secondary benefits.

The allowances for VTOS students, for meal and travel, referred to in the questions are equivalent to those paid to participants on FÁS training courses. VTOS students may be entitled to a travel allowance if they reside more than 3 miles from a centre. These allowances are increased periodically in line with increases in FÁS rates. The current rates are in operation since 2002. There are no plans to increase them in the near future.

Departmental Expenditure.

212. **Deputy Lucinda Creighton** asked the Minister for Education and Science amount spent on travel and subsistence in her Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27608/07]

Minister for Education and Science (Deputy Mary Hanafin): The following table contains a breakdown of the Home Travel and Foreign Travel for the Department of Education and Science for the first nine months of 2006 and 2007.

Home Travel: This unit provides refund of Travel and Subsistence expenses for work related travel within Ireland for Departmental personnel.

Total spent in Home Travel for first nine months of 2006 — €1,736,181.88

Total spent in Home Travel for first nine months of 2007 — €1,761,326.88

There is a percentage increase of approximately 1.5% in spending when comparing the first nine months of 2006 to the first nine months of 2007.

An increase in the rates being paid for travel and subsistence came into effect on the 01/07/06 and 01/07/07.

Percentage Increase for 01/07/06 = 2%

Percentage Increase for 01/07/07 = 2.5%

These percentage increases would account for the overall 1.5% rise in spending on the Home Travel.

Foreign Travel: This unit provides refund of Travel and Subsistence expenses for work related travel outside Ireland for Departmental personnel.

Total spent on Foreign Travel for first nine months of 2006 — €281,308.99

Total spent on Foreign Travel for first nine months of 2007 — €253,789.23

Schools Building Projects.

213. **Deputy Timmy Dooley** asked the Minister

for Education and Science when she expects to sanction the funding for a school extension (details supplied) in County Clare for which considerable preparatory work has already been completed under a separate contract; and if she will make a statement on the matter. [27620/07]

Minister for Education and Science (Deputy Mary Hanafin): The tender report for the school referred to by the Deputy is under examination in my Department at present. The school's Board of Management will be kept advised of developments when the examination is complete.

Schools Recognition.

214. **Deputy Richard Bruton** asked the Minister for Education and Science the remaining obstacles to the permanent recognition of a school (details supplied) in Dublin 9 which has enormous waiting lists for the next four years; and if she will set out clearly for the school what now needs to be done to fulfil all requirements. [27664/07]

Minister for Education and Science (Deputy Mary Hanafin): The school to which the Deputy refers commenced operation in September 2002 with provisional recognition from the Department on the basis that it would be providing multi-denominational education in the Clontarf/Marino/Fairview area of Dublin. The location in Glasnevin, which is already served by two multi-denominational schools, was intended to be a purely temporary measure. The Department has requested the OPW to identify a suitable site for the school in a more appropriate location. When this happens, the Department will review the question of permanent recognition.

Schools Building Projects.

215. **Deputy Michael D'Arcy** asked the Minister for Education and Science if her Department has finalised a site for the construction of a new second level school in Gorey; and if she will make a statement on the matter. [27667/07]

216. **Deputy Michael D'Arcy** asked the Minister for Education and Science if her Department has decided which primary level facility will be accommodated with the second level facility in Gorey; and if she will make a statement on the matter. [27668/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 215 and 216 together.

I am pleased to inform the Deputy that a preferred site option has been identified for the new post primary school for Gorey. Acquisition details are being finalised in the Department subject to contract and available funding. The site in question will also be used to make primary school

provision with the immediate focus being on providing additionality to meet the growing needs of the area.

Question No. 217 answered with Question No. 211.

218. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the reason for the delay in processing to full and final approval the essential works required at a school (details supplied) in County Cavan; the status of the application in her Department; the prospect of an early approval to proceed to tender issuing; and if she will make a statement on the matter. [27695/07]

Minister for Education and Science (Deputy Mary Hanafin): The building project for the School referred to by the Deputy is at early stage of architectural planning.

This project was put on hold pending a review of the long-term projected enrolments by my Department's Planning Section. The position was subsequently clarified and information was sought and received recently on the Design Team's stage 1, 2 submission (Site analysis/suitability and Sketch Scheme). This is currently under review in my Department.

Progression of all projects to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

Educational Projects.

219. **Deputy Tony Gregory** asked the Minister for Education and Science if her Department has received a funding application from a group (details supplied) in Dublin 1 to employ two additional youth workers in this socially disadvantaged docklands area; if she will give every consideration to this request; and when a decision will be made. [27698/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): My Department received an application on behalf of the group in question for funding in 2007 under the Special Projects for Youth (SPY) Scheme administered by the Youth Affairs Section.

It was not possible to accede to this request due to the high level of existing commitments in the youth work sector and the large number of new applications received this year. Eighty three (83) new SPY applications were received and three (3) new one-worker projects were sanctioned.

I am not in a position to make any future commitments at this juncture.

Question No. 220 answered with Question No. 211.

School Staffing.

221. **Deputy Catherine Byrne** asked the Minister for Education and Science the reason for the delay in the appointment of a social personal and health education, regional development officer for second level schools to liaise particularly with local drug task forces; when will this appointment will be made; and if she will make a statement on the matter. [27700/07]

Minister for Education and Science (Deputy Mary Hanafin): The Social Personal and Health Education support service through my Department has twice advertised for the position of Regional Development Officer with responsibility for collaboration with the Local Drugs Task Forces, as outlined by the Deputy. Unfortunately on both occasions a suitable candidate was not forthcoming for a variety of reasons.

The SPHE has recently created a panel for the appointment of Regional Development Officers nationally. Recruitment from this panel is now commencing and it may be possible to appoint a replacement to the stated position shortly.

Special Educational Needs.

222. **Deputy Richard Bruton** asked the Minister for Education and Science her plans for the opening of a special school in the grounds of a school (details supplied) in Dublin 13 to provide a service for children in the autistic spectrum; the stage in the planning process this project has reached; and the further approvals necessary before the work can commence. [27705/07]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm that plans are well advanced for the development of part of the school building to which the Deputy refers to establish educational provision for autistic children.

The works required to enable this provision are being co-ordinated by the City of Dublin VEC in collaboration with the special school. All of the necessary approvals have been given by the Department to allow the works to proceed.

Question No. 223 answered with Question No. 211.

Colleges Building Projects.

224. **Deputy Peter Power** asked the Minister for Education and Science the position regarding the application by a college (details supplied) in County Limerick for assistance with the proposed building project. [27743/07]

Minister for Education and Science (Deputy Mary Hanafin): The application in question is currently being considered by the Department.

Third Level Fees.

225. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when a third level college grant will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27774/07]

Minister for Education and Science (Deputy Mary Hanafin): The decision on eligibility for third level grants is a matter for the relevant assessing authority — i.e. the local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required.

If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department.

The candidate, referred to by the Deputy, may contact the authority to whom they made their application to enquire into the status of the application, if a decision has not already been advised.

Student Support Services.

226. **Deputy Willie Penrose** asked the Minister for Education and Science the concessions and allowances available to a student who is now in leaving certificate year and who suffered a serious illness which was a year's duration meaning that they missed a significant period of time out of school; and if she will make a statement on the matter. [27811/07]

Minister for Education and Science (Deputy Mary Hanafin): The guidelines in relation to the repeat of a year at Post-Primary level are outlined in circular M2/95.

In certain instances, delegated authority within defined limits has been given to schools to permit students to repeat a year. Prolonged absence from school due to serious illness is one of the criteria under the terms of the circular. A written application should be submitted to the school Principal together with supporting documentation from a certified doctor. A copy of circular M2/95 follows for reference.

The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations and determining procedures in places where examin-

ations are conducted including the supervision of examinations.

I can inform the Deputy that the Commission operates a scheme of Reasonable Accommodations in the Certificate Examinations. Applications for such accommodations are submitted by schools on behalf of their students. The scheme of Reasonable Accommodations is designed to assist candidates with special needs at the Certificate examinations. The term special needs applies to candidates who have physical/medical and/or specific learning difficulties. Applications for reasonable accommodations are considered within a published framework of principles.

The Deputy may wish to contact the Commission directly for more detailed information on the scheme.

Circular M2/95

To the Authorities of Post-Primary schools

Repeat of a year of Post-Primary Level

1. Repeat Years — General Position

1.1 The circumstances in which an individual pupil may repeat a year at post-primary level, and the detailed arrangements for assessing, deciding, recording and reporting individual cases, have been set out in a number of Circulars — M57/87, M33/89 and M47/93.

In certain instances, delegated authority within defined limits has been given to schools to permit students to repeat a year. In other instances, individual applications have to be referred to the Department for decision.

Pupils permitted to repeat a year in accordance with the terms of these circulars are reckoned for the purposes of staffing and grant allocations.

The purpose of this circular is to clarify and consolidate these arrangements in the light of the extension and restructuring of the Senior Cycle. The arrangements set out in this Circular will apply for the 1995/96 and subsequent school years.

As indicated in paragraph 5 of Circular Letter M47/93, schools will require specific Departmental approval to provide a repeat Leaving Certificate Year 2 class in the 1996/97 and subsequent school years. Approval will be given only where there are compelling educational reasons for so doing, account being taken of the availability of this option in neighbouring post-primary schools. A separate Circular on this matter will issue shortly.

1.2 The following are the grounds on which consideration of requests or proposals for individual pupils repeating a year at post-primary level will be based:

- (i) **Prolonged absence** from school for a valid reason such as ill-health. Prolonged absence may be taken as either
 - (a) a continuous absence for at least eight weeks in the preceding school-year, or
 - (b) intermittent absences over a period of at least 16 weeks, and for an average of $2\frac{1}{2}$ days per week during that period, in the preceding school-year.

The absence and the reason for it must be certified by the school authority. If the reason is related to health, that reason must also be certified by a doctor.

- (ii) **Serious illness** which does not necessitate prolonged absence from school but which has a seriously damaging effect on the pupil's academic performance at school. The illness and its effect must be certified by a doctor and by the school authorities.
- (iii) **Serious family trauma** (e.g. death of a parent, separation of the parents, violence in the home etc.) which the school authorities can show has had a seriously damaging effect on the pupil's academic performance.
- (iv) **Very poor academic record** which requires regular remedial treatment where there is sufficient evidence to establish that (a) the pupil's academic record is very poor (b) that the pupil is in real need of regular remedial treatment and (c) **that the pupil can benefit from the extra year.**
- (v) **Change of school** in the following circumstances:—
 - (a) when necessitated by change of residence, provided that it is established that the pupil could not reasonably be expected to follow the curriculum in the new school without repeating a year of the post-primary course there;
 - (b) for the purpose of taking up a revised course of study, provided that (i) the course in question is not available in the pupil's former school, (ii) the pupil has a valid reason for taking up the

[Deputy Mary Hanafin.]

revised course at this stage, (iii) the pupil has a reasonable prospect of completing the revised course of study satisfactorily, (iv) fulfilment of these conditions is certified by the school authority in the pupil's new school;

(c) for reasons other than (a) and (b) above, provided that there are valid reasons why the pupil might have been permitted to repeat the year in his/her former school. Details should be entered in the pupil's record.

1.3 For pupils entering post-primary cycle in or after September 1991, the standard maximum period of second-level education is six years. Except in very exceptional circumstances, a pupil will not be permitted to repeat more than one year of the post-primary cycle prior to first sitting the Leaving Certificate examination.

2. Junior Cycle

2.1 Authority will continue to be delegated on the following conditions to school authorities to permit a pupil to repeat a year of the Junior Cycle.

2.2 Permission to repeat may be granted only on the grounds set out in paragraph 1.2 above.

2.3 Documentary evidence bearing on the consideration of all requests or proposals for the repeat of a year of the Junior Cycle Programme must be retained in the school records and made available for examination by officers of the Department if required.

2.4 Such documentation would include:—

(i) medical or other certification, as appropriate;

(ii) school attendance records for the year prior to the proposed repeat year;

(iii) all school examination results, results of psychological tests (if any) and public examination results (if any), which are relevant to the case in question;

(iv) the school authority's own evaluation of the case.

2.5 Medical certificates should clearly state:—

(a) the nature of the pupil's illness;

(b) the length of time which the pupil must be absent from school as a result of the illness;

(c) the presumed effects of the illness upon the pupil's capacity for study;

(d) the likelihood of future absences from school as a result of the illness.

2.6 Requests or proposals for repeating a year should normally be made and adjudicated on before the end of the previous school year but not, in any event, after the 29th September of the school year in question.

2.7 Where it has been decided to permit a student to repeat a year, this fact should be noted on the return for the purposes of the Post-Primary School Database.

2.8 In the case of permissions granted, a return certifying the fact of the permissions and the specific grounds on which they were granted must be forwarded to the Department. Form M2/95A is attached for the purpose and must be returned not later than the 29th September of the school year in which the repeats are taking place.

The incidence and circumstances of permissions granted will be monitored by the Department both from the Pupil Database data and from the Forms M2/95A.

2.9 The Minister reserves the right:—

(a) to review any case and to obtain further information or clarification, including the production of documentation when appropriate, on decisions of school authorities;

(b) to withdraw the delegated authority in the case of any individual school or schools if this is considered warranted;

(c) to exclude from reckoning as a recognised pupil, for the purposes of staffing and grant allocations, pupils permitted to repeat other than in accordance with the terms of this circular.

3. Senior Cycle — General

3.1 All pupils entering Senior Cycle in September 1994 and after may spend up to three years in Senior Cycle in accordance with the structures outlined in Circular M47/93. The time spent in Senior Cycle will normally be comprised of:—

a two-year Leaving Certificate programme immediately after Junior Certificate or

a Transition Year Programme followed by a two-year Leaving Certificate course.

3.2 From September 1995, the structure of the Leaving Certificate programme will have three main orientations viz.

the established Leaving Certificate programme,

the Leaving Certificate Applied,

the Leaving Certificate Vocational Programme.

Schools are not permitted to offer a three-year Leaving Certificate programme, i.e. a Leaving Certificate programme extending to three years.

3.3 The standard maximum period at Senior Cycle is three years for all pupils entering Senior Cycle in or after September 1994 and for those pupils who entered Senior Cycle prior to September 1994 in schools which had an approved six-year post-primary cycle of which they availed. For pupils who entered Senior Cycle prior to September 1994 in schools which did not have an approved six-year post-primary cycle, the standard maximum period at Senior Cycle is two years.

4. Transition Year Programme

Authority will continue to be delegated to school authorities to permit a pupil to repeat a Transition Year Programme in accordance with the same criteria, conditions and procedures set out for Junior Cycle pupils (paragraph 2 of this Circular). Details of permissions granted should be returned to the Department on Form M2/95A.

5. Leaving Certificate Programme — Year 1 and Year 2

5.1 Subject to the terms of paragraph 5.2, authority will continue to be delegated to school authorities to permit a pupil to repeat a year of the Leaving Certificate Programme (**prior to first sitting the Leaving Certificate Examination**) in accordance with the same criteria, conditions and procedures set out for Junior Cycle pupils (paragraph 2 of this Circular). Details of permissions granted should be returned to the Department on Form M2/95A.

5.2 Where a school proposes to allow **more than 5% of a Leaving Certificate year-group (Year 1 or Year 2)** to repeat, the prior approval of the Department must

be obtained in the case of each individual pupil. In such a situation, permission for a pupil to repeat must be sought by the school on the formal application form attached, Form M2/95B, by the 31st of May preceding the school-year in which it is intended to repeat. The application form will set out particulars of the pupil in question and the circumstances in which the application to repeat is being made and will be accompanied by supporting documentation.

It is intended that decisions on the applications will be conveyed to schools without delay.

6. Repeat of Leaving Certificate

6.1 Pupils who have sat the Leaving Certificate Examination may be enrolled as recognised pupils to repeat Leaving Certificate Year 2 and the appropriate Leaving Certificate Examination on payment of the appropriate course and examination fees. **The Repeat Course Fee is €126.97 per pupil.** Pupils whose parents or guardians are the **holders of current medical cards will be exempted from the payment** of the course fee on production of the medical card for noting by the school authorities. In addition, only the ordinary examination fee will apply to these pupils. The current Repeat Examination fee is available from the State Examinations Commission on 09064-42700.

In respect of the 1995/96 and subsequent school years, school authorities should inform prospective repeat Leaving Certificate pupils accordingly, and arrange for the collection and transmission (where appropriate) to the Department of the course fee involved. Form M2/95C is attached for this purpose and should be forwarded to the Department not later than the 7th October of the school-year in which the pupils are repeating. (School authorities will be advised of future changes in fee rates).

Pupils in respect of whom the course fee is due but not received will not be reckoned as recognised pupils for the purposes of staffing and grant allocations.

Repeat Leaving Certificate course fees collected from pupils in voluntary Secondary schools and Community and Comprehensive schools must be returned to the Department. Course fees collected from pupils attending Vocational schools and Community Colleges are retained by the relevant Vocational Education Com-

[Deputy Mary Hanafin.]

mittee and a corresponding amount is deducted from the Department's grant to that VEC.

Don Thornhill,
Secretary
16 May, 1995

Decentralisation Programme.

227. **Deputy Áine Brady** asked the Minister for Defence the timeframe for the Department of Defence to move to Newbridge, County Kildare; and if he will make a statement on the matter. [27693/07]

Minister for Defence (Deputy Willie O'Dea): The Government Decision on decentralisation, announced by the Minister for Finance in his Budget Statement on 3 December 2003, provides for the transfer of all of my Department's Dublin based Civil Service staff to Newbridge, County Kildare. It is expected that my Department will relocate to Newbridge during 2009 following the construction of its new headquarters.

Departmental Expenditure.

228. **Deputy Lucinda Creighton** asked the Minister for Defence the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27607/07]

Minister for Defence (Deputy Willie O'Dea): The details requested by the Deputy regarding travel and subsistence in my Department are outlined in the table hereunder:

Period	Amount
Jan. to Sep. 2006	€280,611.23
Jan. to Sep. 2007	€203,504.13

Comparison of both figures shows a decrease in expenditure from 2006 to 2007.

Refugee Resettlement Scheme.

229. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the Government's plans for accepting refugees over the next five years; and if he will make a statement on the matter. [27602/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I take it that the Deputy is referring to the Government's scheme of resettlement refugees. In May 2005, the Government decided to increase Ireland's annual quota of resettlement refugees from 10 families (around 40 persons) to 200 persons. Decisions on

nationalities and source countries are made following close consultation between the Minister for Justice Equality and Law Reform, the Minister for Foreign Affairs and the United Nations High Commissioner for Refugees (UNHCR) who advise annually on their priorities. No decision has yet been taken in regard to the nationalities to be accepted under the 2008 Quota.

Ireland is one of 18 countries worldwide and one of six EU countries that participates in this UNHCR-led resettlement programme. Other EU countries are currently in the process of joining the programme.

Legal Services Regulation.

230. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform his plans to regulate solicitors and other members of the legal profession. [27577/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question No. 504 of 31 October 2007. I have nothing further to add to the details of that reply.

231. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will ensure the maximum protection of consumers in view of recent developments regarding solicitors, letters of undertaking, house deeds and mortgages. [27578/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my replies to Question No. 504 of 31 October and Questions No. 431 and 442 of 6 November. I have nothing further to add to the details contained in those replies.

Deportation Orders.

232. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the status of the application to have the deportation order revoked for a person (details supplied); the procedure to be followed having received conflicting advice; and if he will make a statement on the matter. [27584/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that a visa for the applicant cannot issue until such time as the deportation order is revoked. This matter is currently under review and I understand that a recommendation will be made to me in the near future as to whether the deportation order is or is not to be revoked. I will inform the Deputy of my decision in this case in due course.

Crime Levels.

233. **Deputy Joe McHugh** asked the Minister

for Justice, Equality and Law Reform if there are plans in place to tackle the growth in crime and murder in this country; and if there are plans to increase the sentences for those deemed to be a danger to society. [27357/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The provisional headline crime figures for the third quarter of 2007 released by the Central Statistics Office show that there was no increase in headline crime in the twelve-month period to 30 September. This outcome is against a continuing steady rise in the population over the twelve months. With regard to the third quarter itself, there was an increase of 2.8% in headline crime in the quarter, compared with an increase of 4% in the second quarter. While there have been successes in combating crime and this is reflected in the improving trend, there is still much work to be done. The biggest challenges to be faced are the level of gangland crime and the number of murders being committed. The detection rate achieved by An Garda Síochána for murders which are not committed by firearms is excellent. However, detections for murders related to organised crime, which account for most murders committed by firearms, are more difficult to achieve. This is a matter of concern, even though such murders make up a minority of all murders (17 out of the 57 recorded to date in 2007). I believe that the significant improvements in the way major crimes are investigated recently announced by the Garda Commissioner will help to improve all detection rates, including for murders connected with organised crime.

We recently learned of a number of successful operations by An Garda Síochána which resulted in the arrest and charging of a number of persons following the recovery of drugs and firearms and the foiled robbery of cash in transit. It is relentless activity of this type by An Garda Síochána, under Operation Anvil in particular, which has contributed to the statistics for the third quarter showing significant reductions in the number of robberies of cash and goods in transit (down 71% in the quarter) and of robberies of an establishment or institution (down 12%).

I welcome the increases in the number of detections for possession of drugs for sale or supply (up 26% in the year to date) and of cultivation, manufacture and importation of drugs (up 55%), which were also the result of such police work directed against those involved in organised and drug crime.

I am pleased to note that the third quarter figures also show a reduction in the overall figure for sexual crimes (down 5% in the quarter and 9% in the year to date). All five sexual crime categories showed a reduction or no change during the quarter. The figures for sexual crimes now no longer show the steep declines experienced in

earlier quarters. I hope that any reluctance on the part of victims to report sexual crimes, as a result of publicity surrounding court cases last year, has now dissipated and the figures better reflect the underlying reality.

The Garda Síochána Act gives me as Minister the power to determine priorities for the Garda Síochána. I recently published the policing priorities for 2008. These priorities set clear objectives for An Garda Síochána which the Garda Commissioner must take into account in drawing up his Policing Plan for 2008. The priorities I have set show what I and the Government consider should be the focus of policing activity in crime prevention and detection.

Two substantial Criminal Justice Acts were enacted in 2006 and 2007. Both the 2006 and 2007 Acts contained a wide array of measures to tackle serious and organised crime. The 2006 Act criminalised participation and assisting with criminal gangs. It updated the offences and penalties relating to firearms and well as creating offences of importing drugs with a minimum value of €13,000 and supplying controlled drugs to prisons. A registration requirement was imposed on drug trafficking offenders and new guidance was introduced for the imposition of mandatory sentences for drug trafficking convictions. The 2007 Act introduced new provisions for mandatory sentences for repeat offenders convicted of a range of serious offences. New post release orders were introduced, to assist with Garda supervision of convicted persons and to protect witnesses and victims.

My Department keeps under constant review the penalties provided for by the criminal law and proposes amendments where that is considered necessary. The Garda authorities also keep the penalties under review and make recommendations to me on any changes they consider desirable.

Departmental Expenditure.

234. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27614/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Expenditure on travel and subsistence is €2.86 million for the period January to September 2007 compared with €2.04 million for the same period in 2006. The main reason for the increase is that the 2007 amount includes the expenses of the Probation Service for the full period whereas the corresponding figure for 2006 only included payments from the 1st July 2006. Prior to July 2006 the expenses of the Probation Service were paid from the Prisons Vote.

Illegal Immigrants.

235. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of persons (details supplied) in County Westmeath. [27650/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The family concerned arrived in the State on 19 August 2003 and applied for asylum. They were refused refugee status by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

The wife and son of the family concerned voluntarily returned to Croatia under the International Organisation for Migration Voluntary Assisted Return Programme on 27 April 2004.

The son of the family concerned re-entered the State on 20 May 2005. He was refused re-admittance to the asylum process under 17(7) of the Refugee Act 1996, as amended. His case was considered in conjunction with his father's under Section 3 of the Immigration Act, 1999, as amended.

The father and son were considered for temporary leave to remain in the State pursuant to Section 3 of the Immigration Act, 1999, as amended. On 26 July 2005, they were granted permission to remain in the State for one year. This permission was renewed for a further year until 28 August 2007. The persons in question have not submitted an application for further leave to remain in the State and as such have no legal entitlement to be in the State at present. They should submit an application for renewal of their leave to remain immediately to my Department in order to regularise their status in the State.

According to my Department's records the wife of the family concerned has no applications before my Department at the present time, having previously returned to her country of origin. Given that there is no record of her having been granted a visa to re-enter the State she is, therefore, regarded as being illegally present in the State.

Citizenship Applications.

236. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in County Westmeath. [27651/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the person in question has made no formal request to renew her permission to remain in the State to date. The current permission expired on 22 November 2006. However, the legal representative for the person concerned has been advised that should an application be lodged,

accompanied by supporting evidence of the stated extenuating circumstances, it will be given priority consideration.

Asylum Applications.

237. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of persons (details supplied) in County Westmeath. [27652/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is not the practice to comment in detail on individual asylum applications. As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on these applications will be made upon receipt of the decision of the Refugee Appeals Tribunal.

Citizenship Applications.

238. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in County Westmeath. [27653/07]

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 May 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.

Visa Applications.

239. **Deputy Jan O'Sullivan** asked the Minister

for Justice, Equality and Law Reform when a decision will be made on an appeal of the refusal of a visa application by a person (details supplied); and if he will make a statement on the matter. [27654/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The application referred to by the Deputy was received in the Visa Office, Dublin on the 30 August 2007. It was refused by the Visa Officer on the 21 September 2007 for a number of reasons. The principal reason for refusal was the immigration history of the applicant, who was deported from the state in 2003. An appeal may be made against the decision of the Visa Officer. It should be noted however, that it is not the general policy to grant a visa to persons who are the subject of a deportation order. It is open to an individual who wishes to re-enter the country to make an application for revocation of the order under section 3(11) of the Immigration Act 1999.

240. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the criteria and exact procedure for spouses of Irish citizens who wish to enter the State if they are a visa required national; the procedure to enter the State if they are not a visa required national; the criteria and exact procedure for them to gain a stamp four after they have entered the State; and if he will make a statement on the matter. [27655/07]

241. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the way the circumstances of persons who are granted a C visa and D visa differ if they are spouses of Irish citizens when entering the State; and if he will make a statement on the matter. [27656/07]

242. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the exact criteria used by the Garda National Immigration Bureau and local officers when deciding whether the spouse of an Irish citizen is immediately granted a stamp four on presentation or informed that they have to formally apply for residency to INIS; and if he will make a statement on the matter. [27657/07]

243. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on whether it is acceptable that families of Irish emigrants wishing to return and make a life here are hindered when one spouse is prevented from working for up to 18 months after arriving in Ireland due to the long processing times in INIS for residency based on marriage to an Irish citizen; if steps will be taken to address the situation; and if he will make a statement on the matter. [27658/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 240 to 243, inclusive, together.

Marriage to an Irish national does not grant any automatic right to enter or reside in the State solely on that basis. A person who is visa-required wishing to come to Ireland to reside in the State with his/her spouse must apply for a “Join Spouse” visa. Where all the required documentation/evidence has been furnished and the Visa Officer is satisfied with the bona fides of the application a D-type Visa is approved in the vast majority of cases. In very exceptional cases, where a Visa Officer has concerns over the relationship history for example, a C-type Visa might be approved. The rationale for this is that the applicant is being afforded the opportunity to demonstrate the existence of the relationship.

Non-EEA nationals who have no current permission to remain within the State are required to make an application for residence on the basis of marriage to an Irish national to the Immigration Division of the Irish Naturalisation and Immigration Service of my Department. Applications, in fairness to all other such applicants, are dealt with in chronological order and are currently taking 12 months to process. Persons who have appropriate permission to enter and reside in the State based on their marriage to an Irish national do not need to make an application for residence to this department based on their marriage to an Irish national. Such persons should register with the Garda National Immigration Bureau and such persons are normally granted a Stamp 4. However if there are doubts about the bona fides of the marriage the matter may be referred to the Immigration Division of my Department for further investigation.

Widespread use of “Convenience” marriages for the purpose of circumventing normal immigration controls is experienced by immigration jurisdictions worldwide. In order to prevent abuses of the system, insofar as is possible and without unduly interfering with the Irish citizen’s private circumstances, the Immigration Division will seek to establish various matters. These include the context in which the marriage took place, the validity of the marriage and whether the couple are residing together in a family unit. This will involve requesting documentation in support of the application for residence and may also require an interview of either or both parties by the immigration authorities.

Parental Leave Legislation.

244. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the sections and subsections of the Parental Leave (Amendment) Act 2006 that have yet to be commenced in full and where part of a section or subsection has been commenced to identify which

[Deputy Róisín Shortall.]

part has been commenced and which part has not. [27691/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The whole of the Parental Leave (Amendment) Act 2006 commenced on 18 May 2006.

Ministerial Travel.

245. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the cost and frequency of travel since the beginning of the new Government he has undertaken by means of bus, rail or air transport; and if he will make a statement on the matter. [27694/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Since my appointment, I have commuted regularly by train. In relation to the use of air transport, I have travelled abroad on two occasions in my official capacity as Minister for Justice, Equality, and Law Reform. The Government jet was utilised on both occasions and the cost associated with such travel is not available within my Department.

Citizenship Applications.

246. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application of a person (details supplied) to the EU Treaty Rights section of his Department on form EU 1, who has stamp three recognition and whose father is an EU citizen. [27702/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that an application by the person concerned for residence in the State based on EU Treaty Rights was received on 4th August 2007.

Applications based on EU Treaty Rights are currently being processed within the six month time frame allowed. A decision will issue to the applicant in due course.

Road Traffic Offences.

247. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he is satisfied that recipients of penalty points who paid their on the spot fines are as fairly treated as those who appeal the fines associated therewith to the Courts; and if he will make a statement on the matter. [27710/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The legislation governing the penalty points system is set out in the Road Traffic Acts 2002-2006 which are the responsibility of my colleague the Minister for Transport. The option to pay an applicable fixed

charge for certain road traffic offences and to receive a reduced number of penalty points is available to a driver who has received a fixed charge notice in lieu of going to court. The choice in each case is a matter for the individual.

When a person chooses to have their case heard in court and is convicted then he or she is liable to whatever monetary fine the court may impose and the full number of penalty points that apply to that offence are entered against their driving licence record.

Garda Operations.

248. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will request the Gardaí to put a safety and security plan in place at a location (details supplied) in Dublin 3. [27712/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed that the area referred to is in Raheny Garda District and is patrolled by Garda foot and mobile patrols from that Garda station. Members of the local Community Policing Unit are also allocated to this area and liaise with the local community.

Additional Garda patrols, including patrols by the District patrol car, District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Units have been directed to pay particular attention to this area, with a view to ensuring a visible Garda presence.

All public order incidents and anti-social behaviour detected by Garda patrols or reported to them are dealt with immediately and the suspected offenders are dealt with in accordance with the law. Current policing policy in the area is predicated on the prevention of crime including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

Garda Strength.

249. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the degree to which he will increase Garda strength at the various Garda stations throughout County Kildare in line with population growth requirements and in order to bring Garda strength in these areas on par with the best ratio of Gardaí to population in the country; and if he will make a statement on the matter. [27775/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As of 31 October 2007, the latest available end of month figures, the personnel strength of the Carlow/Kildare Division was 402.

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 Carlow/Kildare Division will be fully considered by him within the overall context of the needs of Garda Districts/Divisions throughout the country.

Garda Stations.

250. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he has taken or proposes to take to extend the opening hours of the various Garda stations throughout County Kildare; and if he will make a statement on the matter. [27776/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The opening hours of Garda Stations is a matter for the Garda Commissioner but a general point which should be borne in mind is that an extension in the opening hours of any particular Garda Station would necessitate the employment of additional Garda personnel on indoor administrative duties who might be far more effectively employed on outdoor policing duties.

Crime Levels.

251. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of serious assaults reported in County Kildare in the past five years; the number of prosecutions and convictions which followed therefrom; and if he will make a statement on the matter. [27777/07]

252. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of burglaries reported to or through the various Garda stations throughout County Kildare in the past five years; the number of prosecutions and convictions which followed; and if he will make a statement on the matter. [27778/07]

253. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of anti-social behaviour incidents reported in County Kildare in each of the past five years; the number of prosecutions and convictions that followed; and if he will make a statement on the matter. [27779/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 251 to 253, inclusive, together.

Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should

be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive.

I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Criminal Assets Seizures.

254. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of instances in which the Criminal Assets Bureau has attempted to seize the assets of those involved in crime without success in the past five years; and if he will make a statement on the matter. [27780/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been informed by the Garda authorities that the only instance in which the Criminal Assets Bureau has attempted to seize the assets of those involved in crime without success in the past five years is as a result of the Supreme Court decision in 2004 in the FMcK v GWD case. In this case, the Criminal Assets Bureau was hindered in applying the Proceeds of Crime Act, 1996 to assets in this jurisdiction which it believed represented the proceeds of foreign criminality. The High Court, on foot of this ruling, did not grant a Section 3 confiscation order over the property in question.

I am further informed by the Garda authorities that, as a consequence of this ruling, an additional seven other cases were affected but that none of these seven cases was lost in its entirety.

I understand that a number of these cases were settled on agreement between the parties concerned while the remainder are still before the courts awaiting determination.

In order to regularise this matter, provisions were included in the Proceeds of Crime (Amendment) Act, 2005 which now permit the Criminal Assets Bureau to pursue assets in this jurisdiction which represent the proceeds of foreign criminality.

Crime Prevention.

255. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he is satisfied that steps have been taken to

[Deputy Bernard J. Durkan.]

ensure that criminal empires cannot be directed by those serving prison terms; and if he will make a statement on the matter. [27781/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I would like to assure the Deputy that I am committed to implementing all appropriate measures to deal with prisoners who may be engaging in criminal activities from inside prison cells.

One of the major challenges in prisons worldwide lies in preventing access to contraband items, primarily mobile phones and drugs, which for obvious reasons, are viewed as highly valuable commodities which could assist in illegal activity. Efforts are made on a continuous basis to prevent the flow of such contraband into our prisons, by for example, the installation of nets over exercise yards, vigilant observation of prisoners by staff, upgraded CCTV monitoring, the use of screened visits and prisoner and cell searches. In addition, new visiting arrangements are in place in all closed prisons whereby only persons who have been pre-approved by the Governor are permitted to visit.

I can also assure the Deputy that I am determined to deal with the problem of prisoners using mobile phones and, in this context, I believe technology offers the only real answer to dealing with the problem. The installation of a pilot scheme of technology to inhibit the use of mobile phones in prisons is currently underway at the Midlands Prison. The first phase has been completed and the second phase of the pilot programme is expected to be completed shortly. Evaluation of the project so far has yielded positive results and, if confirmed, the inhibitors will be installed in all our closed prisons over an 18 to 24 month period.

The Deputy will be aware that Section 36 of the Prisons Act 2007, which was brought into operation from 1 May 2007, makes it an offence for prisoners to have unauthorised possession of or use mobile telecommunications devices. Under the Act it is also an offence to supply such a device to a prisoner. The penalty for such an offence, on summary conviction, is a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.

Random searches of cells and their occupants and searching of correspondence and other items entering the prison have all intercepted significant quantities of contraband in recent years. When a person is admitted to prison custody, he or she is searched and prohibited items and money are taken. Similarly, searching takes place of prisoners returning from court, temporary release or after visits. Searches of prisoners also take place where their behaviour or information received raises suspicions that they may be in pos-

session of contraband. The Prison Service has recently purchased a number of cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, u-bends in toilets, drain holes, under floor boards and other cavities. These new technologies are proving to be a valuable asset in this area. The planned new prison estates at Thornton Hall and Kilworth will also make it harder for contraband to enter the prison by locating recreation yards away from perimeter walls and having a cordon sanitaire.

As regards enhanced security, the Deputy will also be aware that I have recently announced a range of security measures aimed at keeping contraband out of our prisons. These measures include: the establishment of an Operational Support Group dedicated to, and developing expertise in, searching and gathering intelligence. The group will be available in addition to the normal prison staff and can target specific problem areas. They will also gather and collate intelligence information in their prison, carry out high profile escorts and assist the Chief Officer in charge of security in the continuing assessment and improvement of security.

The Drug Detection Dog Service will involve approximately 30 staff and an appropriate number of dogs. The Deputy will be aware that a pilot drug detection dog service has been in place since 23 May 2006 and is currently running in the Midlands/Portlaoise area and also in Wheatfield/Cloverhill Prisons, the Mountjoy complex and Cork and Limerick Prisons.

In addition, a number of serious gang members are now segregated in a special area of Cloverhill Prison. This initiative, in conjunction with the other measures referred to earlier, will prevent them from exerting inappropriate influence over other persons.

256. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action that can be taken unilaterally or at EU level against criminal gang leaders living abroad and participating in, directing or co-ordinating criminal activities here or abroad; and if he will make a statement on the matter. [27782/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that while some Irish criminal groups have extensive links to kindred groups in other jurisdictions, it is not possible to quantify the extent to which Irish nationals based abroad are involved in criminal activity.

An Garda Síochána work closely with International law enforcement agencies in targeting the activities of Irish criminals operating outside this jurisdiction and the offices of Europol are also used extensively to coordinate the exchange of intelligence in the targeting of these criminals.

In addition, An Garda Síochána has liaison officers posted in a number of European countries whose function it is to liaise with the police and judicial authorities in those and neighbouring jurisdictions in the context of serious and organised criminal activity with an Irish dimension.

An Garda Síochána also has liaison officers appointed to Europol based in the Hague, to Interpol based in Lyons and is soon to also have a liaison officer assigned to the Maritime Analysis and Operational Centre (MAOC) based in Lisbon.

An Garda Síochána works with law enforcement agencies in other jurisdictions in a number of ways. These include:

- the exchange of strategic intelligence on the activities and modus operandi of criminal networks involved in organised crime.
- the conducting of investigations within the State at the request of foreign law enforcement agencies, in accordance with legislation governing mutual assistance in criminal matters; and
- requesting the assistance of other jurisdictions in conducting investigations on behalf of the Irish State, in accordance with arrangements for mutual assistance in criminal matters.

Where evidence exists to support a prosecution in this State against any particular individual residing outside the jurisdiction, an extradition application is pursued with the competent authority where extradition agreements are in place.

In addition, the Criminal Assets Bureau continues its statutory remit to deprive criminals of their assets pursuant to the Proceeds of Crime Acts 1996 to 2005 and relevant Revenue and Social Welfare legislation irrespective of where the people in question may be located.

All of this work continues to lead to the arrest of major criminals both here and abroad. I can assure the Deputy that I will continue to keep under review the measures and resources in place for tackling organised crime. I will also continue to work with my EU colleagues in the Justice and Home Affairs Council to ensure that every possible measure, legislative or otherwise, is put in

place to enhance EU strategies for combating transnational organised crime.

Criminal Assets Seizures.

257. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the value of assets seized by the Criminal Assets Bureau in each year since its inception; and if he will make a statement on the matter. [27783/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Criminal Assets Bureau has been at the forefront of the fight against organised crime, including drug trafficking, in this jurisdiction since its inception in 1996. The significant successes that the Bureau continues to achieve by its operations demonstrates the effectiveness of its approach in pursuing illegally gotten gains.

The manner in which the Bureau operates has, in the eleven-year period of its existence, come to be viewed, both domestically and internationally, as a very successful model for targeting persons seeking to derive profits from criminal activities.

Details of the activities of the Criminal Assets Bureau since its establishment in 1996 are contained in the Annual Reports of the Bureau which are submitted to the Minister for Justice, Equality and Law Reform. The most recently published report is for the year 2006.

These reports are quite comprehensive and include details of the number of cases commenced, assets frozen and monies returned to the Exchequer under the Proceeds of Crime Acts, 1996 and 2005, and monies collected under the Revenue and Social Welfare Acts. Copies of the reports are available in the Oireachtas library.

The 2006 Criminal Assets Bureau Annual Report sets out in detail the current position with regard to the value of assets seized by the Bureau in each year since its inception up to and including end year 2006.

I am informed by the Garda authorities that the following table identifies the value of assets secured/restrained/frozen under Section 2 Interim Orders, Section 3 Interlocutory Orders and Section 16(b) Corrupt Enrichment Orders of the Proceeds of Crime Act, 1996 and 2005 (as amended) for the periods in question.

Section 2 Interim Orders		Section 3 Interlocutory Orders		Section 16(b)
1996	£2,101,000.00	1996	£2,048,000.00	
1997	£2,334,680.00	1997	£1,496,180.00	
1998	£1,682,544.65	1998	£1,091,412.62	
1999	£1,500,000.00	1999	£813,659.00	
2000	£838,536.00	2000	£1,641,215.00	
	Stg£52,230.00			

[Deputy Brian Lenihan.]

Section 2 Interim Orders		Section 3 Interlocutory Orders		Section 16(b)
2001	£1,872,654.72 (€2,377,781.00) Stg£491,114.09	2001	£1,342,951.10 (€1,705,196.15) Stg£279,635.70	
Total 1996-2001	IR£10,329,415.37 (€13,115,652.02)		IR£8,433,417.72 (€10,708,231.61)	
2002	€3,709,086.00 Stg£17,802,004.00 US\$5,558,377.00	2002	£2,504,669.00 Stg£1,993,094.00 US\$5,247,821.00	
2003	€3,045,842.00 Stg£12,150.00	2003	€71,699.00 Stg£557,070.00	
2004	€1,027,152.18 Stg£6,115	2004	€1,688,651.63 Stg£375.00	
2005	€5,860,335.00 US\$314,619.54	2005	€1,200,525.57 Stg£26,760 US\$130,000	
2006	€2,836,479.97 Stg294,289.39	2006	€726,350.94	€53,000,000
TOTAL	€29,601,137.17 Stg£18,657,912.48 US\$5,872,996.54		€16,899,131.56 Stg£2,856,934.70 US\$5,377,821.00	€53,000,000

Garda Deployment.

258. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of Gardaí available for duty for each roster throughout a 24 hour period in the Dublin metropolitan division, relevant divisions in the immediately adjoining counties and throughout the country; and if he will make a statement on the matter. [27784/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that for security and operational reasons, it is Garda policy not to disclose the number or percentage of personnel on duty at any specific area or over any given period of time.

Question No. 259 answered with Question No. 126.

Garda Equipment.

260. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when he expects electronic eavesdropping technology to be used against organised criminal gangs; and if he will make a statement on the matter. [27786/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Garda Síochána already has available to it and makes active use

of various forms of covert surveillance against suspects, including against suspected members of organised crime gangs. For obvious reasons of security, however, it would not be appropriate for me to detail the kinds of covert surveillance techniques used and the circumstances under which they may be deployed.

Apart from the use of covert surveillance techniques to gather criminal intelligence, I have asked my Department and the Garda authorities to examine whether it should be possible, as a matter of law, to use material gained as a result of covert surveillance as part of the prosecution case against a defendant. This is a complex issue, as allowing the use of this material as evidence could compromise methods used by — and intelligence available to — the Garda Síochána.

In any event, the criminal law has already undergone significant reform to counter the threat posed by organised crime. Nevertheless, I will continue to examine, in conjunction with the Garda authorities, whether further statutory provisions are required.

Bail Applications.

261. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of members of organised criminal gangs currently on bail on foot of various charges; the extent to which bail has been granted more than once and the reason given; his plans or proposals to limit the availability of bail in such

cases; and if he will make a statement on the matter. [27787/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that An Garda Síochána does not collate statistics on the basis of the roles which offenders may have, either as individuals or as group members, when participating in criminal activity. Statistics in relation to the granting of bail by the Courts is a matter for the Courts Service which is independent in the performance of its functions.

With regard to the matter of limiting the availability of bail in serious cases, the Government has recently introduced legislative measures concerning this issue. In this respect, the Deputy's attention should be drawn to part 2 of the Criminal Justice Act 2007 which represents an extensive updating of the law on bail. The most significant of the new provisions are designed to assist the Garda and the DPP in opposing bail applications in cases where the person is charged with a serious offence.

A new section 1A in the Bail Act 1997 (inserted by section 6 of the 2007 Act) provides that the applicant may be required to provide a statement setting out details of his or her occupation, the source of his or her income, details of property owned or controlled by him or her as well as details of any previous convictions for offences committed while on bail or any previous bail applications.

A new section 2A in the 1997 Act (inserted by section 7 of the 2007 Act) provides that a senior Garda (not below the rank of superintendent) may give evidence that he or she believes that refusal of the application is necessary in order to prevent the commission of a serious offence by the applicant. This is in addition to the grounds for refusal of an application for bail already set out in section 2 of the 1997 Act.

These provisions in the 2007 Act are in force, along with several other provisions that deal with a range of technical and administrative improvements to the bail system.

Finally, the Agreed Programme for Government contains a commitment to review the 2007 amendments to assess their impact and to determine what further steps, if any, are required. I propose to await that review before coming to any decisions on further amendments.

Crime Prevention.

262. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he has taken or proposes to take to disrupt and disorganise the growth of criminal gangs here with particular reference to the seizure of assets and disrupting such organisations; and if he will make a statement on the matter. [27788/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that intelligence-led operations, primarily undertaken by specialist units of An Garda Síochána, under the remit of the Assistant Commissioner, National Support Services, including the National Bureau of Criminal Investigation, the Garda National Drugs Unit, and the Organised Crime Unit are regularly undertaken, targeting those suspected of being involved in organised crime.

Specifically in relation to the issue of disrupting the activities of criminal gangs through the seizure of assets, the Criminal Assets Bureau is being actively utilised to identify and target assets accumulated by such gangs, in order to seize such assets and to deprive criminals of the profits of their illegal activities.

The Bureau has been at the forefront of the fight against organised crime in this jurisdiction since its inception in 1996. The significant successes that the Bureau continues to achieve by its operations demonstrates the effectiveness of its approach in pursuing illegally gotten gains.

The manner in which the Bureau operates has, in the eleven-year period of its existence, come to be viewed, both domestically and internationally, as a very successful model for targeting persons seeking to derive profits from criminal activities.

I am informed by the Garda authorities that as part of An Garda Síochána's Policing Plan for 2007 and in conjunction with An Garda Síochána's Corporate Strategy, the Criminal Assets Bureau is committed to targeting persons involved in organised crime.

This commitment, which will continue during 2008, will form part of the CAB business plan and the Government will continue to provide the Bureau with all the necessary resources it requires to carry out its functions effectively.

As part of the commitment of An Garda Síochána to target organised crime gangs, the Criminal Assets Bureau works very closely with the other agencies which form part of An Garda Síochána's National Support Services.

For example, the Bureau is in continuous contact with the National Bureau of Criminal Investigation, the Garda National Drugs Unit and the Garda Bureau of Fraud Investigation. CAB also works closely with all Garda divisions through the network of divisional asset profilers and directly with other Garda divisional officers when the need arises.

Furthermore, the Criminal Assets Bureau also targets the assets of criminal gangs through its ongoing work on joint operations undertaken with outside agencies such as the Assets Recovery Agency in Northern Ireland, the Police Service of Northern Ireland (PSNI) and with the UK's Revenue and Customs Services.

The measures which the Criminal Assets Bureau continues to take against crime groups

[Deputy Brian Lenihan.]

involves the restraint and seizure of assets by way of the Proceeds of Crime legislation, the raising of tax assessments and the collection of money under revenue legislation and through the implementation of actions as deemed appropriate under Social Welfare legislation.

This work continues to cause major disruption to these crime groups by removing the profit generated by their criminal activities and such action will continue to be vigorously pursued by the Bureau.

Finally, I can assure the Deputy that areas such as gun crime, organised crime and drugs remain as the top policing priorities for the Government and that I will continue to keep the measures and resources for tackling such crime under review.

Organised Crime.

263. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of organised criminal gangs currently operating here in view of his recently expressed opinion that 12 such gangs operate in the Dublin area; the degree to which the Gardaí have information to arrest and charge each, any or all of the principals; and if he will make a statement on the matter. [27789/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An Garda Síochána, as part of its contribution to the Europol Organised Crime Report which was refined to become the Organised Crime Threat Assessment (OCTA), undertakes an annual assessment of organised crime in Ireland. The most recent assessment was completed in November 2006. The analysis carried out for this report concludes that the nature of organised crime gangs continues to be the same as in previous years. There are two categories of organised crime groups operating in this jurisdiction.

The first category consists of individuals/groups that are well established and tightly structured involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and criminal activities which are mainly confined to Ireland. Because of the relatively fluid nature of those involved in serious/organised crime in Ireland it is not possible to easily place them in a particular group.

While it is difficult therefore to provide an accurate and definitive number for the various groups operating here, gangs operating in this jurisdiction are targeted on an ongoing basis and profiles regarding the personnel of such groups are continually updated. Their membership, operating methods, criminal interests and financial assets are likewise proactively targeted.

Intelligence-led operations, primarily undertaken by specialist units of An Garda Síochána, under the remit of the Assistant Commissioner, National Support Services, including the National Bureau of Criminal Investigation, the Garda National Drugs Unit, and the Organised Crime Unit are regularly undertaken, targeting those suspected of being involved in organised crime.

In addition, the Criminal Assets Bureau, under the Assistant Commissioner, National Support Services, works closely with other national units and senior investigating officers in all Garda Divisions to ensure, wherever possible, that assets derived from criminal activity, including drug-related crime, are subject to post-conviction confiscation, pursuant to the Criminal Justice Act 1994, civil restraint pursuant to the Proceeds of Crime Acts 1996-2005 and the relevant Revenue and Social Welfare legislation.

An Garda Síochána will continue to use intelligence-led operations against selected targets to combat the criminal activities of these groups including those referred to by the Deputy which operate primarily in the Dublin area. As is evidenced by events over recent days, such measures continue to achieve significant successes being made against such groups. Finally, I can assure the Deputy that areas such as gun crime, organised crime and drugs remain as the top policing priorities for the Government and that I will continue to keep the measures and resources for tackling such crime under review.

Residency Permits.

264. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he has received the documentation required in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [27790/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Immigration Division of my Department requested documentation from the representatives of the person referred to by the Deputy in September 2007. On receipt of this documentation, the case will be further processed.

Citizenship Applications.

265. **Deputy Michael Kennedy** asked the Minister for Justice, Equality and Law Reform the status of the citizenship application of a person (details supplied); and if he will he make a statement on the matter in view of the fact the applicant has been living in a hostel with their Irish born son for the past three years. [27796/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Officials in the Citizenship Section of my Department inform me that

there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

266. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the steps that will be taken to address the backlog and delays in processing applications for long-term residency and for citizenship in view of the fact that it appears that possibly 14,000 parents with IBC/05 status presenting in three years time for long-term residency or citizenship could fall into a status of illegality during the processing of their applications; and if he will make a statement on the matter. [27808/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Applications for both long-term residency and naturalisation are generally dealt with in chronological order as this method is deemed to be fairest to all applicants. Any backlogs and delays in processing such applications are primarily due to the significant increase in the volume of applications received in the last number of years and this upward trend appears set to continue in 2007. In seeking to deal with the backlogs arising, the deployment of staffing resources within the Irish Naturalisation and Immigration Service is kept under constant review. However, the Deputy will appreciate the importance of maintaining the integrity of the naturalisation/long-term residence process and that this requires that the procedures involved in processing such applications must continue to be completed to the highest standard.

I am aware of the potential for a considerable number of applications from those with IBC status to be received in the coming years. While this will present a significant challenge, every effort will be made to ensure that the concerns raised by the Deputy will be addressed.

Residency Permits.

267. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the way he will secure the rights and facilitate the integration of parents of Irish citizen children who were unable to access employment due to their status as a single parent, particularly in cases where family reunification has been refused on the basis of stated Government policy, leaving the parent without family supports for childcare and other assistance; and if he will make a statement on the matter. [27809/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Permission to remain granted under the IBC/05 Scheme for the parents of Irish born children born before 1/1/2005, is granted and renewed subject to the express condition that the granting of permission to remain

in the State does not in any way confer any entitlement or legitimate expectation on any other person, whether related to the applicant or not, to enter the State.

Single parents with IBC/05 permission to remain in the State are entitled to access the same mainstream support services as are available to single parents generally, including the services of FAS, CERT, etc and, where appropriate, language training. In addition my Department promoted two programmes totalling €1m to assist those granted permission to remain under the Scheme to become economically independent, with a particular focus on female headed households.

268. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform when the requirement for a police clearance certificate from country of origin for the processing of applications for long-term residency was put into effect; if all applicants or selected applicants in the system on that date have been required to produce a police clearance certificate; the number of applicants who have been affected by this new regulation; the reason the requirement was made retroactive when these applicants would have already been waiting for over a year for a decision; the steps being taken to handle the further backlog that is being created when the applicants return for continued processing; if their applications will then be expedited; and if he will make a statement on the matter. [27810/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Long term residency was introduced by way of an administrative scheme in May 2004. The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

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.

There are currently 5,915 cases on hand. I understand that applications received in July 2006 are currently being dealt with. Long term residency is currently an administrative scheme which will be established on a statutory basis in accordance with the Immigration, Residence and Protection Bill.

The requirement for a police clearance certificate was introduced recently as part of the character clearance aspect of the application pro-

[Deputy Brian Lenihan.]

cess. The request for the police clearance certificate is issued in the final stage of processing and upon receipt a decision is issued on the application.

Water and Sewerage Schemes.

269. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government when the proposed Creggs sewerage scheme, County Galway is earmarked for commencement; the position regarding same; if part of this file is in his Department; and if he will make a statement on the matter. [27597/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In selecting schemes for inclusion in my Department's Water Services Investment Programme 2007-2009, account was taken of a number of factors, including:

- Compliance with relevant national and EU environmental, public health and drinking water quality statutory requirements and standards;
- Support for the National Spatial Strategy;
- Environmental Protection Agency reports on drinking water, water quality and urban wastewater discharges;
- The provision of services for new housing through the Serviced Land Initiative and the need to address infrastructural deficits under the Rural Towns and Villages Initiative;
- Other priorities identified by local authorities in their regular Assessments of Water Services Capital Needs.

Given the level of competing demand for the available funding, and the priorities identified for Galway, I regret that it was not possible to include the Creggs scheme in the current Programme.

Water Services.

270. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government the plans he has to change the exorbitant cost of metered water on farms where there is more than one drinking trough per farm; if his attention has been drawn to the fact that many fragmented farms may have a need to have six to eight water troughs; if it is still the policy of the local authorities to charge for water pumped from source rather than water used at tap or trough; and if he will make a statement on the matter. [27598/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Local authorities are required to recover from non-domestic water consumers all costs incurred in the provision of water services to those consumers. The application of the polluter pays principle, as required by the EU Water Framework Directive, entails the metering of non-domestic consumers so that a volumetric charge can be applied, with the cost of meter installation being borne by the metered consumers. The cost recovery relates to water and waste water services supplied by local authorities to all non-domestic users.

In response to concerns expressed by farming representatives in relation to the cost of metering, and following a pilot billing project in one local authority area, my Department issued billing guidance to local authorities in December 2006, which included a request that authorities consider the necessity for special discounting arrangements in the case of multiple water meters on fragmented small farm holdings. The guidance recommends that the total metering charge in such instances should not exceed 180% of the cost of the first connection irrespective of the number of meters. This represents a very significant concession to farm holders with fragmented holdings.

Departmental Expenditure.

271. **Deputy Lucinda Creighton** asked the Minister for the Environment, Heritage and Local Government the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27610/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The information requested is set out in the following table. The data show a decrease of €135,735 in the amount spent on Travel and Subsistence in the first nine months of 2007 compared to the same period in 2006, which represents a decrease of 5.7%. My Department also operates a Travel Pass Scheme for staff under which they purchase an annual bus or rail pass in a tax efficient manner approved by the Revenue Commissioners; some 255 staff availed of the scheme in 2007 compared to 250 staff in 2006.

	Expenditure on Travel and Subsistence
1 January 2007 – 30 September 2007	€2,210,439
1 January 2006 – 30 September 2006	€2,346,174

End-of-Life Vehicles.

272. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the systems in place to deal with refunds for motor tax already paid for up to a year in advance on a vehicle that is scrapped; his views on whether refunding unused months of motor tax on scrapped or written off vehicles would assist as an incentive in ensuring an accurate record of scrapped vehicles; and if he will make a statement on the matter. [27624/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Motor tax law requires notification by the registered owner of a vehicle that is scrapped or destroyed and a refund facility is available for motor tax on such vehicles. Application for a refund can be made on form RF120 to the local motor tax office. The refund form is completed by the registered owner (i.e. the person whose name is entered on the national vehicle record) and includes a declaration that must be signed and witnessed by a member of the Garda Síochána.

Motor Taxation.

273. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the policy regarding the charging of partial months of motor tax on newly purchased cars, for example where a vehicle is purchased mid-month, but the owner is charged motor tax for the entire month; and if he will make a statement on the matter. [27625/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In accordance with a long-standing approach provided in section 1 of the Finance (Excise Duties) (Vehicles) Act 1952 (and regulations made under this Act), the cost of motor tax is calculated on the basis of whole calendar months for periods of three, six or twelve months. In each case, the tax expires on the last day of a month.

This approach greatly facilitates the administration of the tax and the monitoring of compliance by vehicles in public places with motor tax requirements. There are no proposals to amend the current system.

Social and Affordable Housing.

274. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government the steps his Department has taken to end the practice of developers paying money to local authorities, which amounted to over €60 million between 2003 and 2006, in lieu of their obligations as part of Part V of the Planning and Development Act 2000; his views on whether this

practice should continue to be encouraged; and if he will make a statement on the matter. [27635/07]

275. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government the reasons his Department has allowed developers to pay their way out of their obligations under Part V of the Planning and Development Act 2000 instead of being obliged to provide social and affordable housing on the site they are developing; and if he will make a statement on the matter. [27636/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): I propose to take Questions Nos. 274 and 275 together.

A review of Part V of the Planning and Development Act 2000, undertaken by my Department in 2002 in consultation with a wide range of interested bodies including local authorities and representatives of the house building industry, professional institutes and voluntary housing providers, concluded that greater flexibility in the operation of the Part V mechanism was required. The review was based on maintaining the principle of community gain while allowing greater flexibility in meeting it. Measures to achieve this were contained in the Planning and Development (Amendment) Act, 2002 which introduced a range of flexible options for compliance with Part V.

Difficulties experienced on small sites and high value sites led to the conclusion that there should be an option for commuted payments. There can be advantages in accepting a financial contribution, for example, in cases where just one or two social or affordable units would be provided in a very expensive location. In addition, all funds received by way of financial contributions must be reinvested in the provision of social and affordable housing.

In finalising individual agreements with developers under Part V, each planning authority must give careful consideration to its housing strategy. In particular, where the agreement would provide for Part V to be satisfied by means other than the provision of land on-site, the planning authority must consider a range of factors, including whether the agreement will contribute effectively and efficiently to the achievement of the objectives of the housing strategy, and whether the agreement would constitute the best use of the resources available to the authority to ensure an adequate supply of housing. It must be emphasised, therefore, that the legal obligation under Part V can be satisfied by way of a financial contribution only if the local authority considers it appropriate. In other words, while the developer may propose, it is the local authority that decides.

[Deputy Batt O’Keeffe.]

I am satisfied that Part V is operating effectively, evidenced by its significantly increased delivery of both social and affordable housing. Accordingly, I have no plans to amend the legislation.

276. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government the way his Department plans to meet the Government’s commitment in the National Development Plan to provide 27,000 new social housing units between 2007 and 2009 in view of the fact that less than 1,500 were provided in the first quarter of 2007; and if he will make a statement on the matter. [27637/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The targets for social housing in 2007 were set with the goal of making reasonable progress towards reaching the social housing targets in the National Development Plan (NDP) 2007-2013. The aim is to commence/acquire some 9,000 new social homes. Activity has increased as the year has progressed and at the end of June the number of starts and acquisitions under the local authority, voluntary and co-operative programmes, and under Rental Accommodation Scheme (RAS) long-term contracts for new supply was almost 4,000. Projections to end year indicate that performance on the local authority housing and voluntary and co-operative programmes, and RAS long-term contracts will continue to be strong. The emphasis in 2008 will be on maintaining progress to meet NDP targets. The precise targets will be published as part of the Department’s 2008 Annual Statement of Outputs, which will follow on from the publication of the Revised 2008 Estimates.

Private Rented Accommodation.

277. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government the steps, in view of the fact that it is accepted that in the future more Irish persons and families will live in privately rented accommodation for the duration of their lives, his Department has taken or plans to take to further increase the security of tenure enjoyed by tenants in privately rented accommodation to bring this more into line with the security of tenure enjoyed in other European Union member states; and if he will make a statement on the matter. [27638/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The Residential Tenancies Act 2004 provides security of tenure for tenants based on a four-year cycle. This signifi-

cant improvement to tenants’ security of tenure was recommended by the Commission on the Private Rented Residential Sector whose report largely formed the basis of the legislation. Information relating to the private rental sector in other countries was among the matters examined by the Commission.

The Private Residential Tenancies Board has a role in keeping the operation of the Residential Tenancies Act 2004 under review and making recommendations for any amendment of this or other related enactments. There are no proposals currently to amend the provisions relating to security of tenure, which are considered to be operating successfully and amendment of which would be premature, as the first four-year tenancy cycle will not conclude until September 2008.

278. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government the steps that have been taken to introduce the reforms in the action programme on minimum standards to tackle the poor standards in private rented sector housing and to cut the funding received from the landlord registration fee to local authorities who do not inspect private rented properties to ensure they meet acceptable standards; the progress on any steps taken; if local authorities have been found negligent in inspecting privately rented accommodation in their area; the action that has been taken against them; and if he will make a statement on the matter. [27639/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): Good progress is being made with the Action Programme announced in September 2006 to promote improvement in standards in private rented accommodation, involving a range of measures including improved regulation, enforcement, funding and information. Updating of the existing standards regulations in consultation with relevant interests is an important element of this programme. Submissions received in that regard are being considered and revised regulations should be available by the end of 2007. Relevant recommendations arising from a study currently being carried out by the Centre for Housing Research on measures to promote improvement in private rented accommodation standards will also be taken into account.

Housing authorities are giving greater priority to enforcement of the regulations. The number of inspections carried out in 2006 increased by 44% over 2005, reflecting the impact of the Action Programme on Standards and progress with the Rental Accommodation Scheme. The rate of compliance with the Regulations reported by local authorities has also improved.

The system of funding local authority inspection activity is currently in a stage of transition, from one based solely on numbers of tenancy registrations to one based more on inspection performance. The primary purpose of allocating funding is to promote improved performance in the future, rather than penalise past under-performance. With regard to 2007, increased funding, linked partly to inspection activity, is being provided from the proceeds of tenancy registration fees, to support local authorities in their functions relating to the private rented sector. Accordingly, where a particular authority's inspection activity is low relative to others, this is reflected in reduced payments. For the future, it is intended that funding will be increasingly related to actual inspection performance.

279. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government the steps his Department plans to take to support the rights of the most vulnerable to housing, in view of the significant increase in the cost of rental accommodation especially in urban areas and to ensure some of these do not become homeless; and if he will make a statement on the matter. [27641/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): The Government is committed to achieving the targets set out in the National Action Plan for Social Inclusion 2007-2016 and the National Development Plan 2007-2013 in accordance with the overarching framework contained in the national partnership agreement, Towards 2016. Taken together, these plans represent a coherent and ambitious strategy that will deliver real change for the most vulnerable in society.

The core objective of the Government's housing policy is to enable every household to have an affordable dwelling of good quality, suited to its needs, in a good environment, and, as far as possible, at the tenure of its choice. My Department's housing policy statement *Delivering Homes, Sustaining Communities*, launched in February 2007, outlines an ambitious but realistic vision to guide development of the Irish housing sector over the coming decade. The intention is to deliver more and better quality housing responses and to do this in a more strategic way, focused on building sustainable communities. A key ambition is to respond to housing needs by, inter alia, tailoring support, taking into account the household's position in the life cycle. The total Exchequer provision for housing in 2007 is €1.495 billion. In addition, more than €700m in non-Exchequer finance is available to local authorities, primarily in the form of HFA loan finance for lending to purchasers under the various affordable housing schemes.

The housing needs of vulnerable households are well recognised. A National Advisory Group has recently been established under the aegis of the Housing Forum to assist the development of a national housing strategy to support the provision of tailored housing and housing supports for people with a disability. This Group, chaired by my Department, involves the Department of Health and Children, the HSE, the National Disability Authority, social partners, a number of organisations representing people with a disability and other relevant stakeholders. The Housing Strategy for People with a Disability will be developed by end 2009 and will have particular regard to the needs of adults with significant disabilities and people who experience mental health issues.

My Department, in conjunction with the Department of Health and Children, the HSE, the Office for Social Inclusion and local authorities, has recently convened a Cross Departmental Team on Sheltered Housing for Older People. Over the course of 2008, the Cross Departmental Team will develop policy governing sheltered housing provision for older people. It will also agree local structures and protocols for the integrated management and delivery of housing requirements and the provision of care in sheltered housing for older people.

Towards 2016 contains a commitment to the elimination of the long-term occupancy of emergency homeless accommodation (i.e. that persons should not occupy emergency homeless accommodation for any longer than six months) by 2010. Work is also underway in my Department on the finalisation of a revised and updated Government Strategy on Homelessness, having regard to the Independent Review of Implementation of Homeless Strategies, published in 2006. As part of this process, a National Homeless Consultative Committee, including representatives from the providers of local homeless services, has been established under the aegis of the Housing Forum. Preventative measures to ensure that homelessness does not arise in the first instance will be a key element of the new Strategy. Health Impact Assessment and Poverty Impact Assessment procedures are being carried out on the revised Government Strategy as part of its preparation.

Although rents have increased in the past two years, the longer-term trend is quite moderate with an increase over the 5 years from August 2002 to August 2007 of 12%, an average of 2.4% per annum. The Residential Tenancies Act, 2004 provides that rents in the private rented sector cannot be set at a level greater than the open market rate and that rent reviews cannot, in the normal course, occur more frequently than once a year. Any private rental tenant who considers that the rent sought exceeds the market rate can

[Deputy Batt O’Keeffe.]

refer a case to the Private Residential Tenancies Board’s dispute resolution service.

Water and Sewerage Schemes.

280. **Deputy Mary O’Rourke** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for the preliminary report on a sewerage scheme (details supplied) in County Westmeath. [27648/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Milltownpass Sewerage Scheme has been approved for funding under my Department’s Water Services Investment Programme 2007-2009, as part of the Rural Towns and Villages Initiative at an estimated cost of €2.3 million. Westmeath County Council’s Design Review Report for the scheme is being examined in my Department and a reply will issue to the Council shortly. Once this report has been approved the Council will be free to proceed to tender.

281. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government if Galway County Council has submitted contract documents for the Athenry sewerage scheme, County Galway; when such documents will be approved by his Department; and if he will make a statement on the matter. [27666/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Athenry Sewerage Scheme is included in my Department’s Water Services Investment Programme 2007-2009 as a scheme to start construction in 2008.

My Department is awaiting submission of Contract Documents for the scheme by Galway County Council.

Housing Grants.

282. **Deputy Michael D’Arcy** asked the Minister for the Environment, Heritage and Local Government the reason there is no statutory grant funding to voluntary housing bodies or tenants to carry out improvements for disabled facilities; and if he will make a statement on the matter. [27669/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): A revised framework of grants to assist older people and people with a disability with their accommodation needs was introduced on 1 November 2007. As part of the new framework, two new schemes, the Housing Adaptation Grant for People with a Disability

and the Mobility Aids Housing Grant will assist with the provision or adaptation of accommodation to meet the needs of people who have a disability or a mobility issue.

The Housing Adaptation Grant for People with a Disability and the Mobility Aids Housing Grant may be paid, where appropriate, in respect of works carried out to accommodation provided under the voluntary housing Capital Assistance and Rental Subsidy Schemes.

Social and Affordable Housing.

283. **Deputy Jan O’Sullivan** asked the Minister for the Environment, Heritage and Local Government his views on the concerns expressed by a group (details supplied) in County Limerick at the new forms of contracts and engagement of consultants for all future voluntary housing schemes; if he will review these proposals in view of serious concerns that voluntary groups will not be able to operate these new arrangements; and if he will make a statement on the matter. [27670/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): Arising from the construction review process, the Department of Finance introduced revised arrangements in October, 2006, for the procurement of public works projects and for the engagement and payment of construction consultants. In addition to Government Departments and local authorities, the new arrangements apply to other relevant bodies, including voluntary housing bodies, where 50% or more of the project funding is provided the Exchequer.

In line with Department of Finance policy, as set out in Circular 33/06: Construction Procurement Reform, the new Forms of Construction Contracts are to be the norm and no amendments should be made to them. Exemption provisions apply in cases where the body procuring the project is not a public body and where more than 50% of the funding is from a source other than the Exchequer.

Community Recreational Facilities.

284. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government his views and the plans he has to ensure proper community recreational facilities in residential housing estates;; and if he will make a statement on the matter. [26517/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Government’s housing policy statement Delivering Homes, Sustaining Communities published earlier in 2007 sets out a vision to guide the transformation of the Irish housing sector over

the next ten years, by delivering more and better quality housing responses, and by doing this in a more strategic way focused on the building of sustainable communities.

This focus on sustainability will require the private and public sectors to work together to improve not just the quality of housing developments themselves, but also to ensure that housing developments are well integrated with the provision of supporting services such as schools, community facilities and amenities.

The planning framework also takes extensive account of the need for the provision of recreational facilities. At national and regional levels, the National Spatial Strategy and Regional Planning Guidelines identify improved social, amenity and cultural infrastructure as being key to achieving improved quality of life and providing better places for people to live in. In turn, these aims are translated into concrete policies and actions in county and city development plans, as well as through local area plans.

Under the Planning and Development Act 2000, local authorities must have regard to requirements on recreation and amenities in preparing their development plans. Section 10(2) of the Act requires development plans to include objectives for the preservation, improvement and extension of amenities and recreational amenities and, also, the provision, or facilitation of the provision, of services for the community such as childcare facilities.

My Department published Guidelines for Planning Authorities on Development Plans in June 2007. These emphasise the objectives for the provision of public open space and recreation space including space/places for children to play and the preservation, improvement and extension of amenities and recreational amenities.

My Department is currently finalising new guidelines on residential development for public consultation before the end of this year. These new guidelines will replace the existing 1999 Guidelines for Planning Authorities on Residential Density. The 1999 Guidelines place an emphasis on the quality of open space including spaces suitable for children's play and passive amenity. The new guidelines will build on this and provide greater detail on the need for quality recreational facilities which are fully integrated into new residential developments, complementing the theme of Delivering Homes, Sustaining Communities outlined above.

Copies of the above mentioned documents are available from my Department's website at www.environ.ie.

Fire Stations.

285. **Deputy Bobby Aylward** asked the Minister for the Environment, Heritage and Local Government the progress to date on the pro-

vision of a new fire station at Castlecomer, County Kilkenny. [27706/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): I refer to the reply to Question No. 187 of 27 September 2007.

I understand from the Council that during the preparation of contract documents and detailed site investigation in early summer, a survey of the proposed site for the new fire station indicated contaminated soil in one of the boreholes tested. The Council is investigating the exact location and full extent of any contamination prior to inviting tenders for the new fire station.

Animal Welfare.

286. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government his views on the outdated legislation that applies to companion animal welfare; if he has plans to review and update the legislation that applies at local government level; if he has had discussions with his counterpart in Northern Ireland on an all Ireland approach to companion animal welfare; and if he will make a statement on the matter. [27740/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Matters relating to animal welfare are the responsibility of my colleague the Minister for Agriculture, Fisheries and Food. Local authorities undertake a range of dog control functions under the Dog Control Acts of 1986 and 1992. In addition my Department is drafting regulations to give effect to the recommendations of the Working Group to Review the Management of Dog Breeding Establishments with a view to having them finalised by the end of the year.

National Monuments.

287. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government the level of grant aid approved for a project (details supplied) in County Limerick; if he will provide more funding; and if he will make a statement on the matter. [27745/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Stone Mansion at Sarsfield St., Kilmallock, Co. Limerick is a national monument owned by the Minister for Environment, Heritage and Local Government having been transferred from Limerick County Council in 2003.

As with all national monuments, operational control is retained by the Office of Public Works (OPW) and a programme of works was completed in 2005 by OPW, including repair to the roof and securing the building. The Built Heri-

[Deputy John Gormley.]

tage allocation for 2007 included €200,000 for conservation works to the buildings immediately adjoining Kilmallock Stone Mansion.

World Heritage Status.

288. **Deputy Chris Andrews** asked the Minister for the Environment, Heritage and Local Government further to his decision to consider the listing of Georgian Dublin as a UNESCO world heritage site, the process and the time-scale for this process; and if he will make a statement on the matter. [27746/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Nominations to the World Heritage List are only considered if the nominated site has already been included on the tentative list. There are 8 sites on the current tentative list which can be considered for nomination.

As indicated in the reply to Question No. 148 of 10 October 2007, my Department will be reviewing the tentative list of sites next year. The

timeframe for nomination of a site newly inscribed on the tentative list would be at least twelve months from the date of inclusion on the list.

Departmental Expenditure.

289. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources the amount spent on travel and subsistence in his Department in the first nine months of 2007 compared to the same period in 2006; and the reason for any increase. [27605/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The information requested by the Deputy is set out in the table herewith.

Period	Travel and Subsistence Expenditure
January-September 2007	€1,411,258
January-September 2006	€1,764,259