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DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Thursday, 15 November 2007.*

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## DÁIL ÉIREANN

*Déardaoin, 15 Samhain 2007.  
Thursday, 15 November 2007.*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

*Paidir.  
Prayer.*

### Requests to move Adjournment of Dáil under Standing Order 32.

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

**Deputy Paul Connaughton:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance namely, the about turn taken by the Minister for Agriculture, Fisheries and Food when she closed down the farm improvement scheme, FIS. Given that the Government gave an absolute assurance to farmers before the general election that all farmers would be given an opportunity to make application for the 40% grant aid and given that most of the specifications of the scheme were geared towards the enhancement of the environment, it is difficult to understand why the Government did not accept all applications and prepare a phased system of approvals and subsequent payments over a period of years which would be fair and would treat all farmers equally and with respect.

**Deputy James Bannon:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance namely, the crisis in cancer care throughout the country which has been highlighted by an international study by the OECD published this week which shows that Ireland has one of the highest breast cancer death rates in the developed world and a 6% higher rate of deaths from prostate cancer than the OECD average, proof positive that we are at grave risk under the current health regime.

**Deputy Aengus Ó Snodaigh:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance namely, the fact that the Government has not channelled resources into tackling gun crime in an effective manner. This is evidenced by a man shot dead

at his home in Tallaght yesterday, gardaí held at gunpoint last Friday and again last night by armed robbers in a hotel in Athy and research presented to the Psychology Society of Ireland today which finds a significant number of secondary school students have easy access to illegal weapons. There is an urgent need for the Government to re-channel resources in a much more effective way along the lines recommended by both Sinn Féin in its submission to the Policing Plan 2008 and by the Garda Inspectorate in its most recent report.

**An Leas-Cheann Comhairle:** Having considered the three matters raised, I am afraid they are not in order under Standing Order 32.

### Order of Business.

**The Tánaiste:** The Order of Business today shall be as follows: No. 18, the Charities Bill — Second Stage (resumed); and No. 17, Statements on Transport 21 (resumed).

**An Leas-Cheann Comhairle:** There are no proposals to put to the House. Are there any matters on the Order of Business?

**Deputy Enda Kenny:** Will the Tánaiste comment on the situation we face next week with the serious challenge to the future of Aer Lingus? Is he happy that existing industrial machinery has the capacity to deal with this potentially very serious conflict?

I understand the Government intends to move ahead next week with the Tribunal of Inquiry Bill 2005. The Leas-Cheann Comhairle will recall that when he spoke from the benches last year he urged the Government not to move ahead with this Bill while the Mahon tribunal sat. I regard this move as being quite sinister. The Taoiseach has already had four days before the Mahon tribunal and is due to appear again for another four days before Christmas. Obviously, a majority of people do not believe his explanations for large cash lodgments to his account. In that sense I regard the moving of this tribunal Bill, with a possibility of it being able to close down a tribunal, as quite sinister.

There is a danger that this will be seen as intimidating a tribunal looking into the Taoiseach's personal finances. In fact, the legislation was deferred last year so that the tribunal could continue without that threat hanging over it. If it was relevant then, it is even more relevant now. I wonder is it just coincidence or the lack of legislation that five days after the Taoiseach started giving his evidence this Bill was reactivated. The Tánaiste is heading into a hell of a row here.

**Deputy Joan Burton:** On the same issue, as I understand it, the judge in the Moriarty tribunal has indicated that there are to be no more public hearings and Judge Mahon has indicated that he will be in a position to wind up the Mahon tri-

[Deputy Joan Burton.]

bunal and finish its work next year. The question arises as to what is the purpose of this.

**An Leas-Cheann Comhairle:** We cannot debate the purpose of it now.

**Deputy Joan Burton:** The Bill was originally published in November 2006. We did not hear much about it until the Taoiseach was going before the tribunals. At that point the former Minister for Justice, Equality and Law Reform decided that the Bill was urgent and should be taken. At that stage, when the Labour Party objected, supported strongly then by the Green Party—

**Deputy Ruairí Quinn:** It was different then.

**Deputy Joan Burton:** —the Government decided correctly not to proceed. What is different now, other than that the Greens are sitting on the Government benches as opposed to the Opposition benches? Why is the Government proceeding?

**An Leas-Cheann Comhairle:** I am anxious that we remain generally in order.

**Deputy Joan Burton:** Many will see this as essentially a form of potential intimidation of the tribunal in the context of the Taoiseach being due to appear again in the near future.

**An Leas-Cheann Comhairle:** Does the Tánaiste wish to comment on the timing of the Bill?

**The Tánaiste:** The Bill was discussed with the whips and has been on the Order Paper for some time. There was no objection to it being taken next week. The contentions of the Opposition are without foundation.

The idea that bringing forward amending legislation in respect of a tribunal of inquiries Act that dates back to 1924 should in some way represent “potential intimidation” of existing tribunals is nonsense. The tribunals are carrying on independently. In the case of the Mahon tribunal, it has indicated when it wishes to end its public hearings next year. This issue has been on the Order Paper for some time and predates such considerations. I do not see any connection whatsoever between both issues, except as another example of political opportunism by the Opposition.

**Deputies:** Hear, hear.

**Deputy Tom Kitt:** That is absolutely true.

**Deputy Seymour Crawford:** The Tánaiste would not know anything about that.

**An Leas-Cheann Comhairle:** Does Deputy Burton wish to raise a different issue?

**Deputy Joan Burton:** Yes.

**An Leas-Cheann Comhairle:** I will come back to Deputy Kenny.

**Deputy Enda Kenny:** I just want to make one comment on this issue.

**An Leas-Cheann Comhairle:** I want to remain in order. We can talk about the timing and the taking of the Bill.

**Deputy Enda Kenny:** When the Government should have plenty of other legislation to introduce, I regard the introduction of this Bill next week as a signal of intimidation to a tribunal, given that the Taoiseach is due to appear again for further investigations about his personal finances when clearly a majority of people in the country do not believe him.

**The Tánaiste:** That assertion is without foundation.

**An Leas-Cheann Comhairle:** I call Deputy Burton on a different issue.

**Deputy Joan Burton:** I wish to make one final point on the Tánaiste’s comments. Essentially, it is provocative to introduce the Bill at this time, given that the most important officeholder in the country, namely, the Taoiseach, is due to appear before one of these tribunals again shortly.

**An Leas-Cheann Comhairle:** The Deputy has made that point.

**The Tánaiste:** The enactment of this legislation in no way affects the hearing of any evidence at any existing tribunal, now or in the future.

**Deputy Emmet Stagg:** Of course it does.

**Deputy Ruairí Quinn:** It is pure coincidence.

**Deputies:** Hear, hear.

**The Tánaiste:** They are the facts.

**Deputy Noel Dempsey:** The Opposition is coming out with the usual rubbish.

**Deputy Aengus Ó Snodaigh:** Since we are talking about the schedule for next week, I notice a number of statements are scheduled for next week. Can the Tánaiste provide time at some stage in the near future to discuss the MacEntee report, which is long promised by the Taoiseach? It deals with an investigation into the Dublin and Monaghan bombings and the need for a proper full public inquiry into them. We have been promised such a debate, yet next week we are scheduling debates which are time fillers.

Given that we are scheduling two periods of statements next week, where are the Bills we

should be discussing, such as the Irish Sports Council (Amendment) Bill, the Student Support Bill and the Employment Law Compliance Bill? A range of Bills was promised before the end of this session and we could be using our time more productively next week.

**An Leas-Cheann Comhairle:** Tánaiste, is a debate promised on the MacEntee report and will you respond to the question on the Bills?

**The Tánaiste:** I understand the former Chairman of that committee, Deputy Ardagh, is continuing with the committee's deliberations on the work that has been done in regard to that matter. It is intended that the Bills referred to will be published during the course of this session.

**Deputy Aengus Ó Snodaigh:** A debate was promised in the House.

**An Leas-Cheann Comhairle:** I will call the Deputy again. I call Deputy Bannon.

**Deputy James Bannon:** With Ireland third from the bottom of 30 countries in the OECD for average download speeds and €4 billion required for a new State-wide fibre optic network, what legislation, if any, is pending to update Ireland's communications system?

**An Leas-Cheann Comhairle:** None.

**Deputy Joan Burton:** I wish to ask the Tánaiste about the arrangements for the budget and the fact that budget day will now include Estimates. I raised this issue with him some time ago and neither he nor his Department has given any indication of what the detailed arrangements will be in terms of publishing along with the budget, a Book of Estimates. Will separate statements be available on the contents of the Estimates on a Department by Department basis, or will it be the case, as on Estimates day, that Ministers will hold separate press briefings to which, obviously, the Opposition will have no access? It will certainly make our work on budget day, and that of the media, very difficult, unless the Tánaiste decides to spoonfeed the media and leave us in the dark?

**Deputy Noel Dempsey:** Leave you where you are.

**The Tánaiste:** The arrangements for the budget are based on reforms I have been introducing in recent years. As the Deputy pointed out, there will be a unified budget on this occasion where items of expenditure and taxation will be dealt with on budget day. This was something which had been recommended by committees of the House in the past and in previous reports.

The benefits of the new arrangements are that since the pre-budget outlook has been published, in the case of this year, far earlier than would have been the case in the Abridged Estimates

Volume, it has provided an excellent opportunity for the Opposition to come forward with what its budget might contain since it has the ELS provision.

**Deputy Joan Burton:** That is an abdication of responsibility.

**The Tánaiste:** What we will get from the Opposition is the usual; we will have some spokespersons talking about what should be the macro-economic position while other spokespersons will say we are not spending half enough.

**Deputy Michael D. Higgins:** The Tánaiste is becoming very pessimistic.

**The Tánaiste:** I am sure the usual incoherence of the Opposition will be repeated this year, as in previous years. I note the Opposition has never yet published an alternative budget, unlike Fianna Fáil in opposition.

**An Leas-Cheann Comhairle:** I call Deputy Durkan.

**Deputy Joan Burton:** On the same issue——

**An Leas-Cheann Comhairle:** There is nothing much to be said. What is allowed is literally the arrangements for the budget, not a debate on the budget.

**Deputy Joan Burton:** Before the budget reform process, output statements are supposed to be published. Is the Tánaiste preparing an output statement on the extra productivity we can expect from members of Government as a consequence of their extraordinary pay increases?

**An Leas-Cheann Comhairle:** Deputy Burton can pose a question to the Tánaiste as Minister for Finance.

**Deputy Joan Burton:** Will that be given to the Dáil? Is that in his reform proposal? It is long overdue.

**An Leas-Cheann Comhairle:** On the same matter, Deputy Bruton.

**The Tánaiste:** The output statement has made it very clear; it will go before the committees.

**Deputy Joan Burton:** Will the Tánaiste be giving it, because we would certainly debate that?

**The Tánaiste:** The Ministers will be giving them.

**Deputy Conor Lenihan:** Our levels of GNP.

**Deputy Richard Bruton:** I hope I am in order in asking to do the sort of thing I presume the Minister is serious about intending when he introduces budget reform. The first thing I would like

[Deputy Richard Bruton.]

to have is a costing of the different elements in the Government's own programme for Government. When I asked the Minister for such a costing, he refused to provide it. In the run-up to an election, every political party is obliged to provide costings, yet the Government is asking us to prepare proposals for a budget while the Tánaiste will not provide those costings.

Will we see a Supplementary Estimate to deal with the cost of the higher remuneration settlement? This is costing €16 million. I do not know whether the Tánaiste has €16 million in loose change hanging around, but we deserve to see where the money is coming from and what services will be cut back in order to make room for the pay increases of the Minister and his colleagues. We also deserve to see what decisions have already been taken by Government, which have not been provided in the ELS, so that we can look at the pending decisions already taken and make a mature decision on what should be in the budget.

None of this is being offered. The Minister wants to talk about reform but not provide the substance to deliver it.

**An Leas-Cheann Comhairle:** It is not in order to debate the matter now. What is in order is to ask about the arrangements for the budget and they have been explained, unless the Tánaiste wants to amplify what he said.

**The Tánaiste:** A couple of inaccurate statements have been made by Deputy Bruton which I wish to clarify. He failed to point out that the increases from the higher remuneration body are being paid in three phases. Five per cent is being paid back to the date of the report's presentation in September. It is not a question of a payment of €16 million coming out of this year's Estimate at all, as the Deputy should know if he had read——

**Deputy Richard Bruton:** Five per cent is €8 million.

**The Tánaiste:** ——the press release.

**Deputy Richard Bruton:** Where is the €8 million coming from?

**The Tánaiste:** The payments will be made in three instalments of approximately one third. One third of 16 is not eight either.

**Deputy Richard Bruton:** So where is the money coming from? The Tánaiste is obliged to present the House with his proposal but he will not bring one forward.

**The Tánaiste:** Before we get into the millions and the billions of the budget, I am afraid we are not starting off on a very good footing if Deputy

Bruton cannot divide 16 by three yet. Not all of that €16 million relates——

**Deputy Richard Bruton:** The Tánaiste is responsible for getting that proposal here and he is unwilling to come in and look for the money.

**The Tánaiste:** What I have noticed in the House is that Deputy Bruton is great at asking questions and being listened to in silence but immediately when he gets a response that is accurate he starts shouting down the Government. I have noticed that is the tactic here the whole time. When Deputy Bruton puts his assertions in the House, I want to clarify them for the purpose of accuracy since he is someone who talks a lot about accuracy himself.

As Deputy Bruton well knows, not all of that money relates to politicians' pay, but if he wants to continue misrepresenting that position, I am sure he will continue to do so because he will probably see some political capital being made out of it.

**Deputy Richard Bruton:** So where will the Tánaiste find it?

**The Tánaiste:** So much for your situation.

**Deputy Richard Bruton:** How will the Minister fund it? Will we have a Supplementary Estimate?

**The Tánaiste:** All of these issues will be dealt with in terms of decisions on the Supplementary Estimates, not in regard to this matter. Decisions on departmental Estimates will be made in the course of the next few weeks. That is always the case as the final balances emerge.

Regarding the budget reform process, it is a more transparent process. For a number of weeks now the Opposition Members have had to hand the existing level of service provision for next year. I will be bringing forward the Government's policies based on the current economic situation, the projected outturn, next year's projected growth rates and what we expect to do in terms of expenditure and taxation. There will be an opportunity on the same for day for Deputy Bruton and other Deputies here to do the same but if it is anything like the costings that emerged from that side of the House before the last election, I will not hold my breath.

**Deputy Richard Bruton:** The Minister will not even give costings and he has 300,000 public servants to help him.

**Deputy Bernard J. Durkan:** On the Government's published list of promised legislation——

**An Leas-Cheann Comhairle:** I am delighted to hear it.

**Deputy Bernard J. Durkan:** ——section C lists Bills in respect of which heads have yet to be

approved by Government. Has the Government evaluated any of the 41 Bills on that list? They are all promised for next year and the Taoiseach and the Tánaiste have indicated previously in the House that they will be published before the end of this session. Since Christmas is coming, and we are all looking forward to it, the Tánaiste might tell us whether the heads of any of those 41 Bills has been discussed by Government.

**The Tánaiste:** It would be best if the Deputy put down a parliamentary question on that matter. I could not say, with accuracy, the number of those 41 Bills that have come before Cabinet at various periods of discussion.

**Deputy Bernard J. Durkan:** The Tánaiste's memory is very good regarding most other matters. I thought he would have remembered those things.

**The Tánaiste:** Like the Deputy, I look forward to Christmas too.

**Deputy Seymour Crawford:** I want to raise two issues. First, we are approaching Christmas and we were promised a new scheme for nursing home subvention would be in place on 1 January. When will the nursing home Bill come before the House because many people in my constituency are experiencing problems? Second, when will we have a further debate on agriculture in the House? A young farmer telephoned my home last night. His father died at 50 years of age. He could not take out administration and he is now caught in a situation where he will be unable to get any grant aid. It is essential that a debate be held on the future, if any, of farming in this country.

**The Tánaiste:** On promised legislation, it is expected that the Bill will be enacted before the end of the session.

**An Leas-Cheann Comhairle:** Is a debate promised on agriculture?

**The Tánaiste:** It is a matter for the Whips.

**Deputy Jan O'Sullivan:** There is growing concern that medical card patients, particularly elderly people, may not be able to get their prescriptions filled from 1 December because of a dispute between the Health Service Executive and pharmacists. Will the Tánaiste indicate if it is intended to amend the Competition Act or to take the Labour Party Bill tabled by Deputy Michael D. Higgins to amend it to find a mechanism to address this issue, which is causing enormous concern?

**An Leas-Cheann Comhairle:** Is legislation promised in this area?

**Deputy Jan O'Sullivan:** If it is not intended to amend the Competition Act, does the Government have some other mechanism of providing for meaningful negotiations because the process that was set up, which we thought was making progress last week, effectively has broken down?

**An Leas-Cheann Comhairle:** Is legislation promised in this area?

**Deputy Jan O'Sullivan:** We need an answer to this question.

**The Tánaiste:** There is no legislation promised to amend the Competition Act.

**Deputy Michael D. Higgins:** On the same issue, the Taoiseach is on the record of the Dáil as having promised that this issue will be addressed in the opening stages of the partnership talks. When it was not addressed he appeared to accept the principle that legislation would then be necessary. It is reasonable to assume, therefore, that the Government either intends to introduce amending legislation to the Competition Authority Act that is currently undermining the trade union legislation—

**An Leas-Cheann Comhairle:** There are no proposals to amend the Competition Act.

**Deputy Michael D. Higgins:** Will the Tánaiste agree to provide Government time to take the Labour Party Bill?

**An Leas-Cheann Comhairle:** It is a Private Members' Bill which must be taken in Private Members' time. I call Deputy Ciarán Lynch.

**Deputy Jan O'Sullivan:** Does the Government not have any solution to this problem?

**Deputy Ciarán Lynch:** With regard to the Local Government Bill and as outlined in the programme for Government, a commitment was made that a Green Paper on local government would be brought before the House within six months of the parties going into Government. That six months ends in mid-December. Can the Tánaiste indicate if that Green Paper will come before the House for debate before the Christmas recess?

**The Tánaiste:** From my knowledge of the position it is unlikely to be published before Christmas. Work is continuing on that matter in the Department of the Environment, Heritage and Local Government. I understand it can be expected before the end of the first half of next year.

**Deputy Emmet Stagg:** I always understood that our primary purpose in this assembly, as legislators, is to make law but we now find ourselves in a situation where there is no legislation ready to debate in the House yet guillotines are

[Deputy Emmet Stagg.]

imposed on the small items of legislation that come before the House, even if they are not necessary, as was demonstrated yesterday. Instead of the Opposition calling for a debate on various issues of concern to the public, we now have the Government proposing motherhood and apple pie type proposals. It will have a debate on young people's issues or climate change — pure fillers in a parliamentary sense — without a motion being tabled.

**Deputy Michael D. Higgins:** Statements.

**Deputy Emmet Stagg:** I accept there is a need for space to debate topical issues but these are just fillers akin to press conferences in the House for Ministers of State.

**An Leas-Cheann Comhairle:** Does the Deputy have a question?

**Deputy Emmet Stagg:** Arising from the change of format, on the Order of Business can we now ask the Taoiseach, the Tánaiste or whoever is acting on behalf of the Government on the day about promised debates for the next six months because they appear to roll on as pure fillers?

**An Leas-Cheann Comhairle:** If anyone wants to ask for Government time to debate an issue——

**Deputy Emmet Stagg:** It will be granted.

**An Leas-Cheann Comhairle:** ——that can be in order.

**Deputy Joe McHugh:** In 2002 the Government commissioned Deloitte & Touche to do a review of Coastguard stations and it made numerous recommendations. The then Minister with responsibility in this area, Deputy Dermot Ahern, signed off on one recommendation that Valentia and Malin Head would be the two main Coastguard stations in the country. My colleague, Deputy Sheehan, is aware of that also. In 2006 that decision was changed at a whim.

**An Leas-Cheann Comhairle:** Is there——

**Deputy Joe McHugh:** It comes under the Maritime Safety Bill. Will this matter be debated under the Maritime Safety Bill? We have wasted €145,000 on a report——

**An Leas-Cheann Comhairle:** The Deputy is not allowed ask about the contents of a Bill.

**Deputy Joe McHugh:** ——that put forward a recommendation, was signed off by a senior Minister and on a whim was changed in 2006. That was a waste of taxpayers' money. It is giving two fingers to the public.

**The Tánaiste:** The Maritime Safety Bill is a Bill to empower the Minister to give directions to have ships moved in the interests of safety, security and heritage protection at sea; to transfer to the Minister the power to give effect to the international regulations for the prevention of collisions at sea; to establish maritime safety codes of practice; and to amend the Merchant Shipping Acts 1952 to 1993. It is intended that this Bill will require detailed legal examination, which will take some time. The Bill is not progressing as quickly as one would have liked but it appears to me that the issues raised by Deputy McHugh could be considered as part of his contribution on Second Stage of the Bill.

**Deputy P. J. Sheehan:** As the Tánaiste and Minister for Finance is in the driving seat this morning, is he aware that the price of petrol, diesel and heating oil has increased by over 20% in the past three weeks?

**An Leas-Cheann Comhairle:** That is very interesting but it is not relevant to the Order of Business, Deputy.

**Deputy P. J. Sheehan:** What steps will the Minister take to freeze VAT at the price it was before these ridiculous increases took place?

**An Leas-Cheann Comhairle:** As the Deputy is aware, that is not in order on the Order of Business——

**Deputy P. J. Sheehan:** What is the cause of that? The dollar was never lower——

**An Leas-Cheann Comhairle:** ——but would be an appropriate question to table to the Minister for Finance. I call Deputy Hogan.

**Deputy P. J. Sheehan:** ——and the euro was never stronger. What is the reason for it and has the Tánaiste any plans to deal with it? Will the Minister not answer the question?

**An Leas-Cheann Comhairle:** It is not in order, Deputy. I call Deputy Hogan.

**Deputy Phil Hogan:** Will the Tánaiste make time available for statements or will he report to the House on the recent visit of the Minister for Defence to the Nordic battle groups?

**Deputy Brian Hayes:** For the visuals.

**The Tánaiste:** I do not know whether a promise was made, but the Whips can consider the matter. I hope something will emerge.

**Deputy Brian Hayes:** I doubt it.

**Deputy Phil Hogan:** I would not hold my breath for the Minister, Deputy O’Dea.

**A Deputy:** I am impressed by the Minister’s handling of a weapon.

**Deputy Thomas P. Broughan:** A debate on the future of the Green Party would be interesting, given what we have read concerning its number of advisers and spin doctors.

**The Tánaiste:** The Labour Party has its own.

**Deputy Thomas P. Broughan:** We have discussed ours. Perhaps the Green Party could discuss its own the next time.

Do the Minister for the Environment, Heritage and Local Government, Deputy Gormley, and his Department intend to do anything in respect of building regulations? The implementation of deficient regulations is an ongoing disaster in terms of infill and other materials.

**An Leas-Cheann Comhairle:** Does the Deputy have a question on primary or secondary legislation?

**Deputy Thomas P. Broughan:** We have been told the building regulations are grossly deficient. Many young couples and householders are repaying mortgages on houses that are in significant negative equity.

Regarding the Minister for Transport’s deadline of 30 June 2008, will driver testing legislation be introduced during the coming months given recent media reports concerning wide discrepancies in pass rates in different test centres, particularly those run by the SGS organisation?

**The Tánaiste:** No further legislation is required to ensure increased capacity to address the driver testing issue resulting from the proposed changes announced by the Minister recently.

This week, the Minister for the Environment, Heritage and Local Government answered oral questions in the House. I do not know whether the matter referred to by Deputy Broughan was of sufficient priority to raise it at the time, but a parliamentary question would elicit accurate information.

**Deputy Thomas P. Broughan:** Parliamentary questions do nothing.

**Deputy Enda Kenny:** The Dáil must give its consent or otherwise to sending troops to Chad. According to the available information, it will be a serious issue and a dangerous mission. When will the House discuss a resolution to send troops to Chad?

**The Tánaiste:** The Cabinet must first sign off on the mandate and issues that arise. We will then bring the matter to the Oireachtas. I hope that will happen in the next few weeks.

## Charities Bill 2007: Second Stage (Resumed).

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

**Deputy Bobby Aylward:** I wish to share time with Deputy Conlon.

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

**Deputy Bobby Aylward:** I welcome the broad thrust and sentiments of the Charities Bill. It is generally recognised that the proposed legislation has many positive features that will have a significant bearing on the numerous people involved in valuable charitable work. The effect of the draft legislation is important to the general public, which contributes generously to many charitable causes year in, year out.

The specific intent of the Bill is to introduce a comprehensive reform of the law as it relates to charities to ensure proper accountability, protect against possible abuses of charitable status and eliminate the possibility of fraud. I endorse the principles contained in the Bill because its provisions will enhance public confidence in a vital area of activity. Appropriate transparency and regulation in that sector will ensure improved public trust and the establishment of a sound legal framework of regulation will facilitate the smooth, efficient administration and management of charitable organisations in general. It is widely accepted that any practical measures to enforce proper oversight and encourage active compliance can only be constructive.

This timely legislation will be supportive of the charities sector and will undoubtedly assist in promoting its aims. The Bill will foster increased public trust and support for the various charitable causes espoused in this country, which will be productive and beneficial to our society as a whole in the long term.

I welcome that the Bill seeks to eliminate bogus or illegal charity activity. For example, the Bill makes it a criminal offence to advertise or collect on behalf of a charitable organisation that is not duly registered. It is high time that any illicit activity that serves to discredit the activities of genuine charities should be outlawed and severe penalties imposed as a sanction for any breaches of the law. Indiscriminate cowboy activity that brings genuine charities into disrepute will be punishable and stamped out.

The Bill is a positive step towards regulating the activities of bona fide charities while addressing powerfully the problems and concerns associated with bogus operators. However, the legislation could be more robust and explicit when it comes to criminalising those persons and fly-by-night outfits purporting to collect either money or goods on behalf of vague charitable causes. The legislation should be more stringent in outlawing rogue activity and spurious charitable causes,



[Deputy Bobby Aylward.]

particularly where the type of activity does not fall within the scope of section 41 of the Bill.

It would be useful to include another provision to make it a criminal offence to express or imply that monies or goods collected or some portion thereof are destined for a charitable purpose where this statement proves to be false or misleading. Any individuals who promote or advertise such collections by way of notices or otherwise should be guilty of an offence under this legislation. Two examples include the collection of second-hand clothes purporting that the proceeds or part thereof go to charity when they are being sold for profit, generally in eastern Europe or Africa, and the sale of signed mass cards in shops that give the impression that the amount tendered goes to a priest in the Third World when much of the money is retained by the shop, with another large slice going to the commercial distributors of the cards. In neither example do the operators describe themselves as charities. Hence, the Bill as framed will not outlaw the rogue activity of misleading the public where there is no transparency or accountability. The Bill must take account of activity that only purports to give the impression of having charitable characteristics. This rogue activity not only misleads the public, but has a serious financial impact on charities that operate fully within the law. These charities must be protected by this legislation and rogue operators must be stopped once and for all.

The establishment of a new, independent regulatory authority is a notable departure. By vesting strong and comprehensive powers in the new body, it will operate with the clear objective of securing strict compliance with the various legal obligations to be imposed and it will encourage more streamlined administration and management of charities.

Community and voluntary organisations that undertake work for charitable purposes have been vocal advocates of adequate regulation and oversight and the Bill is a realistic response to their concerns. I hope the role of the new regulator will be supportive and that the authority will provide adequate information on the new regulatory regime and will act to facilitate the charitable bodies in their efforts to comply with that regime.

The Bill raises a number of issues that deserve closer scrutiny if the legislation is to be truly effective and embracing. The issue of advocacy by charities should be examined more closely. The Bill does not prohibit advocacy as an activity *per se*, but it does purport to exclude from the register of charities those organisations that promote political causes primarily. The consensus among organisations that may be affected is that this provision is unfair and unworkable. It represents the first of three tests that must be passed if an organisation is seeking to register as a charity. It is almost impossible to define the concept

of a “political cause” or what exactly constitutes one. The lack of a clear definition will leave an undesirable grey area which will lead to greater confusion. The onus will be on the regulator to determine if an organisation’s work is political. One of the primary purposes of this legislation should be to lend clarity and transparency to the charity sector.

A restrictive interpretation of the terms “charities” and “charitable purposes” will preclude certain bodies from registering. For example, the various organisations that work on human rights and equality issues or the bodies that endeavour to improve the effectiveness of the charity sector will find it difficult to qualify as charities according to the current definition. Several worthy bodies promote active citizenship or increase public awareness and mobilise public opinion in support of policies that favour the poor and the disadvantaged in our society. Many of these organisations may well lose their charitable status if the regulator determines that their altruistic or philanthropic activities are political. I am inclined to believe that the existing definition of excluded bodies should be removed and replaced with appropriate wording which expressly excludes only party political type organisations. I am aware that a number of charities and representative organisations have expressed reservations regarding the definition of charitable purposes and the implications it may have. The current definition is certainly not exhaustive and it is regarded as being overly restrictive and potentially exclusive of some legitimate charity organisations.

The wording “of benefit to the community” should be extended to ensure that particular causes are not disqualified only on the grounds that the benefit may not be immediately tangible or quantifiable. I share the misgivings that some bodies have expressed on this narrow definition. If the Bill is to achieve its stated aims, we must have regard to the dangerously limiting nature of this definition. For example, it has been noted that the three-pronged approach enshrined in the Bill has the capacity to exclude bodies engaged in the advancement of human rights, social inclusion and social justice. What about bodies that are engaged in the advancement of citizenship, the promotion of amateur sport or the advancement of the rights of children? Are they to be excluded simply because they do not satisfy the test as outlined in the Bill? Serious consideration should be given to embracing bodies that are engaged in humanitarian and similar activities. We must be enlightened, progressive, and far-sighted concerning the scope of this Bill. To deny access to a range of bodies that work tirelessly to advance ideals to enrich our society in the long term is backward and short sighted. The legislation will become meaningless if we are to exclude legitimate organisations that pursue legitimate goals for the overall betterment of our society.

I endorse the fundamental principles embodied in this Bill. However, it is necessary to review

some of its more restrictive provisions and to lend it additional teeth in its efforts to combat bogus activities and scams, such as the examples I have outlined. In the interests of enacting legislation that is comprehensive and reflects the reality of the charitable sector in this country, it is appropriate to reconsider any of those sections which are unduly limiting and which will deprive certain genuine and well motivated bodies from achieving charitable status thus denying them the attendant rights and responsibilities which that status entails.

**Deputy Margaret Conlon:** I welcome this opportunity to speak on the Charities Bill, which is long-needed and long-awaited. Irish people are, by their nature, generous. However, it is important their donations go to bona fide charities. The tradition of generosity in our country goes back generations and we have always had a proud record in this area. Our overseas aid and voluntary individual contributions are the highest in the OECD.

The purpose of the Charities Bill is to enact a reform of the law relating to charities to ensure accountability and to protect against abuse of charitable status and fraud. This Bill will enhance public trust and confidence in charities and increase transparency in the sector. We cannot underestimate the importance of this. For charities to effectively carry out their work, they need the full confidence of the public. Most charities are well run but we are all approached by charities with which we are not familiar. It is important for confidence and generosity that the system is transparent so people can have confidence in it, and this will benefit charities in the long term.

The Charities Bill will provide for a definition of "charitable purpose" for the first time in primary legislation. It will also accommodate a new regulatory authority to secure compliance by charities with their legal obligations and to encourage better administration of charities. A register of charities will be established in which all charities operating in the State must register and this is welcome.

Some notable consequences of the Bill will be annual activity reports by charities to the new authority, a charity appeals tribunal and updating the law relating to fundraising, particularly regarding collections by direct debits and similar non-cash methods. Upon establishment of the new authority it will dissolve the Commissioners of Charitable Donations and Bequests for Ireland, CCDB, and transfer its functions to the authority. Charitable status will be dependent on an organisation having charitable purposes only and being for the public benefit, rather than having any particular legal form.

I welcome the principle of the Charities Bill. It is generally recognised that the many positive features of the proposed legislation will have significant bearing on the numerous people involved in valuable charity work. The effect of the draft

legislation is important to the public who contribute generously to so many charitable causes every year. They need to know their contributions are going to bona fide charities and the volunteers need to have confidence in the charities on whose behalf they work because the charities depend heavily on volunteers.

The intent is to introduce a comprehensive reform of the law relating to charities to ensure proper accountability, to protect against possible abuses of charity status and to eliminate the possibility of fraud. I endorse the Bill's principles because its provisions will enhance public confidence in this important area. The application of appropriate transparency and regulation will ensure improved public trust and the establishment of a sound legal and regulatory framework to facilitate the smooth and efficient administration and management of charitable organisations. I am delighted that bogus collectors will be dealt with in an appropriate manner. For all bona fide operators, the activities of those people must be outlawed. The relevant legislation has not been updated in 40 years. It is crucial that the proper structures and regulations are in place if there is to be transparency and accountability and if the public is to know that their money is being put to the good use for which it was intended.

As I said, the generosity of the Irish people knows no bounds. They have given a higher percentage of their incomes to charitable organisations than most other countries and they are to be commended for their generosity, but it is important that this generosity of spirit is not taken advantage of. The Bill is important to those charities that are properly run because it should eradicate those that do not reach the required standard of regulation, which is a welcome development. There is a danger that charity fatigue may set in. This would be most unwelcome. Most charities are worthwhile causes and it can be difficult for people to decide which to contribute to. This Bill will reform the charity sector and ensure that legitimate and well run charities will benefit. That can only be good and I strongly recommend the Bill.

**Deputy Michael D. Higgins:** I will comment on how this Bill affects human rights. I should point out that I have an honorary adjunct professorship at the Irish Centre for Human Rights of National University of Ireland, Galway.

I welcome the Minister of State in his new role. This is the first time I have had an opportunity to do so and I wish him well. He is somebody whose preferment would have been appropriate some time ago. The Bill is worthy of support on Second Stage, but it requires amendment on Committee Stage. It is overdue and I pay tribute to those who worked on it. However, I wish to make a number of points, some of which were already made in thoughtful contributions from the Government side.

[Deputy Michael D. Higgins.]

My understanding of regulatory authorities is that they should not be used to undermine either fundamental constitutional principles, established law or international legal precepts. I say this because of actions by bodies such as the Broadcasting Corporation of Ireland and its interpretation of an advertisement by Trócaire last year. Regarding regulatory authorities in general, we are on the verge of the greatest amount of unnecessary confrontation by the actions of the Competition Authority, which has abused its position in a case with Actor's Equity and its right to be collectively represented, as well as undermining the collective representation rights of a body with a negotiating licence, namely, the Irish Pharmaceutical Union. The same issue has arisen with the Irish Dental Association.

Collective representation rights exist in trade union law that precedes the Competition Authority. These rights are vindicated in European law and they are framed in International Labour Organisation conventions. The idea that a body can take it upon itself to interpret its functions in a way that is not directly accountable to Parliament, through questions, is disturbing. It is worthy of consideration by the Attorney General and by the Government. The same could be true regarding the Broadcasting Corporation of Ireland, which issued a pathetic justification of its outrageous decision on the Trócaire advertisement last year. I felt at the time that it was worthwhile amending the legislation involved, and I prepared a Bill that would do just that.

It is very interesting to bear in mind how relevant this is for the present Bill. Resolution 1325 of the UN Security Council was on gender inequality. The Broadcasting Corporation of Ireland, in striking down Trócaire's right to run a campaign challenging Government policy by asking for gender inequality to be eliminated, claimed this was unacceptable and inappropriate. On 9 March 2007, the BCI stated:

The BCI has informed Trócaire today that the current version of its advertising campaign is in breach of the Radio and Television Act 1988. Following discussion with Trócaire, the BCI has considered an alternative broadcast version of the advert, and has deemed that this alternative version is in order under Section 10(3) of the Radio and Television Act 1988.....The basis for the Commission's decision to refuse the first version of the ad related to:

The definition of a political end, as contemplated by the 1988 Act, is not confined to a party political end, but encompasses procuring a reversal of Government policy or particular decision of Government.

Therefore, if a Government was dragging its feet on a UN convention, it would be an inappropriate advertisement. If we were doing nothing to ratify

a UN convention, such as the UN Convention Against Corruption, then that would also be inappropriate.

The BCI statement went on:

The text of the advert calls upon people to support a Lenten campaign that has as one of its stated purposes, to call upon the Government to produce a National Action Plan and seeks public signatures for a petition in this regard. Therefore the campaign has a political objective as contemplated under the legislation.

The BCI's appalling justification of its dreadful decision is not answerable in here, due to the way regulatory bodies are spinning out of accountability in a constitutional and parliamentary sense. A related example is the Competition Authority's undermining of the right to collective representation of Actor's Equity. It has also denied non-PAYE workers the right to collective representation.

I appreciate the complexity of this Bill and it should be supported on Second Stage, but it requires amendment. Knowing the Minister of State from his time on the Joint Committee on Foreign Affairs, I know that he would be quite open to considering amendments. There is no doubt whatsoever that there is another fundamental issue involved, but I think Trócaire's decision to adjust its advertisement, as well as the decision of SIPTU to concede an issue with the Competition Authority on the steps of the court, means that there is pressure on groups to fit themselves in with the self-definitions of unaccountable regulatory bodies. This is a constitutional issue of the first order which must be discussed in this Chamber.

There are similar issues. I had to point out to Professor Drumm of the HSE that he had replaced the health boards, but that he did not replace the Minister for Health and Children, the Department or the Oireachtas. In a seminal speech to the law society of UCD a few years ago, the former Attorney General, Mr. David Byrne, pointed out that there is no way in which office holders can divest themselves of responsibility, and that they must give a clear policy envelope to that to which they transfer responsibility.

That is all by way of a preliminary to the specifics of this Bill. A very thoughtful speech was made from the Government side on the question of advocacy, which arises in section 2 of the Bill. There is reference to an "excluded body", which is defined in the section as "a political party, or a body, the principal object of which is to promote a political party, candidate or cause". Once the word "cause" is put in and a regulatory body established, we are leaving ourselves wide open to having all the nonsense of the Broadcasting Corporation of Ireland writ large across a whole range of different issues. These include the elimination of poverty and the abolition of slavery. There are 24 conventions that have been signed

by Ireland, but not ratified. A body could not run a campaign for the ratification of these conventions. For example, the Government has no intention to ratify the UN Convention on the Protection of All Migrant Workers and Members of their Families. If I wanted to run a campaign on it and a charity decided to advocate in favour, it would be ruled out. I am sure there are decent people on all sides of the House who simply would not want such a restriction on any Government.

In defining “excluded body”, the section goes on to suggest “an approved body of persons within the meaning of section 235 of the Taxes Consolidation Act 1997”. It would be worthwhile on Committee Stage to examine the relationship between the Revenue Commissioners and musical, arts and cultural bodies registered as charities which have obligations under retention tax and VAT. It would be an appropriate time to consider a nuanced approach to this to enable such organisations to operate.

The Bill includes a definition of an excluded body as a trade union or a representative body of employers. I suspect I may be pushing a half-open door when I suggest the Minister of State re-examine this proscription on advocacy.

Other issues arise which may appear on my part to be a conservative view. Section 3 defines public benefit in a limited way. Public benefit can be one that is not necessarily an immediate or lifetime one. A public benefit could be, for example, intergenerational, involving an action that will benefit future generations. It could also refrain actions being taken that could have consequences for future generations, such as a charity established to advocate that we do not desecrate Tara. We need to think intergenerationally and beyond the serious limitation of the definition of public benefit as defined in the Bill.

Section 3 lists those organisations that shall be regarded as being a charitable purpose. I appreciate it is a difficult area and I have sympathy for those who have wrestled with it. The definitions must be elaborated on Committee Stage. It includes those involved in “the prevention or relief of poverty or economic hardship”. However, one should be allowed to pursue a rights-based programme aimed at the elimination of injustice, social and cultural exclusion. This section must be amended to include such rights-based programmes. Organisations involved in the advancement of education are included. The section must be re-examined to ensure inclusive principles are included.

Section 3(1)(c) provides for organisations for the advancement of religion, a curious area. This becomes more complicated when tied in with section 3(5) which states “a charitable gift for the purpose of the advancement of religion shall have effect, and the terms upon which it is given shall be construed, in accordance with the laws, canons, ordinances and tenets of the religion concerned.” This does not draw a reasonable distinc-

tion between what might be regarded as genuine religions, ones which may have been established for tax purposes, and, most dangerous of all, cults.

A cult can construe its particularly internal structure “in accordance with the laws, canons, ordinances and tenets of the religion concerned”. I am not highlighting this to take advantage of a flaw in the legislation. It is a serious issue and must be considered on Committee Stage. I recall when I was in central America in the 1980s, there were 3,500 fundamentalist sects. For any person pushing bibles there, irrespective of whether they needed it, their property in California was tax exempt. While that is the tax side of the argument, I am more concerned with drawing distinctions between disciplined religions. The Church of Scientology and others come to mind and it is important to have clarification in this regard.

Section 3(8) defines those organisations involved in a “purpose that is of benefit to the community”. It includes those involved in the advancement of community welfare including the relief of those in need by reason of youth, age, ill-health, or disability. This seems to allow the inequalities of a society that is structurally unjust to continue, allowing compassion or guilt to inform one’s charitable actions. I want this section to be informed by a rights-based approach which incorporates the indivisibility of rights, not just civil and political, but social, economic and cultural. That is the way to go in progressive legislatures.

Organisations involved in the promotion of civic responsibility are included. One needs to think of the importance of consciousness-raising organisations such as those interested in advancing citizenship. Organisations involved in the promotion of health, including the prevention or relief of sickness, disease or human suffering are also included in the definition. One must be able to defend the rights of patients. For example, it may not include a charity established to assist those suffering from MRSA. It provides for organisations which promote religious or racial harmony and harmonious community relations. Those involved in ethnic status and Travellers rights come to mind. I raise these as examples, making no prejudgments. I am sure the Minister of State is amenable to elaboration of these concerns on Committee Stage.

It is important that when the regulatory authority is established the burden of compliance does not fall unfairly on small charities. One issue that will emerge on Committee Stage is the large number of registered charities, which may be as high as 20,000. It should be possible to have *pro forma* compliance for small charities that will not put an onerous charge on them and they will not find themselves satisfying three different stools with an unfair burden of expense.

Professor Enda McDonagh, perhaps Ireland’s most distinguished if not preferred theologian in terms of appointment, recently pointed out how philanthropy should not just be a mechanism to

[Deputy Michael D. Higgins.]

relieve guilt. I thought of this, listening to other Members. One cannot use charity to relieve the State of its obligations. The HSE is not free just to simply balance its budget. There are citizens who have rights under the Health Acts which establishes a baseline. If they so decide, they can sue the State, the Minister for Health and Children and the Department. The HSE should balance its books above the line of citizenship rights. No accountable or well-organised charity legislation can relieve the State of its obligation to its citizens, be they young, middle-aged or elderly. One does not have to go to the extremes of the lifecycle to establish rights. The role of the State must not be eroded by voluntary organisations.

This overdue Bill has required enormous work and I pay tribute to those involved in its preparation. For four decades, people encountered some of the difficulties I have mentioned and set the obligation aside. I welcome the legislation and the approach by the Minister of State. I hope debate on Committee Stage will improve the Bill in the areas I have mentioned.

**Deputy Michael Kennedy:** I thank the Minister of State and the team of officials in the Department of Community, Rural and Gaeltacht Affairs for preparing this Bill after so many years. The introduction of the Bill not only enlivens debate on this important issue but focuses the minds of the public on the many shortcomings of the legislation. I warmly welcome the Bill and respect what it seeks to achieve in regulating charities for the 21st century.

For the past 40 years or so charities have been governed by stagnant legislation which is neither appropriate nor all-encompassing enough to cope with the changing pace of charity work and fundraising and our modern lifestyle. Most worrying, any group can set up as a charity and when it has the reference number supplied by the Revenue Commissioners this number is often mistaken for an official registration number from a registry that does not exist. It is necessary to overhaul the legislation to inspire confidence in the public and deliver a level of accountability while supporting charities.

Public confidence has been battered by a lack of transparency and some cases of charity fraud. All genuine charities want to see positive development and radical reformation of the system. We have heard about the benefits of the new Bill. I welcome the establishment of a charities regulatory authority with powers to investigate, and to support charities. The Bill will for the first time define charity in our legislation. Nobody would disagree with the establishment of the register of charities making it an offence for any group or organisation not to register if it fundraises in the State. I wholeheartedly welcome the requirement of charities to provide accounting information to the new regulator on a stag-

gered basis depending on its size. The public will welcome the transparency provided for in the new legislation.

The shortcomings of the system mean that we do not know how many people work in, and are paid by, the charity sector, the annual income of some of the country's largest charities, the percentage of the adult population which subscribes or donates to charities, or the percentage of the population which has volunteered for charity work in the past year. Such is the sector's desire for reform that some charities have voluntarily provided financial information. The new legislation will fill the information gap.

The Minister of State said it would be impossible to over estimate the valuable work done by charities but it is similarly impossible to over estimate the public's desire to engage with charities through donations, volunteerism or fundraising. We cannot afford to lose this admirable spirit of charity and the Bill ensures that we will not do so. Charities recognise the immediate benefit of reform. The existence of a regulatory authority leads to greater trust and increases the perceived integrity of charitable organisations. The perception of charities has taken some serious hits recently, such as the fraud scandals, the negative impact of aggressive fundraising and paranoia about the lack of transparency. Some high profile charities, for example, GOAL and Concern, both of which I admire, have been involved in scandals.

I have talked to my family and friends about the changing face of charity, as I am sure all Deputies have done. People ask: what is a charity, where can one find out about it, whether the fundraiser is being paid, whether a large administration runs it, who receives the money and whether it will go directly to the cause or will be spent elsewhere?

Many of us have been rugby-tackled on the street by clipboard wielding charity workers only to be told later that these people are paid for their work. Lack of trust in charities remains the largest stumbling block to fundraising and the Charities Bill combats this head-on to the immediate benefit of all organisations. I am not against the "chuggers" on our streets. They contribute significantly to the revenue and success of charities. This is one of many new and innovative ways to fundraise. However, they need to be regulated and supported to show the public that their activities are legitimate and it is alright to give them confidential information, such as bank account details.

A 2002 survey put the proportion of the population which donates to charity at approximately 90% which is some millions of people. The figure may have declined since then. We simply do not know how many people contribute to charitable collections and this information gap demotivates many people and makes donations at times seem unattractive.

We are such a charitable people that many foreign charities have set up on our shores to take advantage of our humane and compassionate nature. That is why I welcome the Bill. People deserve to carry on this honourable tradition with a system they can trust. To ensure that it is as effective as possible I am concerned about registering small charities. I welcome the intention to compel charities to register and provide detailed documentation on the running of their organisations in order to be permitted to continue their work. I also welcome the staggered measures for providing account details, according to the size of the charity and its income. I am primarily concerned that the kind-hearted people who fundraise in isolated areas once or twice a year may be subject to the same regulations. Surely they do not have to submit to the same accounting responsibilities as a small charity. The Wheel advocacy organisation raised similar objections in its submission document on the Bill, detailing its concerns for spontaneous acts of community fundraising, and querying whether the new system will cover these events. The Bill should include further scope for these cases.

I also welcome the provision for the introduction of a permit regime. The system for many collections by charities and charity workers who apply to their local Garda superintendents for the right to fundraise in a particular area is outdated and often under-utilised. The Bill provides for a standard permit in cases where a charity worker operates under the recently developed fundraising methods such as “chugging”. The Bill should be further amended to include a widespread introduction of permit holding for all who collect for charity by whatever means. The relevant permit should also be accompanied by a recognisable ID identifying the person as a collector for a charity. The introduction of a standard ID permit system means legal documentation can be furnished on request to members of the public; be that on a street, during a charity function or at a doorstep. Consideration will also have to be given to the validity period of these permits to ensure monitoring of the system is ongoing. Permit holders should be required to reapply for their permits annually, perhaps within a calendar year.

I mentioned the introduction of permits for all those collecting money, but there will have to be exceptions. The permit system could not be applied to individual collectors: members of the public who engage in isolated acts of fundraising through sporting events, marathons, cake sales, sales of work and school fundraising. It would not be necessary or appropriate to force these kind-hearted people to go through a rigorous application process in order to sell cakes after Mass. In these cases, further discussions are needed as to the role and definition of individual fundraisers in the new legislation to allow them to carry out their irregular or once-off fundraising activities. These individuals and amateur athletes, mini-

marathon runners, bakers, skydivers and bungee jumpers have no doubt contributed tens of millions to the charity sector, however the new permit system would not be suitable for them.

We need to protect the right of the individual to raise funds for his or her chosen charity on an irregular basis. We need to pin down language in the Bill which will exempt individuals from the rigorous controls facing smaller charities and not discourage them in their valuable work. To over-legislate the activities of these individuals and dissuade them from their volunteerism and fundraising could lead to the crippling of one of the charity sector’s most successful methods of yielding revenue.

On the other side of the scales, the rights of the individual to fund raise on a voluntary basis must be distinguished from the activities of tiny charity organisations that have cropped up all over the country: the likes of mysterious clothing collectors who drop stickers through letter-boxes advertising clothing collections. While a number of these charities are legitimate, many media outlets have exposed fraudsters who collect bags from unsuspecting households and send them for resale abroad. In some cases the unwanted items from these bags end up littered across the countryside, a practice known as fly-tipping, and this has happened in my constituency of Dublin North. Fingal County Council has spent substantial amounts of money tackling this behaviour.

I mentioned that I believe charities will warmly welcome this Bill, and the welcomes will come thick and fast where bogus clothing collectors are operating. I hear anecdotal evidence of bogus collectors monitoring legitimate charities, like Oxfam and Concern, to steal their bags before the official collection arrives. The loss of revenue to real charities is great and stands to be even greater since these so-called charities have begun to request greater donations of household goods like cosmetics and perfumes, as mentioned in the media recently. The bogus operators are not only cynical but callous in their intent to profit from and redirect funding materials meant for legitimate charities. The most worrying aspect of all is that, at the moment, these operations are not illegal.

It is these fraudsters and scam artists who must be weeded out and exposed under the new permit system, which will simultaneously protect legitimate organisations. Furthermore, I call for funding to be made available, on the enactment of the Bill, to launch an awareness campaign to raise the profile of the effects of the Bill regarding the permit and ID system which will be introduced. Similarly, financial supports must be put in place to cater for the additional costs generated by being part of a regulated system.

**Deputy Seymour Crawford:** I thank the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Pat Carey, for coming before the House to introduce this

[Deputy Seymour Crawford.]

Bill. As a previous speaker said, it is long overdue. I have asked about its introduction for some years.

This Bill is important because some people in the charity sector were behaving in strange ways, an example of which is the sale of lottery-type cards outside banks and shopping centres. Young people may be forced to sell lines on the street in an effort to get credit card numbers and bank account numbers from people. We had no control over who benefited from these activities or how they behaved. Like the last speaker, I will be glad to learn how many people are paid to engage in charity work and how the area is monitored. However, I am worried that small charities that do important work might be adversely affected by this Bill. The previous speaker mentioned cake sales, urgent fundraisers, people running marathons and so on, and these activities generate a lot of money for genuine good causes. We must be careful not to inconvenience these people as, to my knowledge, there is no cost factor in such activities and there is little, if any, danger of money falling into the wrong hands in such circumstances. People are proud when they run marathons or the like and raise money for charity and they normally publicise the fact, perhaps in the local media, to indicate how much money was raised.

We must monitor cowboy operators and ensure strong legislation brings them to justice and deals with them appropriately. I was interested in Deputy Aylward's suggestion that the law in this regard is not strong enough. For this to come from a Government backbencher raises interesting and important questions that should not be ignored.

Speaking as one who has been deeply involved in charities through the years I thank all who have worked for them because their efforts are essential. These people work in a voluntary capacity collecting money for others, not for themselves. I am thankful for the community spirit that exists in this country. The Irish are the most generous people. When there is a crisis outside Ireland the Irish people often lead the way and respond more strongly than governments. However, we must ensure there is no rip-off factor. To that end I welcome the regulations and permit system that will ensure charities are registered and to provide proper returns at the end of the year.

As I said, the large national and international charities will not have a problem in continuing to carry out their work but I would like to see clear information in the Bill that indicates that smaller organisations will not be forced out by having to pay auditors and so on. Structures in farming today allow small farmers to fill in profile forms that indicate their incomes and taxable liabilities and small charities should be allowed use similar forms rather than pay auditors and so on. The alternative is to force people out of business.

I understand there are 19,000 community and voluntary groups in the country, which is a remarkable number. They play a major role in ensuring the worst off, both at home and abroad, are looked after. I take this opportunity to thank all involved.

The Bill is straightforward but I am concerned about aspects of it. It provides, for the first time in primary legislation, a clear definition of "charitable purpose". It also provides for the establishment of a new regulatory authority. This is another area in respect of which I am concerned about the establishment of new regulatory bodies. Even the Minister of State will agree that obtaining answers from bodies such as the NRA and the HSE is like pulling hen's teeth. I worry about the various authorities that have been established which are not answerable to the House. There must be clear provision within relevant legislation that such bodies must present themselves to a committee of this House on at least an annual or biannual basis. There is no shortage of committees under this Government and there is no reason that it should not be mandatory that a body such as this must be accountable to the House in this way and thus provide answers to all our questions.

The Bill states that annual reports by charities must be submitted to the regulatory authority. I cannot emphasise enough the need for smaller charities to be able to present their reports in as simple a form as possible. The Bill also updates the law on fundraising, particularly in regard to collections by way of direct debits and similar non-cash methods. The level of fraud in this area is significant. One of my best friends in Monaghan was recently defrauded of some €15,000 from his bank account by means of a scam. This is something of which we must be aware. I welcome the provision to establish a charities appeal tribunal.

The Bill sets out the types of organisations that will be included in its provisions and those that are excluded. I have no difficulty with political parties being included in the latter category. However, I am concerned about the status of groups that might be funding political parties or other types of organisations. The Bill provides that a charity may be removed from the register if it is found to support terrorism, terrorist activities or any organisations of which it is unlawful to be a member. This must be set out clearly. As a person who lives near the Border, I have seen the fundraising activities of unlawful organisations on both sides of the political and religious divide. Such activities must be dealt with firmly, whether through the Criminal Assets Bureau or this legislation. Everybody, whether in politics or otherwise, must be confident that there is a level playing field.

There is a strong tradition of volunteerism in Ireland. The amount of money collected for charities working abroad, in particular, is signifi-

cant. We must ensure this Bill does not lead to any type of volunteerism fatigue. People could get extremely annoyed and retreat from voluntary work if regulation leads to an excess of red tape. People are busier than they used to be. The costs associated with mortgages and other living expenses mean that in many families, both parents must work. Many people living in counties Louth, Meath, Cavan, Monaghan and other areas close to Dublin are obliged to commute significant distances to their jobs. All this means that people do not have much time to devote to voluntary activities. We must support those who give of their time.

GOAL, Christian Aid, Trócaire, Bóthar and other overseas aid organisations do important work. The Government provides significant overseas aid but has failed to meet the commitment given by the Taoiseach to the EU some years ago. We must continue to encourage these organisations. My previous boss, the late T. J. Maher, was active in Bóthar. He encouraged not only the collection of moneys to send overseas but also all types of livestock, which allowed the recipients to improve their lives in the long term rather than merely receive the short-term relief of money. It is the old notion of give the man a fishing rod and allow him to catch fish.

Many voluntary organisations continue to do important work, despite the arrival of the Celtic tiger. We must not be overzealous in putting structures in place that might block their activities. The Minister of State, Deputy Carey, was welcome at the drugs awareness meeting in Bailieborough some time ago. I am sure he noticed that the greatest cheer of the day was for the announcement that a voluntary organisation in Bailieborough had donated €7,000 to allow for the continuance of drug awareness efforts. The Society of St. Vincent de Paul is more active than ever, particularly in the lead-up to Christmas. It does significant work in helping the poor and not so poor. Many middle income people are now in difficulty because of high mortgage payments and other costs and borrowings. I spoke to volunteers in the Society of St. Vincent de Paul about their work and how vital it is.

Cancer care services have been much discussed in this House in recent weeks. If it were not for the work of voluntary organisations and their extensive fundraising activities in local areas throughout the year, the families of people with cancer would be in a far worse situation. I recently learned of the existence of a Bailieborough cancer fund, which provides patients with transport and other necessary services.

It used to be the case that people in my area who suffered from alcoholism could be treated in St. Davnets Hospital. However, the brilliant HSE considers that type of service is no longer necessary. Sr. Concilio, who has premises in Galway and Newry and has recently established one in Monaghan, is doing the work the HSE should be doing to help people with alcohol and drugs prob-

lems. She depends on massive fundraising through George Wallace and others. Friends of Monaghan Hospital, Friends of Cavan Hospital and many others do vital work in my area.

At national level, there is Aware, the Irish Wheelchair Association, the Alzheimer Association of Ireland, MS Ireland and many more. I am aware of a recent case where a person seeking home help had to turn to the Alzheimer Association of Ireland because no help was available through the HSE's so-called "care packages" about which the Minister for Health and Children spoke so much.

Disability organisations do much good work. I might not have become a Member of this House were it not for my involvement in raising €56,000 in nine weeks to send a child with cerebral palsy to receive treatment abroad. That is an example of a charity. I would not like to see so much red tape that a spontaneous reaction to an urgent need could be stopped.

There may be a similar case where a family may be burned out of their home, and one cannot help but think about the tragedy in Omagh. A family might survive a fire but not have insurance, so locals would need to make an urgent whip around. That is clearly the case in rural areas but it may not be the same in cities. We do not want such activities blocked.

If it was not for Parents and Friends of Mentally Handicapped in the north Monaghan area, I do not know where families dealing with disabled people would house their young people. Before the last election I went to Kingscourt and I did not realise there was so little knowledge of what was available through voluntary housing. Some of the young people were being housed in north Monaghan because of the voluntary activities in that area. If that did not happen, they would be in trouble.

If there was not a massive voluntary effort through the GAA and many other organisations, where would our young people be today? Sports grants are very important and we received over €8 million in the past five years in Monaghan, more than €7 million in Cavan and €17 million in Donegal. Only last week, my local group in Killeevan had a gala night, with auctions etc., to raise funds. It is important to remember when this legislation is being finalised that it is very complex and all these matters have to be dealt with as best we can.

An issue some voluntary organisations feel very sore about is VAT refunds, and perhaps this will be looked at as we come near the budget. A body may get a 70% grant towards a €100,000 project, but VAT of 20% will be added on to the project, leaving the total cost as €120,000. In reality, the €20,000 goes back to the Government, meaning the 70% grant works out at a real cost to the Government of €50,000. I hope the Government will look at giving VAT refunds to charity organisations because it is very difficult



[Deputy Seymour Crawford.]

for them to raise funds from the public and then have to deal with a dramatic VAT cost.

I thank the likes of the Lions Club and Rotary Club, and all the other organisations which do tremendous charity work to keep our systems going. Other speakers have gone into the technicalities of the Bill more than I, and there will be much to be done on the next Stages. I know from working with the Minister of State in the past that he is realistic and will not be totally in the hands of his civil servants. The necessary changes to the Bill should be made.

The Bill has been long-awaited. I totally support the idea of regulation but I cannot emphasise any more than I have done that such regulation has to be reasonable. The smaller groups must be treated with the necessary understanding. I welcome and support the Bill, and I hope it will emerge better from this process.

**Deputy John Curran:** I wish to share time with Deputy M.J. Nolan.

**Acting Chairman (Deputy John Cregan):** Is that agreed? Agreed.

**Deputy John Curran:** I welcome the opportunity to contribute to the Second Stage debate on this Charities Bill. I compliment the Minister of State, Deputy Carey, for being in attendance because it is important legislation which affects the lives of everyone. Far too often I feel Ministers who have responsibility for legislation in this House do not take enough time to listen to what is being said here. I appreciate the Minister of State's attendance. I also intend to contribute on Committee Stage on some key points and today I will give a general overview of the Bill.

It is hard to believe that in a country perceived to be so charitable, it has been over 30 years since we have had new legislation in this area enacted, a staggering period of time. I am proud to state this country is one of the most charitable nations on Earth. I do not know what part of our history makes us so but any time there is a world crisis or disaster, from a famine to tsunami, the people of this country have responded time and again in a way beyond what people might expect. In certain times, the public has in many cases put the Government to shame with its generosity and responsiveness to events.

I pay tribute to the tens of thousands of people engaged week in and week out in charitable works. I do not intend to name charities because people in a range of bodies, be they local or internationally-focused, give time and effort week in and week out. As a nation we should be very proud of this. People may debate the origins of this persuasion, with some contending it has come from our missionary work, but I am proud to be part of such a nation.

Every person in this House is engaged and interacting with charitable organisations on a

daily basis in one way or another. Funding and finance is critical if these organisations are to maintain their work, as is the maintenance of public confidence in what goes on. That public confidence will be maintained through this Charities Bill.

There have been many changes in 30 years, which I have been thinking about. As a five-year-old I was in a Presentation convent school in "low babies" — not junior infants. A nun brought us up one by one to be introduced to our teacher and when we all sat down, the nun picked up a wooden collection box. She stated that any time we would get money at home for our birthday etc., we should bring in an old penny for the "black babies". This was not politically correct but that is what we learned. We had no clue what "black babies" were but from the earliest time in our memory, charitable work was going on.

That was first introduction but I have a more recent example of what happens. I was walking down Grafton Street one day and a young girl approached me to support a charity, which I did. In doing so I signed a form, so instead of putting the penny into a collection box I signed a direct debit mandate. During the 30-year period from placing a penny in the box to signing a direct debit form, no new relevant legislation has been enacted. That is the reason I so warmly welcome this important legislation.

The Bill outlines what is regarded as a charitable organisation and specifically mentions excluded bodies. These include political parties, trade unions, employers' representative organisations and, as a previous Deputy mentioned, unlawful or terrorist organisations. We know what is excluded.

On the other hand, a charitable organisation is defined. The Bill states a body must be engaged in exclusively charitable purposes, with charitable purposes regarded as the prevention or relief of poverty or economic hardship, the advancement of education or religion or any other purpose that is to the benefit of the community. We understand that.

Most of us contributing to this debate have a view on what is charity. We think of those who feed the hungry and house the homeless or those who work abroad, but what about groups that provide advocacy services? What about groups that lobby but do not provide tangible services we generally understand as charity work? We should look at that in detail on Committee Stage.

Part 2 of the Bill establishes a charities regulatory authority and outlines its functions and provisions in terms of its role, staff and finance. It will have strong regulatory and enforcement powers.

Section 13 provides for the establishment and maintenance of a register of charitable organisations. That register is important and it must be set up in a timely and efficient fashion and be publicly accessible, preferably via the Internet. If

it is to inspire confidence, it must be available quickly.

I live in Clondalkin and every two weeks I get a flyer to advise that there will be a clothing collection in aid of the homeless somewhere in the world. It mentions the goods wanted and sometimes asks for the bag to show a certain sticker the next day. The flyer, however, only gives the minimum detail and, sometimes, a mobile telephone number. There is no detail of a charity name or postal address and certainly no charity registration number. This is fraud, plain and simple. I have never been able to contact the organisation involved.

I say that because sections 26 and 27 of the Bill refer to co-operation and information between the new authority, the gardaí and other law enforcement agencies. If this is fraud the organisation will not be registered but it should still be a function of the new regulatory authority to become involved in this. No fraud will register but the authorities should still take complaints from the public and engage with other law enforcement agencies.

Many of the charities we deal with are small in scope and some are established to fund one-off events. It is important that we do not prevent such groups from performing charitable functions, particularly for those who have been the victims of a tragedy. We want financial accountability but red tape should not stop local groups from organising one-off events.

Deputy Crawford is right, charity work in Ireland is complex. I wish the Minister well with the Bill.

**Deputy M. J. Nolan:** I thank the Minister for being present for most of Second Stage of the Bill and commend him on its introduction. The Bill has undergone a lengthy process of consultation with the interested parties and I hope we will see it enacted as soon as possible.

It is extraordinary that this is the first charity legislation in over 30 years. In that time, this country has seen significant changes, we have gone from being a very weak economy to one of the best in the world. As a result people have more disposable income and charities have benefitted. It is only right, therefore, that we look at the legislation that controls charities and introduce a Bill that takes account of the new climate in which they operate.

It is internationally recognised the Irish are generous in their support for charities. A higher proportion of Irish income goes to charity than is the case in most other countries. It is difficult to make direct comparisons but per head of population we supported the Live Aid concert to a greater extent than any other country.

We have a strong tradition of supporting overseas aid. I am concerned, however, that while the larger charitable organisations have the resources to comply with the legislation, such as the Society of St. Vincent de Paul, GOAL and others, some

smaller and one-off charities might be overlooked. Spontaneous *ad hoc* fundraisers take place for local and domestic tragedies. In the Bill there may be a figure whereby charities will not have to submit accounts. Perhaps the Department could come up with a form for an annual return by local charities to avoid the expense of providing accounts. Such accounts can take up a significant part of the funds raised in administrative expenses.

I am also pleased that the Bill provides for the establishment of a regulatory authority for charities. Those currently employed in other agencies that will be disbanded as a result of this legislation will transfer over to this new authority. It is important that we have transparency and that the public can be confident when giving to charity. I hope this will limit the abuses that have taken place. It is not always possible but if we could move towards a system that is not so cash-based, it would be an improvement. It makes things easier for the charities to have a regular monthly income from standing orders. They then know how much they will have annually.

I am concerned about cash collections. We will see many such collections in the run up to Christmas, where people rattle a bucket and ask for a contribution to a charity a person might know nothing about.

I am pleased to note this Bill provides for regulation that will oblige individuals who are collecting to have a sealed container on which they will identify the charity or the purpose of the fundraising effort. Some of my colleagues have become highly suspicious of, and put off by, the plethora of charities that have mushroomed on a weekly or monthly basis. They have taken the decision that the only charity in which they have confidence, given its overheads are so low as a proportion of the moneys collected, is the Society of St. Vincent de Paul. All Members could take a leaf from that organisation's book as its overheads and administration costs are extremely limited. It is a voluntary organisation that carries out wonderful work for less well-off people in Irish society. As Christmas approaches, its track record and the manner in which it manages its affairs will ensure it is well supported.

The issue of charitable status should be reconsidered by the Minister of State on Committee Stage. I note certain areas will not receive such status. Perhaps in consultation with the Revenue Commissioners, which has done much work in respect of the taxation status of certain charities, it should not be too difficult to set down, organise and agree on what organisations should enjoy that status. The definition of charitable organisation is of particular interest to me, as is the list of those that are excluded from the definition. I note that political parties rightly are excluded from such status.

The Bill provides for the establishment of the new independent body, namely, the charities regulatory authority. It outlines the function of

[Deputy M. J. Nolan.]

the authority and the standards it must achieve. One provision will empower the authority to investigate charities, which will be an important role. Proactive use of that provision from the outset could lead to the weeding out of many of those charities about which many Members are concerned, which would engender confidence in future that the remaining regulated organisations are bona fide charities.

The authority, where it so desires, correctly will reserve the power to request full audited accounts from a charity, irrespective of its income and expenditure. However, some movement in this respect is required, whereby small one-off fund appeals on behalf of small charities can be catered for without putting them to the expense of being obliged to employ auditors and accountants to make returns. I commend the Minister of State on this welcome legislation and wish him success in its speedy passage through the Houses.

**Deputy Jimmy Deenihan:** I wish to share my time with Deputy Catherine Byrne.

It is obvious that many Deputies have a particular interest in this Bill. I am sure this is because, like me, they give much to charity, as well as spending a large portion of their time fundraising. Consequently they have a deep knowledge of what it means to be a giver of both time and money. They have first-hand knowledge and information on the issue of charitable donations, of giving and taking and the importance of doing it properly in a transparent fashion.

Undoubtedly, Irish charity law is in urgent need of modernisation. As previous speakers have noted, more than 40 years have elapsed since legislation pertaining to charities was passed in this House — I refer to the Charities Act 1961. Charity legislation has not kept pace with societal changes in the manner in which money is given or taken or in how fundraising is transacted, be it on the high street, privately or whatever. I compliment the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Pat Carey, who is a fellow Kerry man, on introducing this legislation. While the Bill's preparation was almost complete when he took office, his capable hands are now steering it through the Oireachtas.

The charities sector is completely unregulated at present. This means no single body has the specific aim of supervising the sector or has the statutory powers to either maintain a register of charities or to subject the sector to regulatory scrutiny. Therefore, there is no such entity as a registered charity in Ireland at present. There is no statutory definition of what constitutes a charity and no reliable information on the number of active charities, their financial worth or how they spend their funds.

Ireland is an extremely charitable country. One should consider the response to the tsunami appeal some years ago, which brought out the

best in Irish people. Although the disaster took place many miles away, Irish people reacted generously to it, probably to a greater degree than any other nation of comparable size globally. This House organised a soccer game against the FAI at the time, for which Members sought and received little recognition. I recall writing to every Member and they all responded positively. Together with the FAI, Members presented a cheque for more than €100,000. This simply demonstrates people's generosity towards a cause with which they can identify.

While many statistics are available, Members lack good information. One statistic suggests that almost 90% of the population donates to charity every year in the form of church charities, community or sporting organisations or whatever. I find this figure credible because, as I noted, Irish people are highly generous. This legislation is important because to an increasing extent people are asking questions about their donations and the manner in which they are spent. I have observed people questioning fundraisers on the street as to the charity's purpose, the manner in which donations are spent, how much the collectors are paid and even how much the collectors' boss is paid. People also ask questions about the proportion of money that reaches its intended target. This is a highly significant issue and some statistics suggest a breakdown of one third to the fundraiser, one third to the organisation's administrative structure and one third to the intended target. While these are general figures, people want access to such information, which simply is unavailable at present.

A major issue has arisen in respect of overheads, marketing, the use of professional fundraisers and the use of consultants to get across a message to induce people to give more money. The entire fundraising sector has become highly professional. I repeat that the Minister of State's efforts, which Members are trying to support, are important because they enable the generous donor on the street to have confidence that what he or she is giving will be beneficial to the intended recipient. Given the lack of regulation, public trust in charities is beginning to suffer. We are very generous at the moment, but people are beginning to ask questions.

Organisations with which I have been involved have benefited in the past from the Ireland Fund — although that is a different issue — but even Americans, who have been generous in giving to this country in so many ways, are becoming donation-weary. They are beginning to question where their money is going. That is also reflected on the streets. I am not saying that Irish people have stopped giving money, but they are asking more questions. I hope that donation fatigue will not set in. However, this could happen if the Minister does not take the required action, especially if there is a tightening up of the economy. If people have less disposable income in their pockets they will ask questions about donat-

ing. They may ring-fence a certain amount of their incomes every year for charity, perhaps giving to just one charity rather than spreading it around.

As has been mentioned by a number of speakers, people are becoming fed up with being accosted on the street and asked for charitable donations. There may be two or three fundraising initiatives going on in a town at the same time so that people are accosted on every corner. Older people in particular, who do not like to say no, feel intimidated by this at times. The Bill sets out conditions under which fundraising can take place, which is very welcome. However, people, especially old people, should not feel intimidated or pressurised into giving something. At times, charity collectors can be in people's faces. That should not be allowed either. People in provincial towns are being asked by others they do not know to contribute to charities they cannot identify with. This must certainly be addressed.

As I mentioned, there is no regulation in this area at the moment. The number of charities in the State, as has been mentioned, is roughly 7,500. These are not subject to any regulation apart from company law. In the past, major charities have been affected by fraud and other scandals. This has had an impact on their incomes. If an organisation is tarnished in some way, people give less or they stop giving to that organisation. According to the newspapers, charities have accepted that the regulations being introduced are for their benefit. They will help them to get their houses in order and to ensure transparency, as mentioned by many speakers. They will also help them to ensure that proper accounting systems are in place, keep track of their sources of money and ensure that they can identify and take responsibility for the people collecting on their behalf on the ground.

Is there any type of qualification for fundraising? For example, can somebody with a criminal record engage in fundraising activities? I have looked at the Bill in a cursory fashion, but I do not know whether this is mentioned. Does the Bill contain any provisions relating to the previous history of a person collecting for charity and whether he or she has a criminal record? Is there any reference to qualifying requirements in terms of character? Does a person need to obtain clearance from a local Garda superintendent or similar? The Minister might refer to this in his reply.

As I pointed out, it is vital that public trust and confidence in the charity sector be maintained and increased. This is because most charities now rely heavily for their survival and growth on generating income from their activities. In addition, they need to be able to rely on the services of volunteers. I saw a figure somewhere that there are approximately 700 professional fundraisers in Ireland. However, thousands of people are out there collecting money on a voluntary basis. The larger charitable organisations could lose volun-

teers if they are not confident that the organisation is operating properly.

According to a survey carried out by the Centre for Nonprofit Management at Trinity College — it may not be totally accurate, but it is the only information available — it is estimated that the charitable sector collects about €2.5 billion every year, €500 million of which is from direct fundraising. A total of 60% of the income of charitable organisations comes directly from the State, but fundraising constitutes a critical portion of their income. In addition, the survey makes the interesting point that in 2003, fewer than 10% of charities earned an average income of more than €738,000 per annum, even though the list includes large charities such as Oxfam, Concern, UNICEF, the Society of St. Vincent de Paul, and the Irish Heart Foundation. Thus, very few have massive incomes. A total of 50% of charitable organisations had an income of €40,000 or less. There is a large number of smaller organisations. The Minister has made provision in the Bill that any organisation with an income of less than €100,000 does not need to produce audited accounts, although they must produce reports and accounts. I welcome this provision as a requirement for audited accounts would result in too much bureaucracy.

There is one issue I would like to bring to the Minister's attention. Among those collecting for charities, many are collecting for charities that are not registered. These people need to obtain a permit from the local Garda superintendent. However, there should be some form of regulation for this. People who have obtained such permits should be obliged to return to the superintendent with an account of what they collected. In addition, contributions of more than €10, for example, should be recorded and a list of the people who gave more than that amount should be kept. In this way, if the Garda later needs to check on a collector about whom doubts have been cast, it can check whether the money reached the desired source.

I have mentioned codes of practice relating to methods of fundraising. For example, people should not be allowed to intimidate others and collection boxes should be sealed properly. Without wishing to encourage over-regulation, I suggest that if a major fundraising drive is taking place in a town the Garda should first check the boxes and make sure they are properly sealed and afterwards check whether the boxes are still sealed before they are passed on, as is done with ballot boxes during elections. In addition, the seals on the boxes should be tamper-proof.

We all get notices through our letter boxes about clothing collections. People are giving up good quality clothes such as those which young kids have grown out of and which could be expensive, or designer wear. They are giving them to people who are apparently making considerable money by exporting them. It is important that this area is regulated as well

[Deputy Jimmy Deenihan.]

because there is a fortune to be made in it and there is a national network in operation because it is highly profitable. The Minister of State might refer to how he will regulate that area.

As a fundraiser and a donor, I am delighted to have the opportunity to say a few words on this Bill. I thank the Minister of State for bringing it forward. It can only do good for the charitable sector.

**Deputy Catherine Byrne:** On behalf of myself and those from the Fine Gael Party who have spoken, I thank the Minister of State, Deputy Pat Carey, for his presence. Having had the privilege of working with him on summer projects a long time ago, I know of his commitment to volunteer organisations and community groups and I need not emphasise how well it is known throughout Dublin.

As someone who stood on many corners for many years shaking boxes under people's faces as they passed up and down O'Connell Street, particularly in the cold month of December when I would be singing, I welcome the Bill.

I will say only a few words because I was not listed to speak, and I thank the previous speaker for giving me a few minutes of his time. I want to speak about the volunteers and the people who respond on a daily basis to many organisations, particularly small local organisations such as parish groups which collect for summer projects and organise cake sales many of which have been mentioned. It is important that this Bill protects those groups. Many such organisations are run by very small committees and it is the people who come along and volunteer to take the collections outside the different places who are the ones who need protection from this Bill. However, I would hate to see this Bill putting a stop to the many volunteers who take part every day of the week in all such organisations. When the bits and pieces are being collected together in this Bill, I hope the Minister of State will look favourably on those small organisations in communities and parishes that so depend on the few pence they collect from people.

My involvement arose through the Society of St. Vincent de Paul, and particularly through the late Mr. Noel Clear, who was its president, who I admired greatly and who had a great deal to do with my being involved in community organisations. The Society of St. Vincent de Paul, in particular around Christmas time, does a vast amount of unseen work. It is done behind closed door, and with confidentiality being very much part of the organisation. I commend the Society of St. Vincent de Paul for its work over the years. It is an organisation that has taken people from extreme poverty and brought them into some kind of every day living.

I welcome the setting up of the regulator of charities. It is very important. As someone who has spent a long time working in charitable organ-

isations, it is about time some rules were set in place and it was made clear to people who want to collect money on behalf of organisations what they can and cannot do.

I am delighted to see the Minister of State, Deputy Carey, across the Chamber. He has a true understanding having worked constantly through the years on behalf of many organisations.

**Deputy David Stanton:** I want to be associated with the remarks made by the previous speaker about the Minister of State, Deputy Carey. I thank him for his presence and acknowledge his deep interest in this area.

The Bill is extremely welcome and timely. It is possibly overdue, but we are glad it is here. It is to reform the law relating to charities to ensure greater accountability and to protect against abuse of charitable status and fraud.

As many speakers alluded to already, there is a concern that some individuals and groups are using charities as a cover to raise money for dubious purposes and it is obvious that the law and procedures in this area seriously needed tightening up. The Bill also aims to enhance public trust and confidence in charities to increase transparency, and that is also quite important.

There are a number of concerns about the legal structure for charities. Almost every Member of the Oireachtas has been involved in some form of charity because we are out there dealing with the public and with communities all the time. As a result, it struck me that while one way of becoming a charity is to form a company limited by guarantee, that can be a cumbersome legal way to proceed. Many Members have already alluded to this. To put it simply, there are big charities and small charities. In a way that is a childish view, but it is one way of looking at it. We must support and encourage all types. Perhaps it is necessary to find a way of differentiating between the types of charities — maybe there is one and I have missed.

Other colleagues have mentioned one-off collections such as those for a sick child. These can be abused as well. We need to look at how to support and encourage a small group of local people who want to fundraise, for instance, in a pub by holding an auction or raffle which can raise substantial moneys, as against a large organisation. The Minister of State might brief us on that. One way to do it would be to incorporate that in the Charities Bill.

Mention has also been made of organisations which advocate for political causes being excluded from the register of charities, and there is potential in that regard.

There should also be a provision to permit charitable trustees to indemnify themselves from personal liability using trust resources. This was proposed in the past.

Some statutory organisations can be included in the register. It is important that the identify of charities as being independent of the State is

protected. It has been put to me that some organisations believe that no State-owned or State-controlled agency should be included in the register.

There is a concern that the fees to be paid by charities are to be included in the register and there is also concern about submitting annual returns. Many smaller charities could find it difficult to meet the additional compliance costs associated with regulation and many organisations may face difficulties if these additional costs include fees for registration and for the making of annual returns. That relates to the issue of large charities and small charities.

Another topic I want to mention briefly is related to philanthropy. I note and welcome the establishment by the Government of a forum on philanthropy and that Philanthropy Ireland has issued a number of reports. The culture of philanthropy is not well established in Ireland. One could say this was not a wealthy country up until 15 or 20 years ago and we did not have vast amounts of money to donate. In the United States such a culture is well established. In Ireland we still have a State that looks after people. That is not the case in the United States where the welfare state is not established to the same extent as here and in the UK. At the same time there is an opportunity to encourage philanthropy. The people of Ireland are very generous. The tsunami appeal and other such appeals down through the centuries show that we have always given money, even when we did not have it for ourselves. One way would be to give public acknowledgement of charitable donations, such as the Beacon awards in the UK which publicly recognise philanthropy. Perhaps Philanthropy Ireland will do that.

Another way of encouraging it would be to focus on financial incentives such as lowering the minimum donation eligible for tax relief from €250 to encourage giving at a smaller level. I understand other countries have lower minimum donations. In the UK, for instance, income tax relief is available on all donations made through the payroll. Deductions can be made from pay before PAYE is applied. Gift aid tax has also been introduced so charities can reclaim the basic rate of income tax paid by all donors.

Another option would be to allow donations to be in the form of non-cash assets such as shares or property. Currently all donations must be in cash to be tax deductible. Converting non-cash assets into cash often exposes donors to capital gains tax. The experience in the United States suggests that allowing donations of other assets might encourage philanthropy among wealthy people.

Many speakers have referred to giving VAT refunds to charities. Currently charities pay VAT on purchased goods and services but, unlike companies, cannot claim a refund against VAT collected. The Government claims our hands are tied by EU VAT law but charities insist it is pos-

sible. This is an issue the Minister for Finance should examine.

There is another possible way to help charities benefit that is used in other countries, namely, escheatment. This is a process of turning over unclaimed or abandoned property to a State authority instead of to the controller of the assets. The dormant accounts legislation is similar to this system.

Let us suppose the Minister has a small number of shares in a company and he receives a small dividend cheque worth only a couple of euro. Because it is so small he might not consider it to be worth cashing and if he leaves it to one side he could forget about it. That happens quite a lot. One can ask what happens the money and who owns it. In other countries it is handed over to the state through a process called escheatment. I encourage the Government to examine this process as it has a great deal of potential. There are resources out there that could be made available for charitable purposes. This approach is taken in other countries, especially in the United States.

The State could establish an escheatment agency as an independent statutory body. It would require banks and companies to submit periodic returns detailing unclaimed funds. I do not refer to dormant accounts, which is a separate issue. Companies could retain control of these funds for two years and moneys would then be turned over to the State escheatment agency, which would maintain publicly searchable databases to allow beneficial owners to claim assets, subject to adequate proof and payment of a fair administration fee, in a similar way to the way the dormant accounts fund operates.

The Bill could contain proposals to escheat certain dividends from quoted companies. This would provide an opportunity for charities to claim funds and resources. We will probably never have enough funding for charities. This is a well known practice in the United States. In some states there, the state treasury has strict fines for companies that fail to comply with filing obligations. I also understand the system operates in Australia and in other countries.

The administration costs associated with charitable organisations must be examined. The Bill provides for the authority to encourage better practice by companies in this area. I am concerned at the amount expended on administration by certain organisations which collect a great deal of money for charity.

I will not name the organisation in question, but a number of years ago I was invited to visit the headquarters of a charitable organisation. I was shown into the boardroom which had plush carpet on the floor and a mahogany table among other features. It struck me how well appointed it was for a charity. We must have a balance. I suggest the legislation should set a certain limit to the amount paid out on administration. However, I accept one has to speculate to accumulate. The Bill mandates the registration

[Deputy David Stanton.]

and naming of people who are professional collectors, which is important. The legislation will require also that fundraising agents and consultants have to be named.

We should examine the area of church gate collections which concerns political parties, including the one of which I am a member. Both Fine Gael and Fianna Fáil hold church gate collections. I am not comfortable with them and I question whether they fit into the charity ethos. If we all stopped doing them they might not happen. When people go to church they should not be accosted by fundraising for political parties. People are happy to donate to genuine charities, but it is questionable whether political parties fall into this category. On the other hand, it flies the flag for a party and people learn about the existence of that party and, in some cases, people take the opportunity to raise issues.

Deputy Deenihan told me he did not have time to refer to his proposal that all charities should publish what they collect on an annual basis and that the information should be accessible. I note that the reports will have to be made available but I suggest they be made available on-line. That is probably a matter for the new authority when it is set up. The notion of making reports available suggests that they would be available somewhere in the authority's headquarters. Who will bother going to that place to find out what a certain organisation collected? If reports are available on-line, everyone can access them and the costs would be minimal. It would probably be a lot cheaper than publishing them.

Members get so many reports from organisations, bodies, State agencies and semi-State agencies, and I have not read half of the ones I received. Publishing on-line should be used more than is currently the case as this would cut down on waste and reduce our carbon footprint. I am sure the Minister of State, Deputy Pat Carey, receives even more documentation than we get and, knowing him, he probably spends most of the night reading them. I cannot get around to reading a fraction of what I receive and I end up having to throw them out because, otherwise, I would not fit into my office.

We need to tighten up on the permit system that is issued by the Garda because it is archaic. The physical permit needs to be far more professional. However, we must be careful to ensure that the permit is not required to be so professional that organisations cannot produce them. We must examine this issue. I am not sure whether the Minister of State has seen the permits issued by the Garda but I am sure he will agree they are out of date. As part of the authority's remit, it could address this issue.

I welcome the Bill. It is important that we recognise and acknowledge the work done by people in charitable organisation. Many of them carry out fundraising because for one reason or another the State has not or cannot provide

assistance for a specific purpose. We are all aware of cases where money is raised to help parents from, say, Cork whose children are in hospital in Dublin and who have to stay overnight in a hotel or guest house while their child is being treated. Should people be put in that position? They are already emotionally vulnerable having to deal with a sick child and there is enormous pressure on a family in those circumstances. The State is failing in its duty to support parents and families in such situations and it falls back on a local community to raise money to support them. There are areas that must be clarified when the State is failing in its duty and the charitable sector must chip in.

Charities do extraordinarily good work. Deputy Deenihan said there were thousands of charities in the State. Could the authority in some way examine all those charities and, where possible, it could suggest a coming together, so to speak? Instead of ten charities working in the one area and duplicating work, there might be only one. That would cut down on the duplication and administration costs and ensure that more of the funding raised would go to where it is needed.

I wish the Minister of State well with the progression of the Bill through its next Stages and through the other House. I look forward to dealing with it on Committee and Report Stages.

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** I thank all the speakers for their contributions, the general welcome for the Bill and the plaudits for me. I worry that when somebody is raised up so high there is only one way to go after that.

**Deputy David Stanton:** Higher.

**Deputy Pat Carey:** I will deal with as many of the issues as we have been able to track. There was a wide range of contributors to the debate. Everybody supported the general thrust of the Bill and the charities sector and recognised the importance of the role charities play in society. That reinforces the need to have a robust yet proportionately regulated sector to ensure that public confidence and goodwill is maintained.

The first issue raised was the justification for a new authority. Some speakers said we were putting in place another quango. That issue was raised by Deputies Ring, Wall, Deasy, Barrett, Bannon, Chris Andrews and Tom Hayes and perhaps one or two others. Although there was broad agreement across the House that the sector requires regulation, there was some divergence of opinion as to the way that might best be achieved.

A number of Members suggested that regulation might be delivered within existing structures or in ways other than by establishing an independent regulatory authority. In framing the Bill various approaches to establishing a regulatory framework for charities were explored in the

screening regulatory impact assessment that was prepared by the Department in the initial stage of this regulatory initiative. The conclusion of that assessment was that a new regulatory authority would be the best option. The external report on the public consultation that followed found that of those respondents who commented on the matter, “an overwhelming majority were in favour of the creation of a new independent statutory regulatory body, rather than using an existing body”. That was the approach the Government ultimately approved in the general scheme and in the Bill that followed.

I want to put to rest any suggestion that we are establishing a quango, as suggested by several Deputies. The charities regulatory authority will be simply a regulatory body. It will not be an executive body for charities. It will not be impenetrable or unanswerable; the opposite is the case. One of the fundamental changes the authority will bring about is that information on charities that until now was not available will be readily available to one and all. Essentially, the authority will be a one-stop-shop for information on charities. It will not be necessary for members of the public to contact their public representatives to find out about a particular charity. As Deputy Stanton suggested, the information will be available on the authority’s website or by telephone. It will greatly simplify matters, rather than complicate them.

The authority will be required to prepare annual reports — an issue raised in the debate — that will have to be laid before this House. The authority will be answerable to various committees of the Oireachtas. It will not have a huge operational budget and will represent value for money particularly, as Deputies pointed out, as it has been estimated that this sector has a total economic value of €2.5 billion per annum. It will be a relatively small price to pay to ensure confidence in this hugely valuable sector is preserved.

Some Deputies raised the issue of the register being available on-line. I will be happy to consider that suggestion favourably in the course of the next Stage.

Deputies Jim O’Keeffe, Deasy, Burke and Higgins raised the issue of the independence of the authority and it being subject to Government policies. The concern about the independence of the authority is unfounded. It is a standard clause in legislation that statutory bodies are required to comply with Government policy. However, the clause is not intended to suggest that the Government will play an active role in the day to day running of the authority. It merely means that the CRA will be obliged to comply with general policy as enshrined in legislation in areas such as freedom of information, ethics, data protection, public service numbers etc. It will not impinge on the independence of the authority in fulfilling its regulatory role.

Deputies Ring, Jim O’Keeffe, White, Burke, Chris Andrews, O’Connor, Costello, Flanagan,

Reilly, Higgins and Nolan raised issues about the definition of “charitable purposes”, particularly a number of charitable purposes that were originally in the general scheme but were not ultimately included in the Bill. The most common difficulty Deputies had was with the exclusion of the human rights provision from the definition of “charitable purposes”. I am not averse in principle to examining the possibility of revisiting such provisions should it be appropriate, taking into account legal advice available to me. It could be said that although the promotion of human rights is not mentioned explicitly as a charitable purpose, several of the other purposes are closely linked to the promotion of human rights. Nonetheless, I appreciate the heartfelt views of speakers on the matter and am happy to explore this issue further on Committee Stage. I am aware of the extent of the concern in the sector about that issue.

Deputy Ring expressed the view that the authority cannot have both a regulatory and a supportive role for charities; it cannot be policeman and pal. The position being adopted in the Bill is that the authority will have both roles. The roles are not mutually incompatible. It is common for regulators to have both roles, and in this case it is appropriate. There is provision in the legislation for a review of the Act after five years in operation. That will be an appropriate time to reflect on whether the range of duties assigned to the regulatory authority has operated satisfactorily.

The administrative burden on charities was raised by several Deputies including Deputies Wall, Mattie McGrath, White, Burke, Chris Andrews, O’Connor, Costello, Durkan, Tom Hayes, O’Mahony, Nolan and Crawford. They expressed a view that the legislation must not place too onerous an administrative burden on charities as that might discourage people from working in charities. I agree with that view and we will ensure that the legislation is consciously framed to ensure proportionality in the demands it places. That is the reason my officials are working on proposals to minimise the potential for dual filing by charities. It is not in anyone’s interests to put people off volunteerism, and given the supportive ethos of the authority, I am confident that any difficulties that might arise between charities and the authority in this regard can be resolved in a reasonable manner. I take on board Deputies Byrne and Stanton’s comments.

Deputies Ring, Costello and Morgan suggested that the wording in respect of charities engaged in political activities might be changed to reflect the equivalent Scottish legislation. Much of the legal advice given to my officials during the drafting process was to the effect that UK legislative provisions do not easily transfer to Irish law however simple it may seem. The relevant wording in the Bill is designed to allow charities to engage in valid political work as a means of achieving their charitable purpose rather than as



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a primary purpose itself. Deputy Perry discussed at length the question of the fine line between political advocacy and lobbying. I do not accept that charities should be predominantly engaged in political activities and the wording achieves an appropriate balance.

The issue of statutory bodies having charitable status was raised by a number of Deputies, including Deputies White and Reilly. They believed the independence of the sector might be undermined by not excluding statutory bodies from charitable status. Some statutory bodies enjoy eligibility for charitable tax reliefs courtesy of the Revenue Commissioners and I do not want to do anything to impact negatively on that. The key issue is whether an organisation is engaged in charitable purposes with an inherent public benefit, not the class of the organisation itself. If statutory bodies meet the criteria to the satisfaction of the new regulatory authority, they should be eligible for charitable status. From the information that will be available from the new register of charities provided for in the Bill, it should be readily apparent to the public as to whether an organisation is statutory.

The issue of registration fees for charities was raised by a number of Deputies. It is an enabling provision and is not mandatory. The authority will not be obliged to impose fees. It would be remiss not to include such a clause, although it will be a matter for further consideration with the requisite parties as to whether the clause should be invoked. It is envisaged that the authority will be predominantly, if not completely, funded by the Exchequer, to which effect the Bill makes provision. Some of the Deputies' concerns will be taken on board.

Virtually every speaker referred to the potential impact of the legislation on spontaneous collections in aid of local or international charities. The proposed legislation will not change the current situation. What has applied to date will continue to apply. Spontaneous collections within a workplace, office or private club do not require a permit. It is not within the spirit of the legislation to regulate such once-off gestures of human kindness. Given their spontaneity, it would be difficult to police the practice.

Spontaneous public cash collections have the potential to give unscrupulous people licence to defraud the public. Is the public not equally entitled to know that its generous contribution to a spontaneous collection is accounted for properly as is the case with a normal collection with a permit? Deputies Deenihan and Stanton among others referred to this issue. After the Bill's enactment, the public will be in a better position to verify whether its contribution is going to the intended charitable purpose. I presume the regulatory authority will consider the suggestion that information on the amount collected and the donors should be made publicly available. Codes of best practice will be developed in that respect.

A number of issues raised by Deputies Morgan, Reilly and others are outside the scope of the Bill. Multi-annual funding for charities, the tax reform of charities and a single umbrella organisation for charities are more appropriate for discussion on another day in another forum.

The value of a shared approach with Northern Ireland was raised by Deputy Jim O'Keeffe and the North's charity regulatory initiative was mentioned. While it will not always be possible, principally on the basis of legal advice, to match the approach being taken in Northern Ireland, my Department has developed a strong relationship with the Department for Social Development in Northern Ireland over the course of our parallel regulatory initiatives, including attendance at regular meetings of the UK and Ireland five nations forum for charities regulators.

The new authority will be empowered to cooperate on an administrative basis with statutory bodies inside and outside the State, which will be particularly important in the case of Northern Ireland, given the number of charitable organisations that operate on an all-Ireland basis. This would be a matter of simple good practice in the exercise of regulatory functions and might involve exchanging information, addressing issues of common concern and avoiding unnecessary duplication.

Regarding Deputy Nolan's comments on cooperation with the Revenue Commissioners, I assure the House that my officials are working closely with the commissioners to ensure that the parallel regulatory and taxation regimes work as seamlessly as possible alongside each other. We expect a positive outcome to the ongoing discussions.

I wish to clarify a matter raised by Deputy Deasy as it is necessary to correct his statement. It relates to my opening remarks in which I stated "in a report published late last year", the Law Reform Commission had recommended a new legal structure for charitable organisations, the Charitable Incorporated Organisation. Subsequently, Deputy Deasy suggested that the report was published in December 2005 and, thus, my Department had a great deal of time to peruse the 55 page report. Lest the Deputy's remarks be interpreted as my misleading the House, the LRC publishes in two stages usually, that is, a consultation paper and then a report. The former is intended to form the basis for discussions and the recommendations, conclusions and suggestions contained therein are provisional. The commission makes its final recommendations in the report following further consideration of the issues and consultation. The publication to which I referred was the LRC's report on charitable trusts and legal structures for charities, which was published in October 2006. The Deputy was referring to the LRC's initial consultation paper on legal structures for charities, which contained the LRC's provisional recommendations. My Department was aware of the recommendations

in December 2005, but was charged with delivering a much awaited Bill. The final recommendations of the LRC were not published until October 2006, when work on this task was well advanced.

Deputy Deasy raised the issue of the legal structure for charities. It has always been the position that the matter of legal structures for charities does not constitute the purpose of this legislation, which is to regulate the charities sector for the first time since the foundation of the State. The Government's commitment to ensure accountability of the charities sector and to protect against abuse of charitable status and fraud will be delivered on in the Charities Bill.

Like Deputy Stanton, Deputy O'Rourke expressed concern about anecdotal experience that certain bishops object to collections for political parties outside church gates. While it will remain the case that collections within church grounds will not require a permit, once a political party or anyone has obtained a valid permit from the Garda Síochána for a public collection, he, she or it is entitled to collect in the location approved subject to whatever conditions have been applied to the permit. If any member of the public is unhappy with a collection being undertaken in a public place or believes that the terms of the permit have been breached, it is within his or her rights to complain to the district superintendent who issued the permit. This situation will not change following enactment of the Bill.

The location and cost of the authority was mentioned by Deputies Tom Hayes, Deasy and Mansergh. My Department will engage in detailed discussions with the Department of Finance on all the practical aspects of the establishment of the new authority. It is anticipated, in accordance with the terms outlined in the Bill, that the staff of the Office of Commissioners of Charitable Donations and Bequests for Ireland, based in Dublin, will transfer to the new authority on establishment day. Its experience will be important in the transition period. This will be among the factors to be taken into account in any discussions on the location of the new body.

Deputy Reilly raised the issue of supports for the sector in the transition to a regulated environment. There is acceptance in section 34(1) of Towards 2016 that support will be required for charities to meet their obligations in the new regulatory environment. Towards 2016 provides that the modalities of this support will be decided following consultation with the community and voluntary sector after the legislation has been approved by the Oireachtas. I will keep this matter under review.

Deputies Perry and Reilly raised the issue of duty of care for charities' trustees. Provisions to allow charitable trustees to indemnify themselves were originally in the general scheme but were not in the Bill as published. While I understand that trustees already have statutory fiduciary responsibilities, I am open to discussing these

matters further on Committee Stage subject to legal advice.

Deputies Perry, Aylward, Deenihan and others raised the need for transparency on the amount spent by charities on administration and running costs, rather than on their core purposes. One of the fundamental principles of the Bill is increased transparency and availability of information to the public. While it must be recognised that there are administrative costs in running a charity and that there may be valid reasons that one charity's administration costs are higher than another's, after the register is established and accounts are available to the public, potential donors will be in a position to make more informed decisions on which charities they should support.

Many speakers raised the issue of clothing collections and the impact on them of the Charities Bill. The Bill will oblige genuine charities operating in Ireland to register with the charities regulator and they will be given a unique charity registered number, CRN. In their publicity they will be obliged to state that they are a registered charitable organisation, as stipulated in section 41(7)(a), and will be at liberty to state their CRN. Members of the public will be able to check the veracity of the CRN on the charity regulator's website. Companies without a CRN which continue to collect goods will not be able to state that they are a charity or to quote a CRN. In this way, it will be clear to the public which charity is genuine. It will also be within the remit of the regulator to publish advice for the public on how to determine the veracity of door-to-door collectors. A person who represents an unregistered body as being registered will be guilty of an offence punishable by a fine of up to €300,000 or five years in prison, or both.

Deputy Deenihan raised the history of individuals who collect and whether there is provision for investigating whether people involved in collections have a criminal record. Although the Bill does not contain such a provision, it provides that one cannot be a charity trustee if one has been convicted on indictment of an offence. It would be in the interests of charities to ensure they are confident about those working for them. Anyone who breaches the Bill, including collectors, will have committed an offence, however the authority may consider that this matter is best addressed as a best practice policy.

A number of Deputies raised the issue of mass cards. It will be in the remit of the regulator to publish advice for the public on how to make informed decisions on their support of causes and the legitimacy of organisations operating in the jurisdiction. If mass cards do not carry a registered number allocated by the authority, the public would be right to have concerns about the organisation producing them.

Deputy Deenihan raised the issue of collections for purposes other than charities and reporting to the Garda Síochána. This is outside the scope of the Bill but the Garda Síochána has

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duties to ensure collections are for valid purposes and are well run.

I have listened carefully to the whole debate and it was gratifying to hear the constructive contributions from Members. I accept that there will always be differences of opinion on the approach to be taken and on some of the finer detail of the legislation. That is the nature of democracy and it is to be welcomed. There is a broad acceptance that the regulation of the charities sector is a welcome and necessary development. The various stages of the passage of this Bill through both Houses will provide the opportunity for further meaningful, inclusive debate and discussion. As I said in my opening speech, I am personally committed to progressing the Bill in this way. This will serve the interests of the sector and underpin civil society by producing better legislation.

Though this Bill may appear to some to be just the start of the regulatory process, that is not the case. Great credit is due to my predecessor in the Department and constituency colleague, the Minister of State, Deputy Noel Ahern who, from a blank canvas, began and led this much awaited regulatory initiative through comprehensive public consultation and drafting processes over a number of years through to the publication of this Bill earlier this year. I am privileged to take over the baton as the Bill moves to its public phase. I also comment on the support this Bill has received and the hard work the officials here and others have put into it. The charities sector has been supportive and has put forward constructive proposals on the sector. I will reflect fully on the issues raised by Members during this debate. I am looking forward to Committee Stage but, as I have indicated, a small number of provisions must be addressed before we move on to that Stage.

Question put and agreed to.

### **Charities Bill 2007: Referral to Select Committee.**

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** I move:

That the Bill be referred to the Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

### **Transport 21: Statements [Resumed].**

**Deputy Michael McGrath:** I am pleased to resume my contribution on Transport 21. Yesterday I began by speaking on public transport, particularly rail services, and I will continue with this theme, particularly bus transport and the improvements we are making on bus service pro-

vision. I welcome the roll-out of green routes throughout the country, particularly in my constituency, Cork South-Central. These green routes often allow local authorities funding for work they might not otherwise be able to do, such as road improvement, footpaths, bus lay-bys and pedestrian crossings. The Department of Transport has allocated €2.4 million for phase 1 of the Carrigaline to Cork city green route, which is at the statutory planning stage. I welcome that investment because it provides an important public transport link between growing satellite towns and Cork city.

I hope we see a further roll-out of green routes throughout Cork in the coming years. I would particularly like a green route from the expanding town of Passage West into Cork city. Perhaps that will be considered as part of the review of the Cork area strategic plan. Last April Bus Éireann unveiled its new strategic development plan in Cork, which details a range of improvements to bus services serving the city and county. Bus Éireann is due to receive 32 new buses in Cork under Transport 21 by the end of this year. Those new buses will have a real impact on people's quality of life. A new No. 16 bus route on the Cork city service will serve Douglas and Rochestown. Large developments, such as Mount Oval in Rochestown where over 800 units have been built, have no bus link, but this will change as a result of the introduction of new buses and the new route next February. This is a good example of the progress being made under Transport 21.

In his contribution last night, Deputy Michael O'Kennedy raised the issue of park and ride facilities. One of the first tasks of the Joint Committee on Transport, of which I am a member, will be to bring the various county managers into the committee to speak about park and ride. An example of its success is the Black Ash park and ride in Cork, which was set up by Cork City Council. It operates from Monday to Saturday between 7.30 a.m. and 7.30 p.m. It serves the city centre every 15 minutes off peak and every ten minutes at peak times. It provides 940 parking spaces and it costs only €5 per day, including the bus fare. That is an example of effective management at local authority level, working with the various Departments to ensure the introduction of new services.

I commend the Minister and the NRA for the investment in the upgrade of the Cork to Dublin inter-urban route to motorway status by 2010. Real progress is being made, including the Rathcormac to Fermoy bypass, the Mitchelstown relief road, the Cashel bypass and the Monasterevin bypass. Many of these projects have been completed on time and within budget, and I commend the Minister and the NRA for that.

I would like to see further progress on a number of projects in my area, especially the N28 Cork to Ringaskiddy road scheme. It is currently at route selection stage with the NRA. We are awaiting the announcement of the final route and

the publication of compulsory purchase orders. It involves a new dual carriageway from Cork city to Ringaskiddy, which is a length of 13 kilometres, and is a particularly important project in view of the huge industrial development in Ringaskiddy and the lower harbour area in the last few years. The IDA still has a land bank of around 300 acres, so there will be further major industrial development in the years to come. The Port of Cork is advancing its plans to relocate downstream to the lower harbour area. If that proposal is to be considered, a dual carriageway standard road is essential.

I know the NRA is focusing on the inter-urban routes until 2010, but I would like to see progress on the flyover projects at the Sarsfield Road and Bandon Road roundabouts on the N25 south ring road. The Kinsale road interchange, which has been completed, has made an enormous difference to members of the public using the N25, but there are serious bottlenecks on those other roundabouts. I hope we will be in a position to advance the new interchanges as soon as possible. The Jack Lynch tunnel has been an enormous success in the past few years, but the capacity of the tunnel should be reviewed. Significant congestion issues and tail backs occur there on a daily basis, so we should have a review to see if further infrastructural projects are required.

The private sector can also play a role. A private company in my area has made a proposal to set up a new commuter ferry service into the city, using the natural asset of the lower harbour area in Cork. That proposal is about to enter the public domain and I welcome initiatives like that.

In conclusion, I would like to see continued investment in public transport, with new buses and extra green routes for expanding suburbs in Cork city. The feasibility study for the light rail system in Cork should be up and running as soon as possible. We also need progress on the N28, the interchanges on the N25, and continued progress on the inter-urban route from Cork to Dublin.

**Deputy Joe McHugh:** I welcome the Minister to the House. I have a series of questions on projects across the Border and in the north west. Prior to the general election, a serious commitment was made by the Government to a motorway from Dublin to Derry and on to Letterkenny. Commitments like these were all the rage prior to the general election. The Taoiseach arrived in a helicopter a week before the election to announce that a motorway from Dublin to Derry would be built in the lifetime of the next Government. The Minister's colleague, Deputy Mary Coughlan, spoke about the possibility of a motorway or a dual carriageway right up to the north west. I am somewhat disappointed that the only cross-Border project to which the Minister's statement refers is the M1 from Dublin to Belfast. There is no mention of Derry, Letterkenny and a motorway from Dublin. This week I put down a

question to the Minister on proposals for the M2 from Emyvale to Dublin, but the Ceann Comhairle ruled it out of order and said it was a matter for the NRA.

Rather than being critical for the sake of it, I would like to be as constructive as possible. I would like to ask the Minister questions on co-operation and communication between him and his colleagues across the Border. There is much talk about cross-Border co-operation and initiatives, but I cannot get access to any documentation or communiques between the Department of Transport and its counterpart across the Border. Therefore, I am highly critical of the work that has not taken place and of the opportunity being lost currently. There is collective goodwill on both sides of the Border, across the local authorities and at official level within Departments. The Minister needs to up the heat by mapping out some kind of plan. Currently, he is only giving verbal commitments, which are pie in the sky. There is no tangible evidence to convince me or my electorate that we will see a dual carriageway or motorway from Dublin to Derry.

There is a very proactive, forward looking road design office in County Donegal, which has a lot of plans ready. One plan is for the Strabane to Manorcunningham roundabout, which is ready and awaiting funding. These projects will be realised if the commitment is there.

The railway debate has come up quite often in Donegal these days, especially in light of an increase in rail usage. A spokesperson for Iarnród Éireann was talking on Radio 1 last Monday morning on the passenger increase from Dublin to Sligo. A Cork Deputy also mentioned the increase in train transportation earlier today. What plans are in place to roll out a railway infrastructure in the north west? There is no momentum behind a roll-out of railway infrastructure from Derry to Letterkenny. In the week before the general election the Taoiseach promised a motorway between Dublin and Derry. Why are we not forward thinking in planning a railway infrastructure plan along with such a motorway? Such joined up thinking was not alluded to before the general election.

While I was critical of the Local Government (Roads Function) Bill, I am confident it is a sign of a broader vision in not just looking at national primary routes. We have an excellent regional infrastructure of primary and secondary roads that should be linked up. Stand-alone projects are not needed and the Department needs to have joined up thinking. Will the Department tap into the collective goodwill among officials in the NRA and local authorities?

While we can debate the need for dual carriageways and motorways, this week I received correspondence from a tourism provider on the Inishowen peninsula on the lack of road signage there. It is an issue affecting many areas to which the Department must give serious consideration.

[Deputy Joe McHugh.]

On today's Order of Business I tried to raise the commissioning of a report from Deloitte & Touche in 2002 on Coastguard stations. Before the Minister for Transport leaves the Chamber, will he answer some questions on it? The then Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, endorsed the report's recommendation to maintain the Valentia and Malin Head stations as the two major centres for the Coastguard.

**Deputy Noel Dempsey:** This has nothing to do with Transport 21.

**Deputy Joe McHugh:** It relates to the Minister's brief. I appreciate him staying in the Chamber up until now because he is probably in a rush elsewhere to announce the opening of a new road in the Pale.

**Deputy Noel Dempsey:** I am not.

**Deputy Joe McHugh:** He is not going to Donegal anyway.

**Deputy Noel Dempsey:** I have opened many a water and sewerage scheme in Inishowen.

**Deputy Joe McHugh:** I accept that.

In 2006 another review was undertaken to which I do not have access. Have the original recommendations been changed? The 2002 report cost the State €145,000 but its recommendations were changed in 2006. Is the Minister in a position to make the review available to me if I put down a parliamentary question?

**Deputy Noel Dempsey:** The Deputy can table a question and see.

**Deputy Joe McHugh:** Changing the recommendations would fly in the face of the decentralisation programme.

**Deputy Noel Dempsey:** Ministers do not follow blindly consultants' recommendations.

**Deputy Joe McHugh:** There are 18 jobs at Malin Head Coastguard station. Does the new report recommend it should be downgraded to a staff complement of two or three?

**Deputy Noel Dempsey:** No one will lose his or her job there.

**Deputy Joe McHugh:** None of the 18 will lose his or her job?

**Deputy Noel Dempsey:** No.

**Deputy Joe McHugh:** Can I assure the 18 existing staff members that they will not lose their jobs?

**Deputy Noel Dempsey:** That is correct.

**Deputy Joe McHugh:** What about the recommendation to increase the staff number to 30?

**Deputy Noel Dempsey:** No one will lose his or her job. Circumstances have changed.

**Acting Chairman (Deputy Jan O'Sullivan):** Deputy McHugh, it is not Question Time.

**Deputy Noel Dempsey:** He can put a question down.

**Deputy Joe McHugh:** I will and I appreciate the Minister's indulgence.

**Deputy Pat Breen:** I wish he was around for me.

**Deputy Joe McHugh:** At least I can assure those at Malin Head Coastguard station that they will not lose their jobs. Decentralisation is the key, not centralisation.

A Member from Cork referred to the provision of ferries there. Donegal has ferry services in Rathmullen, Buncrana, McGilligan and Greencastle but there is no State provision for funding for these effective and necessary transport modes. It is important these are tied in with an overall transport strategy.

**Deputy Áine Brady:** Transport 21 is the capital investment framework agreed by the Government for the development of the transport infrastructure between 2006 and 2015. It provides for investment in national roads, public transport and regional airports and involves a total expenditure of €34 billion. This investment framework will address the twin challenges of past investment backlogs and continuing growth in transport demand. The projects and programmes that make up Transport 21 will aim to increase accessibility, ensure sustainability, expand capacity, increase use and enhance quality.

Increasing accessibility is about making it easier for everyone to get to and from work, school, college, shopping, business and social activities. It is also about making it easier for industry and business to access raw materials, workers and, most important, markets. Ensuring sustainability recognises a modern transport system must be sustainable from an economic, social and environmental perspective.

Expanding capacity has two important dimensions — existing capacity deficiencies which arise from past underinvestment and appropriate provision for future growth. Increasing the use of public transport is linked to improving the quality of the service. As seen in recent times, as a service improves, more people will use public transport.

Transport 21 is a key enabler in bringing the transport network to a standard fit for a modern and dynamic economy like ours. The opening of

recent bypasses at Gorey, Charlestown and Castleblayney reflects the progress made with the road network programme. There is effectively a motorway-dual carriageway standard road from the Border to Kilbeggan and to Portlaoise.

Phase 1 of the M50 upgrade is on target to be opened next year. It will give much deserved relief to commuters on the N4 and the N7. The opening of the Kilcock-Kinnegad motorway in December 2005, aside from reducing travel times on the N4, also opened up areas such as Johnstownbridge, Broadford and Carbury to the road network, giving increased access to services.

The enhanced road network ensures bus operators can benefit from reduced travel times and incur less costs. Construction work on the interurban network, from Dublin to Cork, to Limerick, to Galway and to Waterford is well advanced and on target for completion in 2010.

Our public transport infrastructure is playing catch-up due to years of underinvestment. However, in recent years significant improvements have been made in the level of services, particularly in rail. As a regular user of both the Maynooth and Sallins train services, I have seen this progress. New rail stations at Maynooth and Louisa Bridge in Leixlip have been opened. Extra parking at Leixlip Louisa Bridge, Hazelhatch-Celbridge and Sallins has been provided. Improved frequencies of trains reflect an improved service which has led to increased passenger numbers.

Under Transport 21, there will be further improvement on the Kildare line. The Kildare route project is a major capital investment, designed to increase the frequency of commuter and other services along the key Kildare to Heuston corridor and to allow more commuters use rail services every day. The Kildare route project will allow *larnród Éireann* to deliver commuter and regional services at peak times including double service frequency from Hazelhatch to Dublin, serving all stations, and double service frequency between Dublin and Sallins, Newbridge and Kildare. Existing train services are fully subscribed and capacity for growth is restricted. New trackwork and signalling is designed to provide increased operational flexibility to run more frequent services. The new Docklands railway station opened in March facilitates increased capacity on the Maynooth line and, under Transport 21, further improvements are planned.

Under Transport 21, bus passenger capacity in the greater Dublin area will increase by 60% by 2015. Transport 21 provides for an increased bus service, with the recent approval for Dublin Bus to phase in an additional 100 buses and 150 to Bus Éireann's fleet. In recent months, I have met with both Dublin Bus and Bus Éireann and am impressed with the plans they have in place under Transport 21. Bus Éireann plans to provide several key services for commuters in north Kildare. Some proposed routes, such as Naas to Dublin

Airport, Naas to Tallaght and an orbital route serving Naas to Clane and Kilcock will enhance the public transport service for the area. Many residents in Naas, Kill and Johnstown work in the Tallaght, Park West area or need to visit Tallaght Hospital and will support this service. The orbital route linking Naas, Clane and Kilcock with Blessington and Trim is an ideal way to link towns by public transport that could not be served by rail. Bus Éireann's other proposed route from Edenderry to Dublin via Carbury and Johnstownbridge, if accepted by the Department of Transport, will give many commuters who live in north-west Kildare a service to Dublin. This proposed route would not have been a viable option, if the road network had not been recently improved.

While significant progress is being made in public transport, there are certain gaps in the service. We need enhanced car parking facilities at train stations such as Maynooth, Leixlip Confehy and Kilcock. *larnród Éireann*'s plans to increase capacity at Maynooth and Kilcock in 2008 are far short of what is required. We need as part of area action plans and or tax incentives to encourage the development of increased car parking facilities so that people can drive to their local rail stations and park their cars safely. Commuters will pay an appropriate fee for such facilities, similar to the one at Leixlip Louisa Bridge or the Sallins park and ride. I recently met with OK Transport which is working on providing a feeder bus, on a trial basis, to relieve the car parking problems at Maynooth. Feeder buses, apart from facilitating access to the rail stations, also contribute to building communities in the commuter belt. We have limited feeder buses to Hazelhatch from Celbridge and to Sallins from Naas. I encourage all policy-makers, from the Department of Transport to the Department of Community, Rural and Gaeltacht Affairs to local authorities and *larnród Éireann* to put in place further incentives for feeder buses.

Transport 21 will help to achieve the dual aims of retrofitting the infrastructure to match the dramatic rise in the numbers commuting and meeting future growth needs for public transport. The proposed €34 billion expenditure to 2015 is a substantial investment by the taxpayers of this country in their transport network. As convener of the Oireachtas Joint Committee on Transport I commend the Minister on the progress to date and look forward to working with all members of the committee and the stakeholders in the transport policy area to ensure that we maximise the benefits of Transport 21.

**Deputy Pat Breen:** I am delighted to have an opportunity to speak on this important topic. I have seen few changes in the road between my constituency and Dublin over the five years that I have been travelling it regularly. According to the Transport 21 website, the plan is to develop ". . .the capital investment framework through which the transport system in Ireland will be

[Deputy Pat Breen.]

developed, over the period 2006 to 2015. This framework will address the twin challenges of past investment backlogs and continuing growth in transport demand". There is a significant backlog in infrastructure in our small country, for example, we do not have a large railway network catering for every town so our road network is important. I commute weekly between Clare and Dublin and one would expect to find a dual carriageway at least from Limerick to Dublin by now. The National Roads Authority, NRA, is widening the road at the Nenagh bypass to make it a dual carriageway. If this had been a few years ago when the Nenagh bypass was opened taxpayers' money would have been saved. Now bridges must be expanded. The only motorway on that road is from Portlaoise to Dublin, which is a short distance.

Most car accidents happen on national secondary or regional routes. Although motorways and dual carriageways are safer we have not invested in our roads in the past 20 or 25 years as we should have to keep pace with the increasing number of vehicles. A few years ago I was in Portugal with the Ceann Comhairle where we met Mr. Barroso, who was then Prime Minister and is now President of the European Commission. He said that Portugal invested heavily in roads, rather than other projects, in the 1970s and 1980s, which has paid off.

Roads are important for attracting industry to the regions, creating sustainable development and to keep people living in an area. Poor roads will not encourage people to live in rural areas, they will instead move to urban areas. That is part of the problem we face in County Clare. There is a dual carriageway from Barefield to Limerick but the Ennis bypass which should have opened in 2004 is not yet completely open. I welcome that it is partly open and has eased gridlock in the town. The dual carriageway was opened last January yet two critical link roads, which are important to the town, have not been opened at Clareabbey in Clarecastle and on the Quin road. A link road should have been built on the Tulla road but that is not part of the plan.

We should have a broad vision when building roads and look to the future. The transport sector is the fastest growing contributor to our national rate of greenhouse gas emissions. A few years ago there was only one car per house, now most households have two or three cars. Our infrastructure has unfortunately not kept pace with that development. We all know how slow travel is now between towns. A few years ago I could travel in ten minutes from my house to Ennis, now it takes 15 to 20 minutes because of the gridlock.

If we are to take cars off the road it is important to improve public transport. According to the 2002 census 62% of people use the car to get to work compared with 45% in 1986. The number of people driving their cars to work has

increased by 50% in that period. This is a worrying trend and if public transport was available commuters would use it.

The reopened Ennis to Limerick railway line has been a success. It was closed in the 1960s, briefly reopened in the 1970s and since then it has been upgraded. Trains on the line are full in the mornings and evenings, there are seven commuter services per day and the reopening has been an overnight success.

I raised the subject of the western rail corridor with the Minister for Transport in many adjournment debates and he made a commitment last year that the Ennis to Athenry section would be opened in April 2008. It is unlikely that the Government will achieve this, yet this is only part of the western rail corridor and I understand that about two miles of rail has been laid at Craughwell in Galway at this stage. A great deal of hard work will have to be done if this section is to be opened by April 2008. I welcome the fact that the section is scheduled to open in 2008 but I think it will be 2009 when it happens. At that point there will be a railway network linking Limerick, Ennis and Galway, three major urban areas and two large cities. This will facilitate many people, not only morning commuters but third level students in both cities.

I also welcome the fact that a railway station is to be built at Sixmilebridge in County Clare, which will help commuters in what is now a large urban area that has seen a great deal of development. I would have liked to have seen more work done on the Shannon spur but I do not think that will happen in the near future. The Limerick tunnel, which is supposed to open in 2010, has also seen delays.

There is an airport in Shannon and we need good roads to attract industry and visitors. Dublin Airport is clogged with traffic and difficult to access; by comparison Shannon Airport is convenient. If the road network was opened up as far as Mayo and Donegal Shannon would have a huge catchment area, would see significant growth and would not experience the problems that it currently experiences..

Unfortunately, this Government has abandoned regional development. Very little of the money set aside for Transport 21 will go towards rural Ireland, somewhere around 1% or 2% of its budget or €30 million. I could say far more on Transport 21 but my time is up. I welcome the fact that Bus Éireann is to run a service in Ennis. I urge the Minister to facilitate that company in gaining a licence to allow it provide the service.

**Deputy Martin Mansergh:** On 13 December 1978, Charles Haughey, the then Minister for Health, in a debate on Ireland joining the European monetary system, put his finger on the factor that had contributed to our low level of economic achievement, compared to other European countries. He said "that factor is the level, the appropriateness and the suitability of our

infrastructure". He helped establish the network of regional airports, his colleague and successor, Albert Reynolds, modernised the telecommunications system and they both negotiated the European funding that enabled Ireland to embark on other basic infrastructural improvement programmes.

It is to the great credit of the Taoiseach, Deputy Bertie Ahern, and his colleagues that from the late 1990s they have used the opportunities and financial freedom created by the Celtic tiger economy to adopt an extremely ambitious programme involving the modernisation of our entire transport system, including the creation of inter-urban highways and a massive increase in the capacity of our public transport system. At a time when critics in the Opposition and media endlessly crawl-thump about relatively minor failed projects we should celebrate the lasting contribution the Taoiseach, the Government, the Minister for Transport, Deputy Noel Dempsey and the former Minister for Transport, Deputy Martin Cullen have made to the welfare of this country in progressing and implementing Transport 21. This initiative saves not only time and money for people and businesses but opens up a whole range of new possibilities and greatly improves road safety. The investment is well advanced but there is much more to come.

Roads to motorway or dual carriageway standard are spreading across the country. The road to the Border, the M1, is already complete and is a showcase. In 1982, when I was the Taoiseach's adviser on Northern Ireland, the late Cardinal Ó Fiaich said to me "if you want to reunite Ireland, do something about the Dublin-Belfast road". Great progress has also been made on the Dublin-Cork road, the Dublin-Galway road, and the N11 down the east coast to Wexford.

The Dublin-Cork road goes through the heart of south Tipperary and in the past month the Cashel-Cahir section has been completed in tandem with the N24 Cahir bypass, where congestion could cause delays of up to 20 minutes. Sticking to the speed limit, the bypass takes just four minutes, leaving one well beyond Cahir on the Clonmel road, whereas going through the town, even at times when there is little traffic, takes eight minutes. It is perhaps no accident that, in anticipation of these improvements, Cahir is the fastest growing town in south Tipperary, with the population up by more than 20% since the last census and with both Cahir and Cashel becoming very attractive for investment and tourism. The second stage of the Cahir-Mitchelstown road will be complete by this time next year as progress has been exceptionally fast. I hope the Minister will open it.

It is vital that, once complete, this work is complemented by improvement of the N24 connecting the two gateway cities of Limerick and Waterford. The Tipperary bypass is an absolute priority as it is the only town left on the route where the N24 passes through the main street and

the number of heavy lorries make it as congested as Ennis and Gorey were before their bypasses were completed. The whole length of the N24 needs to be upgraded. The Clonmel bypass, which has a series of roundabouts on it, keeps traffic out of the town centre but, increasingly, acts only as an inner relief road. Given the disappointing and regrettable news today of 140 employees being let go at Bulmers, which is on the N24, maintaining the competitiveness of Clonmel, which has many thriving industries, requires an outer bypass. In Carrick-on-Suir the N24 skirts around the main street but there is no proper bypass. Beyond the two by one highway outside Carrick-on-Suir, into Waterford, the part of the road close to Waterford is of poor quality. I sometimes travel from Carrick-on-Suir up the east coast and I welcome the improvements on the N30 between New Ross and Enniscorthy. I look forward to the second bridge at New Ross and I am sure the Leas-Cheann Comhairle feels likewise.

Money has been allocated to upgrade the plans for the N24 and I welcome the decision of the National Roads Authority, NRA, to bring the Tipperary bypass up to dual carriageway standard. There have been meetings of both Tipperary Town Council and South Tipperary County Council to urge the acceleration of the Tipperary bypass between Pallasgreen in County Limerick and Bansha. It would be great if the contracted firms and teams working on the Cahir-Mitchelstown road could move across to the N24 when the N8 upgrade is complete.

I use public transport most days of the week. I take the bus, Luas and DART when I am in Dublin and regularly use mainline to and from Limerick Junction, though I have to use the car in those circumstances. When it is practical and convenient, I prefer to travel by public transport. When I was on the negotiating team leading up to the Good Friday Agreement, my preference for the train, because it allows more productive use of time, was a standing joke with the rest of the delegation and, on one occasion, the source of a serious reprimand by the Garda Commissioner.

In contrast to the lingering death sentence pronounced in the 1984 Fine Gael-Labour economic plan, *Building on Reality*, that there would be no more investment in railways, Fianna Fáil established the Arrow rail service, modernised the Enterprise service between Dublin and Belfast and built the highly successful Luas system, which will undoubtedly become one of the principal workhorses of city public transport. Its schedule is regular, predictable and reliable.

A rail connection to Dublin Airport, given its projected passenger growth, is vital and should not be further delayed. There is some opposition from people such as the chairman of Ryanair, who have rubbished the prospect of a rail link. Such detractors should consider where Stansted Airport would be without a rail connection. New trains are in service on the Dublin-Cork route,



[Deputy Martin Mansergh.]

with nine each way from Limerick Junction to Dublin and 18 from Thurles. However, I regret the withdrawal of the meal service except at breakfast.

There is a serious problem in terms of car parking facilities both in Dublin and elsewhere. For example, at the Sandyford and Stillorgan Luas stops and at Thurles and Limerick Junction, the carparks fill up relatively early in the morning. This requires urgent attention as it will slow the growth of public transport and require people to make or complete their journeys by road.

I welcome the improvements to passenger services on the Tipperary local rail lines threatened with closure only some years ago. Commuting needs must be taken into account in development plans for cities such as Limerick, Waterford and Cork as well as in respect of long-distance journeys. I am pleased the Cork-Middleton railway is at last being developed, having been recommended in a Deloitte & Touche study 30 years ago. Luas systems — not merely lookalikes — should be considered for Cork and Waterford. The existing rail lines around Limerick should be exploited. I am a great supporter of the western rail corridor and look forward to being able to travel from Tipperary to Galway by rail. It would be a great way to get to the races given that there is a bus service from Eyre Square.

**Deputy Bernard J. Durkan:** The tent will be full.

**Deputy Martin Mansergh:** The first leg to Ennis is a great success.

People appreciate and recognise the huge progress being made. I welcome the commitment of the Tánaiste and Minister for Finance to infrastructural investment even in leaner economic and financial times.

**Deputy Batt O’Keeffe:** Hear, hear.

**Deputy Bernard J. Durkan:** I welcome the opportunity to contribute to this debate. The points I will make are not personal to the excellent Minister of State, Deputy Batt O’Keeffe.

**Deputy Finian McGrath:** Hear, hear.

**Deputy Bernard J. Durkan:** I listened carefully as Deputy Mansergh spoke about a rail link from Tipperary to Galway and the races at Ballybrit. I could see Deputy Finian McGrath’s interest was sparked because he expects to be in the tent next year. It will be a narrower and longer tent.

**Deputy Martin Mansergh:** It is a homage to our great equine industry.

**Deputy Bernard J. Durkan:** There will be soft drinks for the late arrivals.

I cannot understand the shrieks of indignation from Government backbenchers that the Oppo-

sition should have the neck to raise questions about the validity of some of the proposals in Transport 21. Opposition Members are entitled to raise these concerns and we are correct to do so. This is the Government that gave us the tunnel that could not keep water out, the swimming pool that could not keep water in and the roof that could not stay on the building. It is the same Administration that oversaw an entire range of developments that did not stand up to challenge. The €34 billion or €38 billion that is about to be spent on transport is a critical infrastructural undertaking. We are, without exception or reservation, entitled to discuss, contest and challenge what is proposed. The suggestion from the universal scriptwriter on the other side of the House, however, is that the Opposition should remain silent.

The underlying problem is that the Government is suffering from post-election trauma. It is a serious condition.

**Deputy Batt O’Keeffe:** I thought that was an affliction of the Opposition.

**Deputy Bernard J. Durkan:** It happened after the 2002 general election, in which instance it was severe and lasted for almost two years. This particular outbreak of the same disease may require a period of isolation in a quiet area with no questions asked. The Government backbenchers are not well.

There is a unanimous proclamation of support for public transport. Why, then, is adequate car parking not available at railway stations? If the purpose of the exercise is to reduce the traffic chaos on the roads, why is the alternative not made viable? In my constituency, Maynooth railway station had an average daily throughput of commuters of 5,500 last year but only 160 parking spaces. The train service has since been enhanced and some 7,000 passengers now pass through the station on a daily basis. Why was there no insight in terms of providing adequate parking facilities? Iarnród Éireann previously owned ten acres of land adjacent to the station but they were sold for development purpose. This is typical of the absurd situations that have arisen throughout the State.

There are ten parking spaces at the railway station in Kilcock, which is adjacent to Maynooth and is a smaller town. Anybody from the hinterland attempting to access the rail commuter network must find some way to walk, run or swim to the railway station. The town is completely blocked off, nothing moves and nobody can park anywhere. It is absolute necessity to introduce car parking facilities as an urgent priority.

Several constituents have asked me recently whether it is possible to travel directly from Celbridge, which is on the southern Dublin-Kildare rail route, to Leixlip, which is on the western route. I wrote a long letter of inquiry to Dublin Bus in this regard and received a polite and

understanding response which informed me that, unfortunately, there was no proposal to extend a feeder bus service from Celbridge to Leixlip. The letter writer informed me that some 1,800 passengers use Leixlip station per day and that 300 parking places have recently been provided. He also pointed out that there is a bus service that goes to Lucan on one side and to Maynooth on the other and that the people concerned might consider travelling two miles in one direction and then going back the other way. What type of logic is this? A person in a hurry to get to work in the morning will not begin the journey by travelling in the opposite direction for two miles. I have replied to this letter with suggestions as to what might be done.

The development of the transport system and the associated alleviation of traffic chaos must be based on two elements. These are an increase in the frequency of services and an increase in capacity by, for example, providing additional carriages on trains. This proposal is usually met with the response that, for safety purposes, platforms cannot be extended. However, this can be handled by, for example, sealing the doors at both ends. We can no longer afford merely to talk about taking action.

Another issue relates to parking, which I have already mentioned. It is not rocket science to decide whether a feeder bus service will be provided to a car park or train facilities, or whether adequate car parking will be provided. It should be simple to bring about the two options but the awful issue of cost keeps cropping up. If we are serious about doing the job, we surely have to be prepared to spend money.

That is the reason people have been raising questions about whether it is wise to spend money on particular projects. Did we not discuss the Red Cow roundabout for some time, marveling at the amount of money which could be spent on it, how long it could go on and where it would end? People on the other side of the House then complain that we raise questions about expenditure.

It is a simple matter; a survey is not required to decide whether car parking is provided or, in its absence, a feeder bus service that will deliver people to services. If people are to use a feeder bus service, they should not be brought via 25 sets of traffic lights, in which case they may not use it all.

Some of the speakers last night, including Deputy Kennedy, were very indignant that the Opposition would raise questions about expenditure, more or less wondering what we were worrying about and indicating the Government is in control. Has the Government demonstrated signs of being in control? Did we not see in another element of the transport issue in recent weeks that people with provisional driving licences were all going to be put off the road over one weekend? This happened when one element of Government ran off the road. When the Mini-

ster decided in a panic after the weekend to pull the handbrake, he went off in a different direction.

I am unsure what this indicates. There is a more important issue we would do well to remember now. It is not so long ago that the Government assured this House on the privatisation of Aer Lingus and said everything in the garden would be rosy. After we returned from the summer recess, the Heathrow slots from Shannon were gone. Does anybody really expect us to believe anything from the Government any more? The slots disappeared overnight.

We were then told it was the job of the board to ensure the company made a profit. I would have thought it was the job of the board to ensure some kind of service would be provided as well. Profit could have been a factor but not necessarily a priority. If anybody wants to make a profit to that extent, it would be simpler and easier to join a merchant bank.

I am sure the Minister of State will convey these issues to his colleagues, as he is probably as disappointed with them as I am. Unless transport policy and its implementation are more structured, decisive and visionary in future, we will have much hard thinking to do before Transport 21 comes to a halt.

**Deputy Finian McGrath:** I thank the Leas-Cheann Comhairle for the opportunity to speak in this very important transport debate. I am glad to see Deputy Bernard Durkan has not lost many of his speaking skills over the summer period.

**Deputy Terence Flanagan:** Far from it.

**Deputy Bernard J. Durkan:** I had plenty of inspiration.

**Deputy Finian McGrath:** I reassure him that I do not do tents. When I go on holidays I prefer to rent a house or a mobile home.

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

**Deputy Finian McGrath:** This transport debate is very important and relevant, particularly given events in recent days. It is also relevant because of the congestion in our cities and towns, the road safety matters of speeding and deaths and the recent issue regarding provisional licences. In my constituency, it is relevant because of the debate surrounding the Dublin Port tunnel.

It is important we acknowledge that major improvements have been made in the roads infrastructure of the country. Any objective assessment indicates there has been a significant improvement in the quality of some of our roads in the past nine or ten years. All Deputies should acknowledge this reality when they can see roads like the M1 and construction of new roads between Dublin and Galway. We are moving in

[Deputy Finian McGrath.]

the right direction as infrastructure is put in place. We should acknowledge the major improvements in our road and transport infrastructure before we make critiques and go into the details of the debate.

This is an important matter in the context of the broader society and economy in this country. Quality transport services and roads are a major investment in the economy and assist everybody as well as dealing with matters such as road safety and congestion. If we are to develop the economy a quality transport system and road network must be in place.

I hope the aims of Transport 21 will be delivered in the ten-year timeframe. The €34 billion budget is significant expenditure, funding a large number of projects. It is a major investment on which I wish the Minister well. Much work has been done recently and more must be done but we must move forward. It is important all Members of the Oireachtas keep an eye on the large budget of €34 billion to ensure value for money and accountability.

We must also set targets for ourselves, and we need the public on our side of the debate. In dealing with transport, we have to consider economic issues, health and safety and, in recent years, we have had to take on board an environmental issues. It is important to accept these as part of the broader debate when we consider the €34 billion budget.

There should be less spin from many politicians and more real debate. It is very important the people involved in these projects exercise common sense with regard to budgets, planning and management systems. They should not con or mislead people affected by these massive road project investments. I say this because of my experience with the construction of the Dublin Port tunnel in my constituency. The residents of Fairview, Marino, Santry and Drumcondra had major concerns about the tunnel and I was involved in the negotiations on behalf of the residents when I was a city councillor in 1999. I made my submissions and supported all the residents in Dublin North-Central on the matter. At the time we were concerned about potential damage to homes, although we were told at the time it would not happen. The residents were proved correct and as of today we have 354 damaged homes in Dublin North-Central arising from the construction of the Dublin Port tunnel.

I accept that compensatory cheques are being paid out to some of these owners but in the beginning, the residents were told by some of the people involved in these projects that nothing was going to happen and the people had an alarmist attitude. The reality is cheques have been paid out over the past few weeks. It is important we accept such circumstances.

The Dublin Port tunnel project was more than €250 million over its budget. I argue, as somebody elected by voters in Dublin North-Central,

that we must have accountability and ensure that when we manage these big projects, the rights of local residents are protected. We have a duty as Oireachtas Members to ensure the money is spent wisely.

Currently, in my constituency we have 119 outstanding claims arising from construction of the Dublin Port tunnel. I would like to see residents, who have suffered hassle and hardship, being allowed to get on with their lives. The city manager should be a little more proactive in resolving the last 119 claims relating to cracks, damage to people's roofs, plumbing and glazing problems.

There are 256 serious cracks, 40 minor cracks, damage to windows and damage to roofs, plumbing and glazing. There are 22 other complaints. There is a total of 334 complaints and the debate is not over. People regularly come to my office with new claims. I urge those dealing with the Dublin Port tunnel to resolve this issue. It is important these families are looked after.

The quality of the road surface is important. There have been major improvements on the Malahide Road and the reaction has been positive. When the improvements are finished, residents of my constituency and other motorists who have been complaining about the damage to their cars and the safety issue will be satisfied.

Kilmore Road, off the Malahide Road, is the site of the Stardust. I welcome this morning's announcement of an independent examination of the Stardust Victims Committee's case for the reopening of the inquiry into the Stardust fire. The site is a constant reminder of the terrible tragedy. I raised this issue in my agreement in the Taoiseach. A sum of €200,000 has been paid to the families. The inquiry will start today. I pay tribute to Antoinette Keegan and all the families for their diligent work on this issue.

It is essential that we look at rail and DART services. Rail is a safer and more environmentally friendly option for many commuters. Harmonstown Station, Killester Station and Clontarf Station are all in Dublin North Central. As part of the €34 billion investment in public transport, I would like improvements to be made to the services for these stations. We must address overcrowding on the DART in the mornings because it is a public safety issue. The commuters I meet who use the service as it passes through Killester, Harmonstown and Clontarf always mention this issue. The development of transport services must include an examination of peak time travel on the DART. There has been investment in the service in recent years but we must continue with it. In pushing for improved services in transport, we must develop rail services. They fit in with environmental policy and the debate on climate change. We must look at examples of good practice, such as the Luas.

Many provisional licence holders got a bad press recently. Figures indicate that less than 12% of provisional licence holders were involved in an accident in the past six years. Many people who

have been labelled as irresponsible drivers in recent weeks have a better safety record than many of us with full licences. Our young people are getting it in the neck even though they are very careful.

I commend the fact that €34 billion is being put into transport infrastructure and I urge all Deputies to keep an eye on the budget so accountability and transparency are top of the agenda.

**Deputy Terence Flanagan:** I welcome the opportunity to contribute to this debate on the second anniversary of Transport 21. I would like to be in a position to agree with the Minister's positive assessment, and that of Government Members such as Deputy Finian McGrath, on the progress of Transport 21. However, there has been significant delay to 11 major projects in the plan, highlighting once again the mess Fianna Fáil has made of major projects and the clear result of uncosted, unrealistic plans.

A mere 24 months ago, Fianna Fáil announced Transport 21 with no cost-benefit analysis, no detailed costings and a completely unrealistic timetable. It was little more than a political con job, the result of which is delays to a third of the projects. These delays will inevitably lead to a rise in costs which, in turn, will lead to further delays and even to some projects being abandoned. Fine Gael pointed out that the forecast completion timetable for Transport 21 was unrealistic from the beginning. The simplest project to date serves as an example, the joining of the red and green Luas lines: this project still has no commencement date.

The Minister's uncosted and unrealistic plans for transport have a clear result, the suffering of commuters on a daily basis. It now seems that Fianna Fáil was more concerned with delivering itself back into Government than delivering commuters to their destination on time. Deputy Damien English has consistently called on the Minister for Transport to facilitate the early opening of the Navan rail link to help the thousands of commuters in Meath and to remove thousands of cars from Dublin's streets. Our roads are already congested but the Minister is more interested in getting tolls from commuters than developing proper transport infrastructure.

The Government is not serious about reforming transport in Ireland away from the car and towards sustainable public transport links, such as the rail link to Navan. The Government's commitment to re-opening that link looks increasingly shaky. One would think that with the Minister for Transport being from the constituency, he would push the project. The hard-pressed commuter, however, is suffering as a result of Government inaction.

The previous Minister, Deputy Martin Cullen, saw his roads plan go over budget by a staggering €12 billion and fall four years behind schedule. It was supposed to finish last year. How, therefore,

can we trust Fianna Fáil on transport? The cost of the roads programme in the last national development plan rocketed from €5.6 billion to more than €18 billion and it is still not finished. It will not be completed until 2010. Then along came Transport 21, which was made up of many press releases and a few maps. Transport 21 has no costings or target dates to allow the Fianna Fáil-led Government to be held to account. It is no surprise it was met with widespread indifference when it was launched two years ago.

The previous Minister for Transport, Deputy Cullen, presided over the Dublin port tunnel, which came in €500 million over budget, at €752 million. The tunnel, however, has brought little relief to the rest of the city and added to congestion on the M50. The M50 has cost more than €1 billion and taken more than 20 years to build, without including the welcome and necessary upgrade work currently under way.

In the past ten years Dublin has ground to a halt. The average speed in Dublin city has fallen to 14 km/h, slower than the old horse and cart. Traffic congestion costs the city €650 million each year. Nearly 60% of people in the greater Dublin area rely on the car to get to work because there is often no public transport alternative. Only 15% of commuters use the bus, with fewer than 9% using the trains. Why were the extra buses that were proposed not delivered? What happened to integrated ticketing which has cost €13 million so far with nothing to show for it?

Fine Gael in Government would move immediately to provide 200 extra buses while opening the Dublin bus market to competition. The public service obligation would be available to public and private service operators to ensure loss making routes were maintained. New bus services and bus timetables would be devised to feed buses into the metro and Luas services. Moreover, new housing estates would be covered, orbital routes would be operated and non-stop services from the commuter belt would be provided.

The Dublin transport authority Bill is sitting on the Minister for Transport's desk. However, it was finalised last April, which is not good enough. Fine Gael in government would set up the Dublin transport authority immediately as it is essential to better traffic management. The absence of a single strong and co-ordinated body to drive forward projects is largely responsible for the appalling state of Dublin traffic. The Dublin transport authority would launch an integrated public transport system within Dublin. It would deliver metro and Luas lines and would synchronise them with bus services. It would help identify and purchase park and ride sites throughout the city on the outskirts of the M50. These would feed into local buses and to non-stop bus routes on a central corridor into the city centre, as well as dedicated bus routes that would reduce some of the predicted daily traffic congestion on the M50.

Fine Gael also would recruit and train motorcycle-based civilian road traffic officers to sup-

[Deputy Terence Flanagan.]

port the work of the Garda traffic corps. We would make the M50 work. Thus far, the deal to buy out the M50 toll has brought no relief to motorists. All the revenues accrued must be put immediately into early upgrades of the M50. In addition, there must be a move towards electronic tolling and immediate agreement to buy out and raise the toll barrier.

My constituency of Dublin North-East lacks seriously a proper public service. No bus service is available for the people of Clonsaugh, who class themselves as the forgotten people. In addition, a promise was made in the past to provide a Luas service that would pass through Coolock to service the north side of Dublin. However, this has been abandoned. Moreover, the new DART station at Clongriffin was meant to open after 1,000 people had moved into the area. At present, more than 2,000 new residents live there without a DART station and these people have no option but to bring their car to work. I was advised recently that the DART station will not open in Clongriffin until 2009, which is completely unacceptable.

I live in hope that the Government will learn from all the projects that have overrun in terms of time and budget. I refer in particular to those projects in recent years that have cost taxpayers millions of euro. In addition, the Government should establish immediately the Dublin transport authority, which will help get the city moving and will be to the betterment of the people of Dublin.

**Deputy Timmy Dooley:** I also welcome the Minister of State to the House and welcome this timely debate on Transport 21 that enables Members to reflect on this ambitious plan and agenda as almost two years have elapsed since the programme was set out. I would welcome an opportunity to conduct a regular debate on Transport 21. Because its timeframe is fairly long, it is important to review its progress on an ongoing basis and to review its priorities because priorities undoubtedly change over time.

Transport 21 is the capital investment framework agreed by the Government for the development of the transport infrastructure between 2006 and 2015. The projects and programmes that make up Transport 21 aim to increase accessibility, ensure sustainability and expand capacity, as well as increase the use and enhance the quality of the service. In this context, it is important to consider some of those points. I refer in particular to the goals of increasing accessibility and ensuring sustainability. Undoubtedly, while Transport 21 did not consider specifically the issue of slot access to airports, particularly in respect of international hubs, it referred to investment in regional airports. It is important to consider these matters on foot of Aer Lingus's decisions to remove itself from the Shannon-Heathrow service.

When redefining its priorities, the Government must take cognisance of this issue and work towards dealing with it. Access to key markets is vital and a major crisis has arisen in the Shannon and mid-west region as a result of Aer Lingus's decision to withdraw its service. I spoke in the House on the issue previously. Several different reports have been considered and much of the reasoning behind this decision has been examined. While it is clear the Government was limited in what it could do, this does not mean that a policy should not be set out to resolve the issue in the context of Transport 21. I do not wish to be overly parochial and such a policy should not simply deal with Shannon. Issues have been raised regarding the use of slots in an international way, particularly as it would relate to Cork and Dublin. A policy framework should be developed. It might entail challenging the manner in which slots are managed from the perspective of European competition as there is much debate in Europe on this subject. Alternatively, it could focus on attempts by the Government to find another way to ensure direct connectivity to such centres, which are vital to sustainability and capacity expansion.

I argue this should pertain to retaining capacity and trying to hold on to existing accessibility rather than increasing it. This is a clear reason for the necessity of Members to reflect. An air link from Shannon to Heathrow is just as important as a bridge over, or a tunnel under, the River Shannon. From this perspective, the Government must find a solution and it will not be acceptable to state that this issue is outside its control or that this is a decision of Aer Lingus. While it is clear that was the case, we must now build a policy framework that takes account of that decision and accepts the constraints as they are while clearly proposing a solution towards the slot access issue. In recent weeks, Members will have observed a great increase in the value of slots. In particular, the advent of the open skies policy and consequent access to many more destinations in the United States provides an avenue for airlines to spend greater amounts of money on the basis that they will be carrying a considerably greater number of passengers.

I will turn to a different subject. Overall, Transport 21 provides for investment in national roads, public transport and regional airports, involving a total expenditure of €34 billion. This is an enormous sum of money and an audit trail must be maintained in this regard. One of the main factors influencing the prioritisation of projects under Transport 21 was the national development plan and the need to support the Government's national spatial strategy. Considerable progress has been made in County Clare and the mid-west region, notwithstanding my earlier point. In particular, I welcome developments regarding the Ennis bypass. Obviously, more work must be carried out on some of the feeder routes to the Tulla road and into Clarecastle. The idea of pro-

viding direct connections to the Quin road should also be considered. This is of vital importance.

I welcome the manner in which Transport 21 sets about identifying the priorities in the spatial strategy. I refer to linking Limerick and Galway with a dual carriageway and bypassing Ennis and the various villages and towns along the way. Obviously this process is under way as the Gort to Crusheen bypass is at tender stage while the Gort to Oranmore section is at planning stage. In the long term, this will provide a foundation and basis for the improvement and development of the economic corridor that connects the two cities, which was clearly set out in the priorities of the spatial strategy.

The Minister also should consider the provision of funding for remedial works on local roads that have been affected during the construction stage of the major roads. I refer to routes in the Clare region such as Crusheen to Clooney and Knocknamanagh to Doora, where roads that had become rat-runs during the construction phase of these major roads are now in an extremely poor state. The local authorities do not have the funds to deal with this issue and special allocations should be made, whether through the NRA or some other body, to take cognisance of the damage done to such local roads during construction of the new primary routes.

I also urge the Minister to examine, particularly in County Clare, the N68, which connects Ennis to Kilrush, the N85, which connects Ennis to Enistymon, and other national secondary roads. I refer in particular to the coastal road, the N67. The aforementioned three sections of road require significant investment and it is unacceptable that the people of west Clare should be obliged to travel on sections of the N68 that are highly dangerous and are certainly inferior to what would be expected given the volume of road traffic. I seriously urge the Minister to deal with this matter. It may be easier to do so on foot of the legislation that is finding its way through the House on transferring responsibility for such roads from the Department of the Environment, Heritage and Local Government to the Department of Transport. A more encompassing and holistic approach can be put forward by the Government in respect of funding the entire road network and infrastructure.

It is also important to provide funding rapidly for the Killaloe bypass and the Shannon bridge project, which is a huge priority for the east Clare area. I urge the Minister to make sure that adequate funding is made available as the project progresses through the planning stage. It will have a particular impact in terms of retaining factories such as Finsa and promoting tourism around Lough Derg, which is vitally important to the region. It is also important to sustain activity through the airport and ensure that people continue to live and work in a rural environment. For this reason investment in roads is very useful. We

have also invested heavily in rail and bus services in the region. In particular, approximately €900,000 has been spent on the redesign of Ennis bus station, which opened in April. Those provisions contribute to the bus service in and around Ennis, which is extremely welcome.

I also recognise the achievement of the rural transport initiative under Transport 21. The initiative in Clare has been very successful and I welcome its continued funding by the Government. Clare Accessible Transport provides an excellent service to people in rural parts of County Clare and with continued funding it is now examining the possibility of widening the service to other parts of the county. This is important, particularly for elderly people in isolated areas who do not have their own transport. Frankly, it would not be feasible to put in place the type of public transport infrastructure that exists in our large towns and cities. Considering the relatively small amount of money that is spent on the rural transport initiative, it generates a very good return in terms of value for money and in providing services for the elderly, the young and people with disabilities. I welcome this development.

It would be wrong not to recognise the huge investment that will culminate in the reopening of the western rail corridor. Work on the first phase, the section from Ennis to Athenry, commenced in June and is due to be completed by December 2008. Rail services will operate between Limerick and Galway and a commuter service will be introduced from Athenry to Galway. Subsequent phases will see the line reopen as far as Claremorris. An important aspect of this is that Sixmilebridge Station, which is due to open as part of the project, will provide direct access to Shannon Airport via a feeder bus service. This will have a significant impact on the airport and the industrial base in the area. It is also important that the Minister consider the possibility of reopening Crusheen Station. In light of its central location and the county council's development policy, which aims to create a more developed residential zone, the reopening of Crusheen Station would benefit many people by allowing them to commute much more efficiently to Galway, Ennis or Limerick. I urge the Minister to consider this.

**Deputy James Reilly:** When I consider transport and the Government's plans in that area, I am struck by the many similarities with the health service. This is particularly the case for the Local Government (Roads Functions) Bill, which seeks to centralise authority by taking it from councils and bringing it to the centre, where, just as happened with the HSE, it will become less transparent and even less accountable.

I will start by quoting the Taoiseach, who said at the launch of Transport 21 in November 2005, "Our ambition and plan is clear and substantial — we will build a world-class transport system for

[Deputy James Reilly.]

the 21st century and we will do it on time and on budget". "On time and on budget" became the Government's catchphrase. However, we will have a look to see how things are going two years on. Let us look at the original completion dates for some major projects. These include the upgrading of services on the Dublin-Cork rail route, with an intended completion date of 2006, the Portlaoise train depot, the delivery and introduction of 120 Intercity railway carriages, the M1 motorway and the M50 upgrade, which were all due for completion in 2007, and the joining of the Tallaght and Sandyford Luas lines in Dublin city centre, the opening of the new Dublin city centre railway station, the Limerick southern ring road, the Waterford city bypass, and the Galway-Athenry commuter rail service, with completion dates of 2008 and 2009. The list goes on.

Further projects include the metro west, the Cherrywood Luas extension, the Dublin-Galway inter-urban motorway, the metro west phase 2 from Clondalkin, although we do not yet have a metro west phase 1, the metro north, which is particularly interesting and to which I will return later, the completion of the interconnector and the extension of railway electrification to Balbriggan, which of course would be of huge value to the people of Dublin North.

Today the joining up of Dublin's two Luas lines remains a mirage and there is no operable date. This reflects the Government's thinking, which is not joined up. The 2008 deadlines for the Luas extensions to the Docklands and Citywest and the Cork-Midleton commuter rail service will not be met. The M3 motorway and the Navan rail link are now due for completion in 2010, not 2008. The completion date for the Limerick southern ring road has been moved from 2009 to 2010, as has that of the Waterford city bypass. All phases of the expensive metro project have seen their completion dates extended. Phase 1 of the M50 upgrade was due to be complete this year, but it has been pushed back to late 2008. It was announced last Friday that an integrated ticketing system for the capital was to be pushed back another three years and that €13 million of the €50 million budget has already been spent, with no system in sight. What can we say? There are integrated ticketing systems all over Europe. What science is involved in this? I cannot understand the delay.

The Government initially costed the Transport 21 investment programme at €34 billion. We must bear in mind the recent information that our Tánaiste and Minister for Finance has transformed a €1.8 billion surplus into a €800 million deficit. That is a three-card trick that results in a loss of €2.6 million. Some people would say it was a monumental mess, while others would say it was the result of a cowardly cover-up coming up to the election. Critically, the Government nearly always refuses to provide detailed costings on projects as it claims that the release of such sensi-

tive commercial information is anti-competitive. However, we do know that the cost of the roads programme under the last national development plan went from €5.6 billion to €12 billion, and it still is not finished.

The cost of Dublin's M50 motorway, which was completed in June 2005 after 17 years of construction, increased almost ninefold from the first phase to the last. The first phase, on which construction began in 1988, cost €6.8 million per kilometre to complete. In contrast, the final phase has cost €60 million per kilometre. Already, as thousands of motorists suffer in the car park that is the M50 due to current roadworks, we are informed that we will be back in the same position in another ten years, with just one extra lane. Again, there has been no forward planning. We desperately need to budget for and build an outer orbital route north of Balbriggan. We need this even if the proposed Bremore port does not go ahead, but if it does, Balbriggan faces disaster. The people of Balbriggan must already cope with poor infrastructure in terms of schools, policing and transport, with no electrification of the train, not enough car spaces and a bus service that is very good on the north side of the town, as it brings people to the train station, but does not operate on the south side. This does not make sense. I cannot understand why a proper system has not been put in place as it has been proven to work.

The initial cost of the Dublin Port tunnel was €535 million and it came in some €200 million over budget. Now, although the people of Swords paid dearly for it, the Xpresso 41 bus route from Swords cannot use it. It is prevented from going through the tunnel. The building of 17 km of metro north line was put at €4.58 billion in 2004. With construction inflation and additional expenditure, the cost would now be well over €5 billion. The price tag for the city's first metro line makes it by far the most expensive infrastructure project in the history of the State, at least three times more costly than the M50, which cost €1.6 billion apart from upgrade works, and six times more expensive than either the two Luas lines or the Dublin Port tunnel. In Madrid the Metro was completed in a fraction of the time and all for the cost of €1.2 billion.

The metro north project is one I hold dear to my heart. It is a worthy project and is badly needed by Dublin North. It was promised by this Government before the 2002 election and again before the 2007 election, but it does not seem to be any nearer than before. At least we have a proposed route, but that may also change. The people of Swords and Dublin North only see more houses going up and longer traffic jams during their daily commute. Dublin North badly needs the metro due to its explosive growth, with Swords the fastest growing town in Europe and Balbriggan not far behind it. We need transport to get people to and from work.

The current lack of Dart services in Balbriggan is causing serious hardship to commuters. Trains are full when they reach Balbriggan so people must stand all the way from Balbriggan into town. People — pregnant women and others — are fainting due to standing room only and of course the problem gets worse as the train moves through Skerries and on to Rush, Lusk and Donabate.

There are DART stations at Malahide and at Portmarnock but these, like all the other stations, do not have sufficient car parking and Nipper buses to bring people to the trains. There is no co-ordination between the current bus service and train times. Therefore, people either are late for the train or when they get off the train from work tired in the evenings the bus has just left. I have called for Nipper buses to be put in place which would tour the villages and towns. In the smaller villages, they could be in the square to bring people to the train on time and in comfort. That would have three benefits. It would increase the use of public transport, reduce the number of cars on the roads and take pressure of the limited spaces in the car parks.

After its troubled start the Government recently announced it was in the process of hiring communications consultants to operate a communications programme for transport projects. This sounds familiar. Once again, instead of delivering service, all they want to do is spend money on spin. The similarities between this and the current Health Service Executive are becoming more worrying. In both instances there are Ministers who did not know what was going on in the Departments, in both instances letters were not received and in both instances we are rapidly facing a mess, although the crisis in the health services is currently far greater than the crisis in transport.

I have not even mentioned the impact on the environment caused by all these cars sitting in traffic jams. There are bus corridors lying empty which we pay millions of euro to maintain and we have not supplied the promised extra buses. Some 200 buses were promised to Dublin Bus and it has not got them.

Even now, before the metro begins, there is no connectivity planned for the metro to join with the northern rail line and provide a complete service.

There was a call in the past for a six-lane motorway coming from the Lissenhall interchange so that we can accommodate the explosion in activity that will take place with the placement there of the enormous distribution centres of both Tesco and Dunnes Store. We need to reinstate the greater Dublin transport authority, as proposed by the late Deputy Jim Mitchell, which would play a co-ordinated role in all of this.

The Local Government (Roads Functions) Bill 2007 seeks to centralise further the authority over roads. We on this side of the House oppose it

because it further undermines democracy and, like the invention of the HSE, could lead to a further lack of transparency and less accountability.

**Deputy Seán Connick:** I am delighted to get the opportunity to make a statement on Transport 21. I thank Deputy Reilly for his comments on the Taoiseach and, in particular, for quoting him. I am sure that if the Taoiseach had stated anything other than what he had stated at that time, Deputy Reilly would have been on his feet as well. It was ironic that Deputy Reilly went on to spend approximately three minutes listing some of the projects currently underway as part of Transport 21. Sometimes as I sit here I feel there is a mass delusion occurring on the Opposition side. Most of us travel by car to get here and I am sure those opposite use many of the fine new roads which have been opened over the past number of years and which are currently under construction. Transport 21 is well on its way.

Ireland has undergone unprecedented economic growth over the past 15 years. Our population has greatly expanded and our workforce has increased to record levels. However, for much of that time our infrastructure lagged behind this economic growth. This was due to under investment in our infrastructure in the past as well as the fact that the scale of our growth was completely unpredicted.

The huge economic growth placed even further pressure on our infrastructure. Car ownership per 1,000 grew by 55% between 1991 and 2004. In that same time the total amount of cars on our roads rose by over 80%. In 2002, 62% of people used a private car to get to work compared to 45% in 1986. In the same period the amount of people travelling to work by car doubled, while the amount of people travelling to work using public transport increased by 28%. In the seven year period from 1996 to 2003, the amount of freight travelling through our ports increased by 36% — Rosslare Europort in my constituency was one of the beneficiaries of this growth in freight levels.

This huge expansion in transport had not been matched by a similar increase in infrastructure over the same period and a new strategy was needed to account for both the previous under investment in transport infrastructure as well as to give appropriate provision for future growth needs due to the continuing expansion of our economy.

Transport 21 was introduced as the Government's response to this need to develop a long-term strategy for investment in transport infrastructure. Transport 21 is the most significant transport investment programme in the history of the State and it is transforming our roads and public transport system. Generations to come will still see the benefits of the investments made under Transport 21.



[Deputy Seán Connick.]

One of the key aims of Transport 21 was to ensure that transportation played a central role in ensuring Ireland underwent balanced regional development. A large part of the population and economic growth that Ireland witnessed over the decade prior to the adoption of Transport 21 was centred on large urban areas and their surrounding hinterlands. This placed even further pressures on our transport infrastructure as it significantly increased commuting areas. Towns such as Gorey in County Wexford became part of the Dublin commuter belt and the amount of time people spent travelling to work increased dramatically. Transport 21 is a key part of the national spatial strategy's vision for balanced regional development over the coming decades. The end results of the plan and the national spatial strategy will be that people from counties such as Wexford will have new opportunities and far greater choice in terms of where they live and work.

I am particularly glad that accessibility was a key aim of Transport 21. Up to recent times, people with disabilities were virtually excluded from public transport. The significant investment in public transport under Transport 21 is particularly focussed on addressing issues of access to public transport for people with disabilities and to meeting the Department of Transport's requirements under the Disability Act 2005. While we still have some significant way to go to make public transport in Ireland fully accessible for people with disabilities, as someone with a disability I can state that the improvements in access to public transport since the launch of the plan are welcome and are an important step in the right direction.

The largest portion of the investments being made under Transport 21 are for improvements in our road infrastructure with approximately €18 billion being invested in roads from 2006 to 2015. Already this investment in roads is having a significant effect on people's lives. The Gorey bypass, which opened this summer, has reduced the travelling time from Wexford to Dublin by up to three quarters of an hour. Some 10,000 cars have been taken out of the streets of Gorey and from the villages of Inch and Clough each day. These villages are now safer places to live and Gorey town centre will undergo a revival because of the progress being made in implementing Transport 21 locally.

When the Taoiseach and the then Minister for Transport, Deputy Cullen, launched Transport 21 a number of years ago, they said they wanted to see the road projects earmarked under Transport 21 come in on time and on budget. At the time, public infrastructure projects seemed to operate with ever changing deadlines and calling for projects as ambitious as those outlined in Transport 21 to be completed on time would have seemed impossible. However, many of the recent roads completed under the plan have not only come in

on time but ahead of schedule. The Gorey bypass in County Wexford, which I mentioned previously, opened this summer under budget and four months ahead of schedule. The recently opened bypasses of Dundalk and Ennis both opened four months ahead of schedule. Most impressive of all was the Kilcock/Kinnegad bypass which opened ten months ahead of schedule. Results like these show that the targets set out in Transport 21 for transforming our road network will be achieved and that rather than being aspirational, Transport 21 is a strategy which will be fully implemented by this Government. Other success stories include the Dublin Port tunnel, a magnificent piece of engineering despite all the criticism, and the Luas which is a victim of its own success.

County Wexford will greatly benefit from the transformation of its road network as set out in Transport 21. Already, Gorey has seen itself change from one of the worst traffic blackspots in the country to a town that can be driven through in minutes. The next major road project to commence in Wexford will be the New Ross bypass. New Ross also suffers from significant traffic delays and hold-ups of over an hour to enter the town are not uncommon. The New Ross bypass, as outlined in Transport 21, will transform the town as much as Gorey has changed since the summer. Gridlock entering the town will be a thing of the past and traffic will be taken from the streets. New Ross will, once again, become a pleasant and relaxing place in which to live, work and shop. The New Ross bypass took a significant step forward a month ago when the compulsory purchase orders for the acquisition of land were served. Again, this took place within the time-frame set out.

I urge the Minister for Transport and the National Roads Authority to ensure that all other steps in the construction of the New Ross bypass also take place on time and that the bypass opens to the public in 2012 as originally planned.

When the roads element of Transport 21 is completed, Wexford will have a road network suitable for the 21st century. The N11 will be part of Euroroute EO1 linking the ports of Rosslare and Larne. However, if the Atlantic road corridor were extended from Waterford to Rosslare, we would then be part of a corridor stretching over almost the entire island, starting in Letterkenny and covering all the major areas of the south and continuing up the east coast to Larne. I hope that if any review of Transport 21 is undertaken, the Minister for Transport will see the sense of continuing the Atlantic road corridor to Rosslare and linking up with Euroroute EO1.

As well as roads, public transport will also see its largest ever investment under Transport 21. A total of €16 billion is being invested in public transport and regional airports from 2006 to 2015. Public transport is often seen as an urban issue but Transport 21 has recognised the need for public transportation to be established in rural

areas. The rural transport initiative has the potential to transform the social structure of many rural communities. Two rural transport initiatives have already been established in Wexford, the rural road runner and west coast Wexford rural transport initiative and both are operating successfully. At a time when social isolation in rural areas has never been higher, developments such as the rural transport initiative provides new lifelines to isolated and vulnerable people in rural communities.

Transport 21 will see a record €441 million investment in rail services over a ten-year period. A total of 217 new rail carriages are being brought into service in the three-year period from 2006 to 2008. Throughout the country, tracks are being replaced and signals upgraded on the rail network. Ireland will go from having the oldest rail stock in Europe to the most modern. Wexford will also see the benefit of this investment in rail services. Brand new intercity carriages are being placed on the Dublin to Rosslare rail line and the frequency of services to Wexford is being increased.

I am a member of South East On Track, and we are working with our colleagues in the south east region to prevent any further downgrading of rail infrastructure in the south east and looking at the potential for the re-opening of old railway lines such as the New Ross to Waterford line.

A total of €86 million has been approved under Transport 21 for investment in Ireland's regional airports, including Waterford Regional Airport. This airport is a key part of the economic infrastructure of the entire south east region and the further development of Waterford Regional Airport, as outlined in Transport 21, is vital to attract industry and employment to surrounding counties such as Wexford.

Transport 21 is the most far reaching and ambitious investment in transport that has ever been seen in Ireland. It takes a holistic approach to transport infrastructure and recognises that a modern infrastructure is vital to ensure balanced regional development throughout the country. Counties such as Wexford are already seeing the benefits that Transport 21 brings, not only in terms of economic development but in terms of improving the quality of peoples' lives.

I compliment the Minister for Transport and his predecessor for ensuring that Transport 21 is implemented fully and on its original timescale. Ireland will be a radically different country when the proposals set out in Transport 21 are fully implemented. I look forward to being part of a Government I know will deliver on this plan.

**Deputy Michael Creed:** Tá áthas orm cúpla focal a rá ar an ábhar seo. I listened with interest to the previous speakers refer to projects that have come in on time and under budget. That is great if that is the case in their constituencies. All of us will be slightly parochial in terms of the application or non-application, as the case may

be, of Transport 21 in our constituencies. I wish to deal briefly with a major infrastructural difficulty in my constituency of Cork North-West, namely, the Macroom town bypass.

**Deputy David Stanton:** On time.

**Deputy Seán Connick:** Deputy Creed must not have been working hard enough.

**Deputy Michael Creed:** Both previous speakers referred to the greater Dublin area. Deputy Connick will forgive me for including the Wexford commuter belt in the greater Dublin area. The real problem is that a Pale mentality is evident from this Government and the previous Government. If one lives in the far flung corners of the country, such as in my constituency of Cork North-West, or any constituency along the western seaboard, it is obvious we are not really getting our fair share of the cake.

People refer continuously to regional development and the national spatial strategy. The reality is that what the Government is trying to do now is to put a pint into a half pint pot in terms of retrofitting infrastructural projects to remedy the ills of bad planning and the failure to have proper regional development. The problem is that the east has been over-developed at the expense of the regions, especially the west and the south west.

The Government has placed great emphasis on the major inter-urban routes, namely, Dublin to Cork, Dublin to Galway, Dublin to Belfast and Dublin to Wexford. In reality, what the major inter-urban routes are doing is facilitating a continuous growth of Dublin which is sucking the lifeblood from the regions. If we were serious about regional development and the national spatial strategy, we would build a road from Donegal to west Kerry. This would create a real counter-balance to the current over-development in the east of the country. That over-development affects quality of life. As John Healy the Mayo man once said, there is a place called Stop and we have reached it in terms of the level of development on the east coast. There is a direct correlation between quality of life and continued development on the east coast. The flip side of that coin is that pressures arise due to under-development and lack of investment in infrastructure in the other regions, and as a consequence, their failure to develop a counter-attraction in terms of development of the greater Dublin area.

I attended a delegation this morning from Macroom Town Council to the Minister for Transport, Deputy Dempsey, about the Macroom town bypass. Deputy Connick referred to projects coming in under budget and ahead of time. In a document published by the NRA, it was stated that construction on the Macroom town bypass was due to commence in 2004. This morning the Minister told us it would not start until after 2010. The Minister for the Environment, Heritage and

[Deputy Michael Creed.]

Local Government, Deputy Ryan, will know the area to which I refer as he has a particular connection to Macroom.

Prior to the general election we were told the compulsory purchase orders for land acquisition would be published imminently, yet deadlines have come and gone. There is a real difficulty in the town. Children are put in danger every day as schools are located on the side of the national primary route. Likewise, elderly people take their lives in their hands when they attempt to cross the road. Those who are familiar with Macroom will be aware it is a long town and it is really suffering for the want of a bypass. It is a gateway to development in Killarney, Kerry and Tralee.

If we were serious about regional development and the national spatial strategy we would stand back from the major inter-urban routes and carry out a cost-benefit analysis on the building of a road from Cashel to Urlingford where I have never seen a traffic jam. Perhaps a cost-benefit analysis would justify proceeding with the Macroom bypass to continue the investment on the N22 from the Ballincollig bypass onwards to Killarney. That is what should be done.

We need to look at black spots. We do not need to jump in blindly and state in Transport 21 that the major inter-urban routes are to be the priority, regardless of what is happening in any other place in the country. The major inter-urban routes are sucking the lifeblood out of the regions. They are facilitating the pull of Dublin because one can get to Dublin faster from Galway, Cork, Belfast and Wexford. That is not what proper regional development is about. If we were really committed to this notion we would facilitate infrastructural investment such as new roads and rail connections on the west coast from Donegal to Kerry to make it an attractive place to live and work and for companies to locate and provide investment and jobs.

Transport 21 is a wish list. It is important we continue to prioritise capital investment in infrastructure. There is no shortage of projects. We should do cost-benefit analyses and not plough on blindly with the major inter-urban routes at the expense of regions where development is being delayed and obstructed. This is a sacred cow that needs to be slain. I hope the Government will re-think the issue. I reached the conclusion some time ago that there is a Pale mentality. The real problem is that most of the infrastructural investment is taking place in Dublin and is facilitating access to the greater Dublin region.

I appreciated the candour of the Minister, Deputy Dempsey, this morning, but it is cold comfort to the people who are trying to live and do business in Macroom. On any day of the week, it can take upwards of an hour to get through the town. That is a shocking impediment to doing business. It is also a quality of life and a safety issue for the elderly, children and everyone else

because of the volume of heavy traffic that often has no business going through the town.

I am pleased to have the opportunity to make these comments. I am sure my contribution will not be much different from other Deputies' parochial take on Transport 21 but we believe we have been short-changed. It is not delivering for those of us in the regions. We must re-prioritise and examine black spots and if they are to be addressed at the expense of the major inter-urban routes, that should be done and we should not apologise for that.

## Ceisteanna — Questions.

### Priority Questions.

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### Television Licence Fee.

1. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if he will grant RTE a licence increase; if so, the amount of same; if he will attach conditions to a licence increase; and if he will make a statement on the matter. [29139/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** On Tuesday last, the Government approved an increase in the television licence fee from 1 January 2008 at my request. This increase follows an independent review by Indecon consultants of RTE's performance in 2006. The review is an annual exercise undertaken to assess RTE's output commitments and its progress in its change programme.

The Indecon report concluded that RTE had exceeded most of its output commitments such as its objectives in broadcasting output and financial managements. It also progressed well in its change programme, including restructuring and change management. Overall, the report concluded that RTE was providing value for money for the Irish taxpayer. Details of the report will be made available on my Department's website shortly.

This increase will bring the cost of a television licence from €158 to €160. This modest increase will allow RTE to continue to strengthen the schedule it delivers in increasingly competitive television and radio markets.

To date the annual reviews to which I have referred have been carried out by independent consultants engaged by my Department. It is my intention to renew and reinvigorate the current annual process. There must be an increased focus on value for money, cost management and more precise and structured performance indicators aligned to high quality, high impact public service broadcasting. I will be asking RTE to engage fully with my Department as we re-engineer and strengthen the process so that the qualitative

aspects of measuring RTE's performance are brought more to the fore.

**Deputy Simon Coveney:** I want to raise two issues with the Minister. First, he might be surprised to hear me say this is a miserly increase for RTE this year considering that in 2002 the Minister stated that RTE will be able to seek annual increases up to the level of the consumer price index and that all future increases will be subject to the strict monitoring of performance against financial, management and programming targets. According to an independent consultant, those performance targets were met and RTE delivered value for money. We probably could not have said that a number of years ago but there has been genuine improvement in a series of sectors in RTE. Does the Minister agree that we appear to be punishing RTE for producing a budget surplus last year by reducing in real terms its licence fee with an increase of €2 when the CPI level would be €4 or €5?

Second, is it not time we did away with collecting a television licence fee and find a more efficient way of funding public service broadcasting? Will the Minister agree that continuing to collect a licence fee is an archaic, expensive, regressive and intrusive way to collect money to finance public service broadcasting? The cost of collecting taxation generally is 1% of the revenue that comes in. The cost of collection and enforcement of the television licence fee is nearly 8% of what comes in and, in addition, up to 16% of households do not pay the licence fee. The rest of us, therefore, must pay for those who are not willing to pay. People who are compliant are being punished for those who are not. It is similar to the car insurance system whereby people who pay insurance must pay for those who do not. Is it not time we examined a more modern way of financing public service broadcasting through general taxation and because in the future many people will watch television through a broadband connection on their computers or mobile phones? Are we seriously proposing to ask those people to pay a licence fee for that, whether it be on a mobile phone or a computer?

**Deputy Eamon Ryan:** One could take the position that it is miserly and that we should have given the full CPI inflationary figure, which would have been closer to a sum in excess of €7 rather than €2 but we must also take into account a number of different factors. First, the actual revenue from the licence fee will increase due to the increased number of households that exist. It does not just relate to the level of licence fee but the number of houses. While I take the Deputy's second point that there are inefficiencies or difficulties in the licence fee collection system, it is becoming more efficient and accurate in the amounts being raised and therefore the cost is reducing. One must recognise also the general financial position in RTE, which is strong cur-

rently and something I welcome. It comes on the back of strong commercial revenues as well. It is a balancing act that is further complicated in that the way RTE is meeting its performance targets must be assessed. The agreement with RTE a number of years ago for a significant increase in the licence fee, followed by a period of five years where each year an independent review would be done to determine whether it was meeting its obligations, is the process I was engaged in. RTE has met its obligations but what I determined in this process was that those obligations were reasonably broad and largely based around programme hours in any particular programme category area.

**Deputy Simon Coveney:** They were the obligations the Minister set for RTE.

**Acting Chairman (Deputy Johnny Brady):** The Minister's time has elapsed. We must move on.

**Deputy Eamon Ryan:** I will conclude if I may. We must improve those quality indicators to take into account more qualitative information, better cost management information—

**Deputy Simon Coveney:** RTE is doing what it was asked to do and it is being punished.

**Deputy Eamon Ryan:** Indeed, and that is why it got a continued increase despite being in a strong financial position.

### Cross-Border Projects.

2. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if he will put in place a programme of cross-Border training and accreditation system for installers of renewable energy technologies; the current level of interaction between Action Renewables in Northern Ireland and Sustainable Energy Ireland; the timeframe for development of cross-Border involvement on this issue; and if he will make a statement on the matter. [28950/07]

**Deputy Eamon Ryan:** The Renewable Energy Installers Academy is a joint initiative between Sustainable Energy Ireland and Action Renewables in Northern Ireland. Since late 2005, the two agencies have developed and delivered a cross-Border programme of renewable energy installer training. The programme was granted funding assistance under the INTERREG IIIA programme. It has been developed to address the dearth of trained installers and designers which was identified as a critical barrier to the sustained development of a renewable energy technology market.

The overall objective of the initiative is to provide training, accreditation, quality inspection and registration for installers of renewable technologies. This will underpin the development

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of the market for renewable energy technologies on an all-island basis. To date, the academy has been responsible for the development and specification of installer training courses in each of the main heating technologies — biomass, solar and heat pumps. The academy contracted European expertise to provide advice to the project in developing and delivering the training laboratories and training materials.

The first phase of the project involved a partnership with education centres within the INTERREG region to deliver training to installers and designers. The academy has also set down minimum standards for training providers in terms of facilities, materials and staff qualifications for delivery of approved training.

Following the success of phase one, the academy's accredited training programme is currently being rolled out beyond the INTERREG region. The national training agency, FÁS, is now offering training courses in all of the renewable heating technologies. Two fully equipped training laboratories, to the academy's specification and standard, have been developed as a joint initiative of SEI and FÁS. The Dublin training facility is now fully operational and a facility in Cork will be providing training by the end of this month.

Training materials and laboratory specifications will shortly be made available to all accredited training providers equipped with training facilities which meet the REIA standards.

Sustainable Energy Ireland and Action Renewables continue to work closely together on this important cross-Border project which has already paid dividends North and South. They have already undertaken joint cross-Border industry consultation with a view to further developing the academy model. The sustained expansion of the numbers of fully trained renewable technology installers is a key component of the quality assurance and customer service standards of the greener homes scheme.

**Deputy Liz McManus:** I want to ask two questions. The Minister is aware that my priority question is not the one on today's Order Paper. Yesterday, at 4.21 p.m., I received confirmation from his Secretary General that a different question would be accepted as a priority question today. Afterwards, the Minister told me that was not possible. I checked and found that the General Office, which processes questions in the House, could have processed the question at any time yesterday evening. Having received confirmation in writing from the Secretary General that a question on carbon emissions would be accepted, I am concerned by the misleading blame placed on the General Office. Will the Minister explain why I was misled?

**Acting Chairman:** This matter will be addressed in the Ceann Comhairle's office.

**Deputy Liz McManus:** I have written to the Ceann Comhairle, but I want to give the Minister an opportunity to reply. It is a bewildering matter.

Is the Minister aware of an accreditation problem? No progress has been made to have common accreditation North and South. Civil servants carried out a significant cross-Border study of the blockage, which is on the Republic's side, in agreeing accreditation. What will the Minister do to remove the blockage?

**Deputy Eamon Ryan:** I will happily clarify some of the issues that arose yesterday in terms of which priority question would be tabled.

Late yesterday afternoon, I discovered that a question the Deputy had tabled in which she asked three sub-questions on transport emissions, motor tax and the climate change implications, if I am paraphrasing it correctly, had been transferred to the Departments of Transport and Environment, Heritage and Local Government. She contacted me about her concerns that the question would have been better taken by my Department and I told her that I would do what I could to facilitate her. I contacted my Secretary General and, following discussions, we agreed to have the question passed after removing its motor tax aspect. I asked my Secretary General to contact Deputy McManus in that regard. My office——

**Deputy Liz McManus:** That is not what the Secretary General told me.

**Acting Chairman:** We must continue with the questions.

**Deputy Liz McManus:** The Minister is misleading the House.

**Acting Chairman:** The Deputy should take the matter up with the Ceann Comhairle's office.

**Deputy Eamon Ryan:** I am not intentionally misleading anyone.

**Deputy Liz McManus:** I am sure the Minister is not.

**Deputy Eamon Ryan:** I tried to facilitate the Deputy yesterday as I am doing today. The questions were transferred. As the wording had not been changed to relate to energy issues and still related to emissions, it was not in order for me to take the question. The question is for the Minister for the Environment, Heritage and Local Government.

**Acting Chairman:** The transfer of questions is a matter for the Departments. We cannot discuss it.

**Deputy Eamon Ryan:** In circumstances where I was told that the Order Paper had been com-

pleted, I agreed with my office that Deputy McManus should be asked to——

**Acting Chairman:** The Minister should answer the question so that we can proceed.

**Deputy Eamon Ryan:** ——submit the question in a reworded form.

**Deputy Liz McManus:** I must set the record straight. The Minister does not mean to mislead the House, but the e-mail I received from the Secretary General when I presented my new wording contained only one line to the effect that, having spoken to the Minister, the question would be answered as a priority question.

**Acting Chairman:** We cannot continue. This is Question Time, but the matter is——

**Deputy Liz McManus:** I appreciate that it is Question Time, but I would like to be able to ask appropriate questions.

**Acting Chairman:** The Minister should not be accused of misleading the House.

**Deputy Liz McManus:** The Minister is not deliberately misleading the House, but I have been misled.

**Acting Chairman:** It was not the Minister. He should answer the question he was asked because we must proceed.

**Deputy Liz McManus:** It should concern the Minister that this is not good enough. He would be concerned had it occurred to him when he was in opposition.

**Acting Chairman:** We will not resolve this issue on the floor of the House.

**Deputy Eamon Ryan:** My Department and I tried to facilitate the question. Unfortunately, the wording of the question as resubmitted was not eligible to be taken.

**Deputy Liz McManus:** It was accepted by the Minister.

**Acting Chairman:** We must move on to No. 3 because our time has elapsed.

**Deputy Eamon Ryan:** I did everything to facilitate the Deputy, but the question was due to be answered by a colleague.

**Deputy Liz McManus:** This is rubbish.

**Deputy Eamon Ryan:** I would happily accept a reworded question.

**Deputy Liz McManus:** The Minister accepted it. It is not right for a Minister to continue in this way.

**Acting Chairman:** It is a matter for another Minister.

**Deputy Liz McManus:** The Secretary General of the Department, having spoken to the Minister, accepted the question I submitted. I will not accept this or any other Minister persisting in saying things that are inaccurate.

**Deputy Eamon Ryan:** I must explain. While Deputy McManus's comments are true, my office pointed out that the question could not be taken because it referred to certain Ministries.

**Deputy Liz McManus:** Why did the office tell me the question could be taken?

**Deputy Eamon Ryan:** I accepted the office's explanation and asked it to maintain the agreement to set this question as a priority question.

**Deputy Liz McManus:** I wonder who is in control of the Department.

### Telecommunications Services.

3. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the status of the second phase of the MANs roll-out; the way he envisages MANs operating with a broken up Eircom; if he has been promised extra money in budget 2008 to make up the shortfall caused by a recent supplementary estimate; and if he will make a statement on the matter. [29140/07]

**Deputy Eamon Ryan:** Under the second phase of the metropolitan area networks programme, 92 towns were targeted for investment in high-speed open access fibre optic networks. To date, MANs are either completed or under construction in 63 towns and a further 29 networks are in the detailed design phase. In conjunction with other next generation networks, MANs will play a key role in the delivery of high-speed broadband services for decades to come.

MANs operate on an open access basis. Eircom has the same entitlement to use the MANs as any other operator. Eircom has submitted a paper to me addressing a number of issues related to the future provision of broadband, including a suggested structural separation of the company into network and retail arms. My Department has met Eircom to clarify issues raised in its paper and will engage with it again in due course.

The reallocation in 2007 of unspent funding due to timing purposes from the national broadband scheme has not given rise to any shortfall of funding for the Exchequer funded broadband programme. The 2008 Exchequer provision for broadband will be revealed in budget 2008 on 5 December.

**Deputy Simon Coveney:** In a one-word answer, how much is the second phase of MANs expected

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to cost? While the Minister is looking for the figure, I will make one or two other points in the form of questions.

The Minister's record on broadband has not been covered in glory since he took charge. Since his previous Question Time, the Minister has effectively bailed out the Greener Homes scheme with €10 million he took from the broadband roll-out capital budget for next year. Will the Minister inform the House of how much he anticipates the second phase of MANs will cost? The previous Minister gave the House a figure in a commitment in March. Is €10 million missing from the figure?

**Deputy Eamon Ryan:** I do not have the exact figure. It refers to an historical estimate. As I do not want to guess, I will revert to the Deputy with the figure.

**Deputy Simon Coveney:** With all due respect, the Minister has had time to prepare for my question on whether the second phase of MANs will proceed and whether the 92 towns that were promised fibre optic cable and the associated benefits can expect the phase to be completed on time. The Minister does not have the cost figure.

**Deputy Eamon Ryan:** The figure was an initial estimate and the final cost will depend on a number of factors. The second phase of MANs contains different elements, such as a proposal for wireless MANs and fixed line MANs. The former needs clearance from the European Commission before it can be approved and go out to tender. One cannot know the exact costs.

The fundamental question relates to whether the €10 million addressed in the Supplementary Estimate passed by the Dáil affects the MANs programme. At the time, I clarified that the programme would not be affected. The €10 million in funding was included in the budget as an allocation for the national broadband scheme. Due to start in 2007, it will be delayed until early 2008 because of complications in the process. The funding was reallocated to the Greener Homes scheme. The €10 million reallocation had no consequences in terms of the contracting or spending of MANs.

**Deputy Simon Coveney:** It did.

**Acting Chairman:** Allow the Minister to conclude.

**Deputy Simon Coveney:** It is important that I have a final chance to contribute. Does the Minister expect the House to believe that, when a Department receives an allocation of €10 million from the Department of Finance with a broadband capital expenditure label, he can whip the money from that budget to bail out an entirely separate but worthwhile section of his Depart-

ment that had overspent? Does he expect us to believe that has no impact on national broadband roll-out?

**Deputy Eamon Ryan:** Yes, I expect Deputy Coveney to believe that. While I cannot pre-empt the 2008 budget, we will see on 5 December whether there is funding for the national broadband scheme, and if there is, my proposal is watertight and accurate. What would Deputy Coveney have done differently? Would he not have reallocated budget to fund the greener homes schemes in the sensible, orderly manner I did?

**Deputy Simon Coveney:** I am not the Minister.

**Deputy Eamon Ryan:** I used proper management procedures to spend the budget according to a multi-annual framework in the areas where it is needed in a particular year, and I would not have done otherwise. The budget was available because it was not going to be spent. Would Deputy Coveney not have done the same?

**Deputy Simon Coveney:** My job in Opposition is to ensure when a Minister is in charge of different areas he does not prioritise one area over another when they are equally important. The roll-out of broadband is as important as the greener homes scheme.

**Deputy Eamon Ryan:** I agree with the Deputy.

**Deputy Simon Coveney:** Yet the Minister has taken €10 million from the broadband budget. Whatever budget we have for broadband next year it should be €10 million higher.

**Deputy Eamon Ryan:** I agree that one area is as important as the other, but where one has an unspent allocation in one area because of the timing of a particular project, and a demand in another area, it makes sense to do what I did. I would love to know what Deputy Coveney or anybody else would have done differently.

#### Electricity Generation.

4. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if, following comments from a spokesperson from EirGrid, he is satisfied that demand for electricity will not outstrip supply and cause blackouts in winter 2007; and if he will make a statement on the matter. [29141/07]

**Deputy Eamon Ryan:** The Government is committed to ensuring that electricity supply consistently meets the needs of Irish consumers and business. My Department liaises closely with the Commission for Energy Regulation, CER, which has key functions in security of electricity supply, and with EirGrid as the independent transmission system operator. Reporting to the CER, EirGrid

has responsibility for managing generation adequacy and monitoring generation capacity. EirGrid produces an annual winter outlook report, which provides a rigorous analysis of Ireland's electricity generation capacity to meet expected demand over the peak winter months.

The 2007 winter outlook report was published by EirGrid last August. Based on its analysis and on detailed contact with each of the power generators, EirGrid forecasts that electricity generating capacity will be sufficient to meet demand this winter. EirGrid has indicated that developments related to potential outages could lead to reduced capacity margins at times during the winter peak period. However, it remains EirGrid's assessment that there will be sufficient capacity on the system to ensure security of electricity supply this winter.

The report assumes a peak demand this winter of 5,250 MW. This compares with the peak demand last winter of 5,035 MW. EirGrid calculates that generating capacity of 5,930 MW will be available. This includes the new 400 MW facility at Huntstown, which is now in service. This compares well with a peak generating capacity of 5,836 MW last year. It is also expected that connected wind capacity will reach 900-1,000 MW by year end. This is a significant and welcome increase of more than 25% of installed wind capacity since the start of the year.

As with any power generation system, it is not possible to give definitive guarantees that generation adequacy will always be maintained. By their nature, high-level forced outages on the system cannot be predicted. Plant outage, whether planned or unforeseen, must at all times be critically managed to maintain security of supply. EirGrid operates a range of demand control measures to assist in managing demand at peak times.

*Additional information not given on the floor of the House.*

These include reducing demand by agreement with large users in the interests of ensuring domestic customer supply is maintained.

Our generating capacity must ensure an adequate margin between electricity supply and demand. Medium term capacity will be enhanced with the power generation plants under construction as well as the new electricity interconnectors scheduled for 2011, North-South, and 2012, East-West. The provision of new flexible plant and the continued strong growth in wind and other renewable energy is critical in that context. Key imperatives for electricity supply and demand are energy efficiency and a diverse fuel mix. Radically improving energy efficiency and achieving the ambitious renewable energy target set by the Government will significantly enhance security of supply and ensure that demand itself is more sustainable.

**Deputy Simon Coveney:** I thank the Minister for his reply and I welcome the increased output

from wind generation, which is moving towards 1,000 MW. The fact that the concern comes from EirGrid means we have been given fair warning that there is a significant likelihood of power cuts this winter. Last December Ireland reached a record usage of more than 5,000 MW. This year it will increase by 2-3%. Does the Minister agree that while we have a maximum generation capacity of just over 6,000 MW, for the majority of the time we operate at approximately 78% output, or 4,800 MW, which is significantly short of the output we need? Does the key concern not relate to the three plants the ESB is required to decommission and therefore are not investing in and upgrading, which increases the likelihood of outages from those plants? Is it not a key concern that the ESB is required to close plants when there is high demand pressure? Must not the overriding priority be security of supply, even more than pricing and competitiveness?

**Deputy Eamon Ryan:** I agree that supply security is a crucial consideration in our energy policy and relates to the plant we have and the fuel mix we use in future. We must be careful not to generate an over-reliance on gas or any other fuel supply in our mix. The Deputy is correct that there are difficulties around the reliability of older plants such as the three to which he referred. The problem is related to the age of the plants — in some cases more than 50 years — not to any policy decisions on their future ownership or operations.

There have been key developments in securing supply in the short to medium term. The development of new power plants is on line for the next two or three years as Bórd Gáis and the ESB are contracting new large power stations. The response in renewable energy is only a fraction of the amount we need to develop. Rather than celebrating 1,000 MW of wind power we must plan for a multiple of that and arrange our planning and other systems to provide for that power source. Development must be delivered in a timely fashion. I hope Deputy Coveney ensures Fine Gael proves useful in ensuring the proper, swift and safe development of infrastructure such as interconnectors north-south and east-west, in the national interest. These will provide a valuable additional security of supply to cope with a difficult situation in which our demand for electricity is growing significantly.

**Deputy Simon Coveney:** Fine Gael will be responsible. The Minister knows I have pushed the interconnector from this side of the House for six or seven years. It is disingenuous of him to suggest otherwise.

**Acting Chairman:** The Deputy must ask a question.

**Deputy Simon Coveney:** We do not want answers on the medium and long term. The ques-



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tion refers to this winter. Can the Minister assure businesses and households that there will be no power outages this winter?

**Deputy Eamon Ryan:** The EirGrid report, which is the proper, professional forecasting method, suggests we should have proper supply. However it is tight and requires all of us to be careful in our use of energy, particularly during peak times, to ensure supply meets demand.

**Deputy Simon Coveney:** Then it is conditional.

### Alternative Energy Projects.

5. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if he has considered setting guaranteed fixed prices over a set term for energy produced from wave sources to secure supply and help develop the technology; and if he will make a statement on the matter. [29143/07]

**Deputy Eamon Gilmore:** The renewable energy feed-in tariff support programme, REFIT, provides guaranteed fixed prices to new renewable energy projects in proven technologies. It is possible to set guaranteed prices for technologies that are proven or are near to market readiness based on known cost elements. These guaranteed prices allow developers to recover the investment made over the life cycle of the project which can be between ten and 15 years or longer. I intend to expand the eligible categories under REFIT to send clear signals to the market about support for renewable energy technologies as they emerge from the research phase into proven technologies capable of commercialisation.

The development of ocean energy technology is in the research and development phase. The ocean energy strategy, which was launched in 2006, presents a framework for the development of ocean energy in Ireland. This strategy presents a phased road map towards the commercialisation of ocean energy in Ireland by 2020. The programme for Government sets a target of 75 MW of ocean energy by 2012 and the Government's energy policy framework sets an initial ambition of at least 500 MW by 2020. The accelerated development of Ireland's ocean energy resources is a key priority for me. The ocean energy strategy sets milestones along the way for assessing the state of technological development and determining the related actions needed to take the technology and commercialisation forward.

Phase one of the strategy currently envisages support of non-grid connected prototype devices operating in the Galway Bay test site. Indicative measures proposed for phase two include capital grant support for single grid connected prototypes, together with support for grid infrastructure and a possible price support mechanism.

Phase three envisages possible support requirements for full scale offshore projects which include capital, infrastructure and price support.

Similar to the development of wind energy and in line with developments in other EU member states, wave and tidal energy technology will require long-term electricity price support until they have achieved sufficient production and deployment rates and have demonstrated the high reliability required to give confidence to investors. A price support mechanism for Ireland will be calculated based on an assessment of the resource and the state of technology development.

**Deputy Simon Coveney:** I thank the Minister for his reply. I am quite excited by the developments that have occurred, especially in the wave energy sector. It is not an exaggeration to say that Ireland is leading global research and development in tidal power. The key ingredient to commercialised wave energy is a fixed tariff mechanism which is set at a price that will allow companies to finance long-term wave energy projects. The sooner the Minister brings forward that proposal, with detailed pricing on offer, the sooner we can try to increase the likelihood of beating the 500 MW from wave energy by 2020. I think it is possible to achieve that target earlier, given the success of the prototype currently in the sea off the west coast.

We need to learn from the lessons of the AER schemes and the initial fiasco in promoting them by forcing developers to compete on price, driving it down to such a level that their proposals were non-viable and were therefore not built. In moving from a prototype to a commercially viable proposition for wave energy, what is the most ambitious timetable the Minister can outline?

**Deputy Eamon Ryan:** I agree with the Deputy that we need to learn as we move along. That competitive tendering process for the supply of renewables would not be appropriate in this instance, and we are better off moving towards a fixed price structure. It will be phased and we are currently moving towards a test and research phase. We will then have a testing of the connected prototype, which will still be a non-commercial phase. That will require a certain type of fixed price support, possibly with a time limit. People will be encouraged to go out, test the facility and bring it back in and allow other operators access to whatever grid connection points they have. We will then move into the fully commercial non-prototype stage, where a commercial operation has a guaranteed fixed price over a period of years to give the investors the necessary confidence they need.

Each of the technologies have slightly different requirements, but I would include off-shore wave energy in this general development of ocean energy as it will also have a significant resource

and some common characteristics such as grid connections and the need for a support price. I agree that we have huge potential and that we must show urgency in the development of that resource. The State's role in this is to ensure the regulations make it happen quickly, to provide grants and support prices where necessary, but also to leverage support from the private sector. If we can develop an international expertise and show a lead, we can take the technology from here, deploy it in other locations around the world and become a world leader. That is certainly my aim, as well the aim of the Deputy.

### Other Questions.

#### Energy Resources.

6. **Deputy Joan Burton** asked the Minister for Communications, Energy and Natural Resources the measures he is taking in view of his stated desire for a debate on nuclear power, to bring about this debate; his policies in regard to nuclear power; and if he will make a statement on the matter. [28985/07]

**Deputy Eamon Ryan:** My position is clear and consistent on the question of a debate on nuclear power. I would welcome and encourage a debate on the issue. The appropriate forum for such a debate is the Oireachtas Committee on Climate Change and Energy Security. The committee will provide a forum for all parties in the House to contribute to a structured and informed debate on the issue.

For my own part, I have stated firmly on the record that nuclear power is neither sustainable nor the answer to Ireland's energy needs. Our position is shared by several EU member states and the European Commission has made it repeatedly clear that it is for member states to determine their own energy mix. The energy policy framework and the programme for Government make it clear that the Government fully intends to maintain the statutory prohibition on nuclear generation in Ireland. I look forward to working closely and constructively with the committee and its members on all matters relating to climate change and energy security, which encompasses all the key areas of energy policy.

The debate on nuclear power should be set in the context of the actions which the Government is taking to deliver fully sustainable and diverse energy resources in transport, heating and power generation. In each of the three areas of energy use, I believe that we have sustainable solutions. It is a matter of accelerating delivery on our targets for renewable energies and energy efficiency. In discussions that I had with Commissioner Andris Piebalgs earlier this week, the Commissioner fully supported our priority in these

areas, which is also, in his view, the way forward for Europe.

**Deputy Liz McManus:** Does the Minister accept that he is having it both ways in his approach to nuclear power? Depending on his audience, he says that he wants to encourage debate on nuclear power or that he totally opposes nuclear power. Will the Minister come down off the fence? There is no point in having a debate on nuclear power if the Minister is clear that it will go nowhere. A nuclear renaissance is clearly occurring globally, but surely it is not feasible to encourage debate, not to participate in it by triggering it, while opposing nuclear power anyway. Why would anybody on any committee in this House spend time and energy on a debate when the Minister is not willing to trigger it because he does not agree with it?

**Deputy Eamon Ryan:** It is confidence in my position that encourages me to have a debate and to recognise the need for a debate. This is a technical area that is very complex, with many variables in it. However, looking at the technical and energy reasons makes my case all the stronger. My case is that we should be moving towards energy efficiency and renewables as the key twin tracks of our energy policy in the future. I do not believe nuclear power will have a role in that. Such is the conviction of my position that I would prefer to have that debate on alternative sources to show what I believe is the right way to go. It is important to have it because in the absence of such a debate, there are people out there who might not have knowledge of the area. They might have a thought in the back of their mind that there is this magic solution, but we are not debating it because it is not politically correct to do so. They might think that if only we were not so blind, we could turn to it and all our problems would be solved.

A debate will show that nuclear power is not a solution and does not provide easy answers. It is incredibly expensive and takes a huge amount of time, and we have no skills in the area so why would we go in that direction? Having that debate, which I believe would show up nuclear power for what it is, increases the political and public support for what we need to do, which is invest in renewables and energy efficiency. That is why I would be happy to conduct such a debate. A debate will be conducted in the public and in the media at any rate because they think it is a politically sensitive subject. Desensitising the subject and talking about it does us a service in energy policy.

**Deputy Liz McManus:** I remind the Minister that this is not about schoolboy debates, it is about governing, about being a Minister and having policies. I have no doubt he is genuine in his beliefs, and I pay tribute to that. The Minister says we should debate the nuclear option, know-

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ing full well that he has no conviction in that regard at all, and it is just a bit too glic. The Minister has a clear policy view that nuclear power is not an option and we are already barred from developing it.

**Acting Chairman:** Does the Deputy have a question?

**Deputy Liz McManus:** I suggest we get on to the real business and not embark on a debate that will lead nowhere. Such a debate lets the Minister off the hook when he might have a difficult audience to address and when he wants an opt out.

**Deputy Finian McGrath:** I commend the Minister on the way he is handling the debate and his leadership and decisiveness.

**Acting Chairman:** A question please, Deputy.

**Deputy Finian McGrath:** Will the Minister agree that all the political parties should show their positions on nuclear power? I am getting mixed messages from different political parties and their members. For example, Jerry Shanahan, a member of the Labour Party, is in favour of nuclear power while another, Roger Cole, is against it.

**Acting Chairman:** A question, please.

**Deputy Liz McManus:** Are we to censor them?

**Deputy Simon Coveney:** Are all parties accountable to Deputy Finian McGrath?

**Deputy Finian McGrath:** I am member of the Joint Committee on Climate Change and Energy Security. Will the Minister agree new ideas are needed in energy creation with the exception of nuclear power?

**Deputy Simon Coveney:** I am glad the Fine Gael Party and the Labour Party are answerable to Deputy Finian McGrath in outlining their policies.

**Deputy Finian McGrath:** They are answerable to the people.

**Deputy Simon Coveney:** Is it not the case that Ireland can receive the benefits of nuclear power through interconnection? As we increase our interconnection with the British grid, which is heavily reliant on nuclear power, and will be more reliant on it in future, in essence nuclear power will be competing with power generation in Ireland, from whatever source. Does the Minister have a difficulty with that?

**Deputy Eamon Ryan:** The reality is that one cannot separate power sources in an interconnected grid. Contract arrangements can be made

to ensure only a certain type of energy production is funded.

We do not need a debate for debate's sake. As we need massive change in the energy area, it makes sense to debate it to ensure certainty and clear commitment as to where we are going. That debate will not just centre on nuclear power. Unfortunately that is all they want to discuss when one goes to a television or radio station for a debate on energy production. We can get it out of the way by having a debate on it.

Other aspects of the energy debate include transport and how to provide bio-fuels and biomass for fuelling the transport system. There must be a consistent and long-term policy that will allow investors to develop alternative energy solutions.

In the past five years as a Member I have argued trenchantly on these issues and tried to highlight climate change and energy security. I have had no certainty, support nor direction from the Labour Party in these crucial energy issues. A debate may be useful to raise the level of understanding and knowledge to ensure a better policy outcome.

**Deputy Liz McManus:** Does the Minister believe it is the duty of one party to support another? Is he aware the Labour Party has a well thought-out policy on climate change? I do not know if he has read it but maybe he could support us in this regard. I support his view that the real issues need to be examined but that there is no need for a debate on nuclear energy.

**Deputy Eamon Ryan:** Such is the scale of change needed, it does not belong to any one political party. It should not be an area where political point-scoring occurs. It is an area that needs clear understanding because energy supply concerns the next four decades. Presenting a common understanding on broad energy policy parameters will assist businesses to make investment decisions. That is the benefit of a proper debate and a common understanding that, as far as possible, can be reached on energy issues. I will work with the other parties not for support but for solutions for the people.

#### Telecommunications Services.

7. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the negotiations that have taken place on cross-Border co-operation in providing the infrastructure for broadband; and if he will make a statement on the matter. [28988/07]

**Deputy Eamon Ryan:** The provision of telecommunications services in both the Republic of Ireland and Northern Ireland is a matter for the private sector. Service providers based in both jurisdictions offer services in each other's home market. Service providers in both jurisdictions

also use each other's networks where commercially appropriate.

There is also cross-Border co-operation between both administrations. As part of the national development plan, the Government is working with the Northern Ireland authorities under the INTERREG cooperation programme to provide better broadband infrastructure on a cross-Border basis.

Several projects to provide broadband infrastructure on a cross-Border basis have been undertaken in recent years under the INTERREG North-South cross-Border cooperation programme, including the establishment of a cross-Border network of fibre and duct between Dublin and Belfast, the creation of a digital corridor between counties Armagh and Monaghan and the creation of high speed cross-Border networks between third level institutions in the north west via a new fibre link from Letterkenny to the Derry area.

There is also a cross-Border project promoting the use of broadband, the Broadband Awareness campaign. Phase 2 of this project, which has begun, will promote the safe use of broadband and Internet technologies. There are ongoing discussions with the Northern Ireland authorities on possible cooperation on broadband infrastructure under the new INTERREG North-South cross-Border programme. It is hoped to continue the cooperative working relationship with the authorities in Northern Ireland on projects for the development of broadband infrastructure on a cross-Border basis where appropriate.

**Deputy Simon Coveney:** We have much to learn from Northern Ireland's broadband roll-out. It has 100% connectivity unlike the 15% to 20% of this country which has no capacity for a broadband service. The EU is moving towards creating a single telecommunications market, be it for mobile telephones or fixed-line telephony infrastructure. In the same way as the Republic of Ireland and Northern Ireland led the way in creating an all-island market for mobile telephony roaming charges, can a similar arrangement be reached for the regulation of broadband networks on the island of Ireland?

**Deputy Eamon Ryan:** I support the development of such an all-island network where it is possible. One of the larger telecommunications operators, BT, is an incumbent in the North and a major provider in fixed-line services in the South. Eircom, the incumbent in the South, has won a contract for a significant amount of telecommunications business in the North. In the mobile and 3G telephony areas, an all-island approach is developing. Any development that will encourage economies of scale and provide a more competitive market is to the benefit of the people, which I support.

**8. Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources his views on the legal action threatened by Eircom over the Government development of MANs; and if he will make a statement on the matter. [28970/07]

**Deputy Eamon Ryan:** Eircom has not issued any legal proceedings against the Department. It would not be appropriate to discuss the likelihood or otherwise of any potential legal action.

**Deputy Liz McManus:** I do not want to cause any legal difficulties but would the threat of legal action have an influence on strategic planning by the Department? Up to €170 million was allocated to phase 2 of the MANS roll-out and a phase 3 is planned. Will the Minister give a figure for that phase? The larger the amount allocated, the more likely the danger of legal difficulties with EU law.

Has the Minister considered the request by Shannon Development for €25 million to develop a next-generation network in its area on a pilot basis?

**Deputy Eamon Ryan:** MANS has State-aid clearance so a legal challenge would not hold up. This is open access infrastructure. There is no restriction whatsoever on any company. I encourage every company to use MANs because they are the latest high quality fibre optic networks in towns in the absence of which broadband services would not have been introduced. Deputy Coveney sat on the Oireachtas committee which considered this issue and knows that the concept of MANs came at a time when there was no developing competition or broadband development. In the absence of competition between providers they were a successful spur to starting a market here.

This is a rapidly-changing area. Some of the main fixed line networks have seen an 800% increase in data traffic in the past two years.

**Deputy Liz McManus:** Maybe the Minister will answer my question now.

**Deputy Eamon Ryan:** There is significant pick up in traffic on the MANs.

**Deputy Liz McManus:** What kind of pick up?

**Deputy Eamon Ryan:** It was in the region of 65% in the past year, according to the latest figures. That is not as high as I would like it to be. Technology is changing rapidly. The MANs were a long-term investment in high quality open access infrastructure. My Department is preparing the final draft of a next generation networks paper for internal and then public discussion. Instead of fibre optic lines going through an exchange, these networks will involve lines going to a cabinet on a street to serve faster broadband speeds. It is far from certain which technologies

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will work and how they will interact with wireless and other technologies. We must continue to review the role of the MANs but they will have an important long-term role in providing a high quality open access fibre network.

Phase 3 of the MANs will involve a review of prioritisation of certain projects such as Shannon, an important industrial area, about which there is concern across the House, and we will respond to that need.

**Deputy Liz McManus:** When?

**Deputy Eamon Ryan:** That will be a Cabinet decision but I hope it will be taken soon.

**Deputy Simon Coveney:** I can see now why the Minister did not have a figure for the cost of the roll-out of MANs phase 2 or 3 because he has just told us that the MANs need to be reviewed. I agree with him but that is inconsistent with what we were told earlier, that MANs phase 2 will go ahead as planned. If Eircom splits into two companies, as it suggests, one of which would be a wholesale service provider and network operator with an open access infrastructure competing with State funded infrastructure, the Minister may find himself in some legal difficulty. I do not want the State to have to fork out a fortune to contest a difficult case.

**Deputy Eamon Ryan:** There is a lead time for the construction of MANs. Most of the MANs for construction have been contracted a year in advance. The funding is not simply switched on and off. A review would therefore not have an immediate effect. Eircom has approached us about its proposal to split off its network business and we are discussing this in a general way. There is no reason an open access network would pose a competitive threat because all operators could use it. I welcome any innovative approach by any company to avail of that infrastructure.

**Deputy Simon Coveney:** The MANs would be duplicating the Eircom infrastructure.

**Deputy Liz McManus:** What is the Minister's policy on a separation in Eircom? Does he favour a structural or functional separation?

**Deputy Eamon Ryan:** The policy is to take the approach from the company and go into the details to find out the merits of each form of separation. I do not wish to rule out any outcome but would take into account several factors. The functional separation in the UK seems to work effectively with BT operating a wholesale business. The advantage there is that a retail arm remains which has a check on the quality of or need for good services in the wholesale arm. This is a complex question. The company has not reached a conclusion on whether it will be functionally or structurally separated.

**Deputy Liz McManus:** Does the Minister have a say in this decision?

**Deputy Eamon Ryan:** The State has a say in respect of the broad policy objectives it might want to achieve. We represent the public interest which is defined by two measures. We must ensure that the supply of broadband services is ahead of demand so that there is no restriction on the development of new technology of which we might wish to avail.

**Deputy Simon Coveney:** That will be a first.

**Deputy Eamon Ryan:** That has to be island-wide, taking into account the differing circumstances in rural and urban communities. We must also bring the prices down. Any regulatory decisions of the State are based on those two considerations.

### Alternative Energy Projects.

9. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the grants given to Irish companies involved in tidal turbines or wave energy; the applications for grants he has received relating to this energy resource to date; and if he will make a statement on the matter. [28973/07]

20. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources if he will make a statement on the state of research into wave and tidal energy generation; and the proportion of energy requirements he envisages will be met by these sources by 2010. [29009/07]

**Deputy Eamon Ryan:** I propose to take Questions Nos. 9 and 20 together. Ireland has one of the most promising ocean energy resources in the world, and the Government aims to position Ireland to take full advantage of this resource.

We have set a target of supplying 15% of electricity consumption from renewable sources by 2010 and 33% by 2020. The most significant contribution to this target is likely to be wind energy but we also aim to deploy other renewable energy technologies. The programme for Government sets a target of 75 MW of ocean energy connected by 2012. We have also set an initial ambition of 500 MW of ocean energy by 2020. These are challenging targets and require a cohesive strategic approach to research, development and demonstration and commercialisation.

The ocean energy strategy published last year aims to put Ireland at the forefront of ocean energy development and position us to capitalise on the resource. The strategy was developed by Sustainable Energy Ireland, SEI, and the Marine Institute. The strategy sets out the road map to advance research and development capabilities through supports to deliver infrastructural testing facilities. SEI, in co-operation with the Marine

Institute, already operates a grant support system for ocean energy research projects. To date, SEI has provided €1.4 million in grant support to eight groups involved in ocean energy technology development and research. Funding support has notably been provided to upgrade the hydraulics and maritime research centre in University College Cork as well as the establishment of an ocean energy test site a mile and a half off the coast of Spiddal, County Galway.

SEI also co-ordinates Ireland's participation in the International Energy Agency's ocean energy systems implementation agreement. The IEA agreement is an international co-operative research forum for addressing common challenges facing ocean energy, including the development of standards and best practice and information exchange and validation of research. The pace of technological development will determine the timelines for realisation of our ocean energy targets. I am placing particular priority on accelerating research and development and start-up production. Building national research capability in ocean energy is key. The Charles Parsons scheme has provided additional funding to University College Cork for research into ocean energy resources and ocean energy device modelling. This work will critically inform our understanding of Ireland's wave energy and tidal stream resources and the methodologies needed to realise the potential. My objective is to realise Ireland's ocean energy potential in the shortest realistically achievable timeframe. Our ambition is not only to optimise the contribution of ocean energy to electricity but to create an export-oriented ocean energy sector in Ireland at the cutting edge of technology.

**Deputy Liz McManus:** Everyone accepts that pioneering work in its early stages is being carried out in this field and that the west of Ireland is a very good location for this kind of development. Is the Minister convinced that we are providing enough in terms of support for individual companies developing prototypes, particularly in the area of wave energy and in the area of tidal energy? I get the impression that Portugal has an attractive feed-in tariff arrangement that is attracting people to avail of the facility to develop prototypes there. Has the Minister looked at how other countries support this kind of pioneering innovation? It is at such an early stage that it seems we should be doing this as we are ideally located.

**Deputy Eamon Ryan:** This is an area in which we should excel and our resources give us an opportunity to take a lead that other countries, which may have taken a lead in other areas of renewable energy, such as Germany, will not be able to take because the resource is not close to them.

My knowledge of Portugal in this regard is that it sees the development of its resources as a site

for companies from other areas to use their plug-in facilities. We will seek to have Irish companies involved and a number of companies, at various stages of development, may help us develop an indigenous industry, perhaps in co-operation with international experts in engineering and other areas. This is our aim and it will require a number of different supports from the State, including good test facilities with grid connections, a feed-in fixed tariff system and capital grants in appropriate areas. These grants will, in all likelihood, be matched by significant private sector funding because the global fund in venture capital for renewables has increased from approximately €24 billion in 2004 to approximately €100 billion this year. The State will not be the main financier for such projects but it can act as a lever for support and that is my intent.

**Deputy Liz McManus:** I am having difficulty extracting specific information from the Minister and while what he is saying is interesting it is not providing clarity as to what the policy of his Department is in this regard, though I am new to this portfolio. Are we concentrating our efforts on the development of indigenous industry in the wave and tidal energy sector? If a target of 75 MW is to be set, surely we should not concentrate solely on developing indigenous operators in the area, though it is worthwhile. There is value in providing supports to attract outsiders to see what they will come up with and ensure we reach our targets. Is that not the purpose of all this?

**Deputy Eamon Ryan:** I will be happy to see outside operators in the area but I wanted to make it clear that I do not want to rely exclusively on such operators. We should aim to develop expertise here.

**Deputy Liz McManus:** What are we doing to achieve this?

**Deputy Eamon Ryan:** I hope, in the coming months, to offer a support package that will give a major boost to the industry.

**Deputy Simon Coveney:** I am glad to hear that and the information is welcome, though I hope the money does not come from capital set aside for broadband.

The Minister said that we have set a target of 15% for 2010. Is it time to revise this target upwards? That figure was set in the Green Paper and confirmed in the White Paper on Energy for Ireland, which was put in place by the previous Government. We now have a Minister from the Green Party who clearly seeks to change Ireland's attitudes on energy use and generation.

The Minister said in his contribution that by the end of this year we could derive up to 1,000 MW from wind. We only produce 6,000 MW, or a little more, so we are more or less at the suggested figure already, when the wind blows. The

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Minister will receive a lot of support from my party if he displays more ambition than the White Paper on short to medium-term targets for the percentage of power generated from renewable sources.

**Deputy Eamon Ryan:** I welcome the Deputy's comments because I feel we should not see those targets as the limit of our ambition but as the base level for our ambitions.

**Deputy Simon Coveney:** I fear some of the Minister's Cabinet colleagues may see those targets as the limit of our ambition and that is the problem.

**Deputy Eamon Ryan:** I am confident that there is a clear realisation across the Government of the opportunities presented by this for employment generation, wealth generation and emissions reductions in our country. We tend to concentrate on the area of power generation to the detriment of other areas and I hope we may also exceed the targets relating to heat. Regarding transport we must be careful not to focus solely on our supply target and must consider demand reduction. In general, the target for energy efficiency in our National Action Plan for Energy Efficiency will be crucial and I hope great attention is paid to it. As we roll out that plan we must attempt, in the short to medium term, to exceed the targets on energy saving, in addition to targets on energy use and generation. I welcome the Deputies comments and agree that we need to exceed targets.

### Fishing Industry Development.

10. **Deputy Billy Timmins** asked the Minister for Communications, Energy and Natural Resources the way he will allocate the €5 million hardship fund which has been earmarked as a hardship and diversification fund for those affected by the salmon drift net fishing ban; and if he will make a statement on the matter. [28998/07]

**Deputy Eamon Ryan:** The report of the Independent Salmon Group recommended that a community support scheme be established to support the development of additional economic opportunities in communities affected by the closure of the drift net fishery. It recommended that the focus of this measure should primarily be those communities where drift net fishing had been a well established activity and where its withdrawal demonstrably impacts on their economic and social fabric, for example, Gaeltacht areas and island communities formerly involved in drift net fishing.

In addition to the €25 million salmon hardship scheme, the Government subsequently provided for a fund amounting to €5 million that will be available for such a community support scheme.

This scheme will be directed at the development of additional economic opportunities for former crew in the salmon fishery and employees in the processing and ancillary sectors in the communities.

The scheme is to be administered by my Department in conjunction with the Department of Community, Rural and Gaeltacht Affairs. I am advised that details of the scheme are being finalised with a view to allocating the available funds to those affected fishery districts, proportionate to the impact of the cessation of the mixed stock fishery. Consultations with the Leader companies, conducted through the Department of Community, Rural and Gaeltacht Affairs, will inform the most effective distribution of funds.

In this regard, the Department of Community, Rural and Gaeltacht Affairs invited Leader companies to prepare submissions, the last of which was received on Friday, 9 November to ensure that resources are directed to the most affected areas. My officials met their counterparts from the Department of Community, Rural and Gaeltacht Affairs on Tuesday, 13 November to review the submissions. As soon as this exercise is completed, details of the scheme will be finalised and published through the Leader companies.

**Deputy Simon Coveney:** I thank the Minister for his answer and would appreciate a hard copy because there is great confusion over this issue in the community concerned.

The Minister will be very aware of the deep dissatisfaction among a relatively small number of salmon drift net fishermen at the compensation package put together for many of the people concerned. Some people were handsomely compensated but many others were not, having relied on an income derived from catching salmon using drift nets. That process is over, which I accept, but it has taken many months to approach the conclusion of this matter and it has still not been reached in terms of distributing the remaining €5 million of the community fund. I am concerned, in particular, about fishermen who come from areas that do not have large fishing communities.

Many individuals, including people I know in Crosshaven, will not qualify for a significant portion of the €5 million because they do not come from a community where there are large numbers of drift net fishermen. Many of these individuals face genuine hardship and are anxious to find other sources of income and to retrain for other industries but need support to do so. Is that not the purpose of this fund?

Will the Minister consider the possibility of allocating some of the available moneys to individuals who may not come from large fishing communities but are facing the hardship and isolation of not being able to fish for salmon as they may have done season after season in the past. I do not question the validity of the decision to end drift net fishing. Rather, I question the fairness

of the distribution of the €5 million set aside to encourage fishermen into other industries. People have contacted me and others to ask whether there is a fund to help them set up a business elsewhere or to move into another industry. Unfortunately, the way in which the funding is allocated means that is not possible.

**Deputy Eamon Ryan:** I recognise this is a sensitive issue. There are cultural and economic factors to consider in areas where there may not be many economic opportunities. This sensitivity is one of the reasons it is taking time to devise the system of allocation. The Leader companies, the Department of Community, Rural and Gael-tacht Affairs and my Department are engaged in a complex and difficult process to devise a system that meets some of the objectives set out by Deputy Coveney. I agree that smaller communities that may not be the obvious targets should not be forgotten. At the same time, we must have a coherent and effective programme.

The decision to end drift net fishing was correct. It will be beneficial for rural areas along the seaboard in the long term.

**Deputy Simon Coveney:** I do not dispute that.

**Deputy Eamon Ryan:** I accept that but I wish to make this point. For the future we must protect our natural resources, including the stocks of wild salmon. I hope this brave decision will be seen to bring returns when we can begin to reopen rivers for both anglers and commercial fishermen operating on a draft net basis, thus providing employment opportunities in hotels, commercial fisheries, smokeries and so on for what would be a unique product in a world where salmon is increasingly less available.

Another aspect of the complexity of this issue is that those who were affected most by the end of drift net fishing, by reference to the intensity of their fishing activities, are the ones who were compensated disproportionately well. Anyone who was fishing extensively in the previous five years and had the tag records to show that received a much higher payment than those who may have held a licence but did not undertake an extensive amount of fishing.

This causes difficulty in terms of structuring the support scheme. It is a question of whether we should target those who were intensively engaged in the industry or those who were less involved but, because of this, received less compensation. This is one of the complexities that the departmental officials will have to address in conjunction with the Leader companies.

**Deputy Simon Coveney:** The problem in this instance is that one is dealing with a community infrastructure, through the Leader organisations, for example. The nature of drift net fishing, however, is that it involved individuals who are located right along the coast. It is not similar to

other fishing sectors where there are large centres, such as Killybegs, Castletownbere and Dingle. Drift net fishermen were based around the coastline in an isolated way, in small ports and using small boats. My concern is that individuals who are willing to leave the fishing industry and move into other industries should also be able to access this fund to obtain the support they require. That does not seem to be possible under the current proposals.

**Deputy Eamon Ryan:** I will convey the Deputy's concerns to my departmental officials so they may be stitched into whatever agreement we have. I am sure the Deputy realises that the amount of money is not huge given the number of communities involved. I will make every effort to ensure the smaller communities to which the Deputy referred are not excluded.

*Written Answers follow Adjournment Debate.*

#### **Adjournment Debate Matters.**

**Acting Chairman (Deputy Ciarán Cuffe):** 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 Simon Coveney — the progress in the approval of refurbishment works at a school in Cork city; (2) Deputy Dinny McGinley — the need to provide funding for the refurbishment and extension of a school in County Donegal; and (3) Deputy James Bannon — the development of slurry generated electricity.

The matters raised by all three Deputies have been selected for discussion.

#### **Adjournment Debate.**

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#### **Schools Refurbishment.**

**Deputy Simon Coveney:** I am pleased to see that the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, is also dealing with education matters. On Monday night, in St. Angela's school in Cork, I attended one of the most aggressive and frustrated public meetings I have encountered in my nine years of public life. This school is not in my constituency but many of its pupils come from the south of the city. I know the principal well and am aware of the standing the school has in Cork city, despite the fact that its infrastructure is almost collapsing. There are 524 students in the school and a waiting list of more than 90 applicants because of the reputation it has attained as a consequence of its ethos, tradition and academic success.

The school was promised refurbishment funding eight years ago by the then Minister for Education and Science, Deputy Martin. There were some complications because the site is located on



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the side of St. Patrick's Hill in Cork. In addition, there was a requirement to extend the site into a convent next door to facilitate the refurbishment. Nevertheless, a delay of eight years is unacceptable.

Last April, a public meeting was called out of utter frustration that nothing was happening. Following that meeting, in the build up to the election, the Minister for Education and Science, Deputy Hanafin, met the individuals concerned and gave a clear commitment that so long as the school management could iron out some technicalities, which it has now done comprehensively, the funding would be made available. Last Monday night, however, in the presence of the Minister for Enterprise, Trade and Employment, Deputy Martin, and the Minister of State at that Department, Deputy Kelleher, the impression was given that funding may well be a problem in the short to medium term, despite the wait of more than eight years for basic refurbishment work. This is unacceptable.

Physical education classes in the school are held in a room that is 9% of the regulation size for a new school. It is not even as large as the floor area at the centre of this Chamber. Pupils and teachers are forced to use makeshift laboratories for science lessons. These are merely adjusted classrooms in which students are not allowed even to light bunsen burners because of the risk of fire in rooms that have not been equipped for that type of activity.

It is a school with a fantastic reputation but a hopeless infrastructure. Students, parents, teachers and the school management have been patient until now, but their anger was evident last Monday night, directed primarily at Government Deputies but also at Opposition politicians. They believe they have been led up the garden path on this issue and their anger was stronger than I have seen at any public meeting in recent times. I ask the Minister for Communications, Energy and National Resources to do what he can to encourage the Minister for Education and Science to prioritise this project.

Schools are developed and funded in Ireland if the Minister decides to prioritise a particular project. The bureaucracy and frustration experienced since the summer by the school management and parents' association in dealing with the Department has been extraordinary. Attempting to get basic agreement on a valuation of the site, for example, which the nuns in the convent are willing to sell to the Department, has been ongoing despite an independent valuation having taken place.

I am endeavouring to kick-start and push this project along so the next time there is an allocation of funds, this project may be moved from second to third stage in the eight-stage process of refurbishing or building a new school. We should see some progress in that effort the next time there is an allocation of funding for design and

build programmes within secondary schools. I hope the Minister has some good news to take back to the school.

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** At the outset I thank the Deputy for raising the matter as it affords me the opportunity to outline to the House the Government's strategy for capital investment in education projects and also the position of St. Angela's College, Patrick's Hill, Cork city.

Modernising facilities in our 3,200 primary and 750 post-primary schools is not an easy task given the legacy of decades of underinvestment in this area, as well as the need to respond to emerging needs in areas of rapid population growth. Nonetheless, since taking office this Government has demonstrated a focused determination to improve the condition of our school buildings and ensure appropriate facilities are in place to enable the implementation of a broad and balanced curriculum.

As evidence of this commitment, over €540 million will be spent on school building and modernisation projects in the current year on primary and post-primary schools throughout the country. Since 1997, a total of €3 billion has been invested in school buildings and this has delivered more than 7,800 school building projects. This further investment of over €540 million is building on these achievements and is focused in particular on the provision of school accommodation in areas where the population is growing at a rapid rate.

As further evidence of our commitment, NDP funding of €4.5 billion will be invested in schools over the coming years. The Deputy will agree this record level of investment is a positive testament to the high priority the Government attaches—

**Deputy Simon Coveney:** The Minister is sounding more like the Taoiseach every day.

**Deputy Eamon Ryan:** —to ensuring school accommodation is of the highest standard possible.

**Deputy Simon Coveney:** One never knows.

**Deputy Eamon Ryan:** Turning to the specific matter in hand, which I am sure will interest Deputy Coveney, St. Angela's College is an all girls' post-primary school which had an enrolment of 521 pupils in 2006 and 2007. Enrolments at the school have remained stable over the past five years.

An extension and refurbishment project proposed for the school is at the early stages of architectural planning. The existing school site is restricted. The trustees have advised the Department that the Ursuline Order is willing to sell the convent building and gardens to the Department and that they are prepared to cede to them the

current school building and site. The Department requested the projects design team to complete a schedule of accommodation based on 500 pupils giving consideration to the utilisation of the existing school building and site only; and utilisation of the existing school building and site and the St. Angela's convent building and grounds.

The design team quantity surveyor was requested to update the estimated costs for the proposed project, taking into account decanting costs and the implications of the potential options. It is understood, following consideration by the design team, that to provide accommodation for a 500 pupil school, the convent building and gardens will be required. The convent building and grounds have been independently valued and this information is currently being considered by the Department.

Progression of this project is predicated on the acquisition of the convent building and gardens and the extension and refurbishment of the existing buildings, which will include the need to decant the existing cohort of students. The proposed building project for St. Angela's will be considered for progression in the context of the multi-annual school building and modernisation programme.

I thank the Deputy once again for raising the matter and allowing me to outline the position regarding St. Angela's School, Patrick's Hill, Cork city.

**Deputy Dinny McGinley:** I appreciate the opportunity to raise the matter of another school in a different part of the country on the Adjournment this evening. My contribution deals with the national school in Creeslough, which is probably one of the most picturesque little villages in my constituency. It is situated on the N56 between Letterkenny and Dunfanaghy. On one side of the village is the majestic mountain of Creeslough, which the Minister is probably familiar with as it is in a part of the country he frequents. On the other side of the village is the broad Atlantic.

This nice little town is the birthplace of "The Girl from Donegal", who is probably a past pupil of the school, the well-known and much-loved Bridie Gallagher. It has also been immortalised in verse and song by the great Percy French, and I am sure some present are familiar with the beautiful melody "They are Cutting the Corn around Creeslough Today". I am here to deal with the matter of Scoil Mhuire in Creeslough.

The school was built in 1959 as a three-teacher school. In 1976 a further two classrooms were added to the building and since then, little or no work has been carried out on the fabric of the school. This leaves the existing building completely inadequate for present day curriculum demands.

The school now has to accommodate seven staff, including five regular teachers, a learning support teacher and a home-school liaison officer. All the classes are being taken in five old-

fashioned and dated classrooms. The board of management, staff and parents are very concerned at the lack of basic facilities for the pupils of Scoil Mhuire. They urgently want to have the existing classrooms modernised to concur with present day standards and requirements.

A general purpose room, a necessity for all such schools, is required, along with extra standard facilities such as an office, a staff room, secretarial accommodation and a sports hall. The Creeslough community has already raised a local contribution in excess of €60,000 for the project, an indication of its commitment to the project.

An application for these absolutely necessary facilities has been with the Department for some time. Meanwhile, the pupils and teachers of Scoil Mhuire are endeavouring to do their best in conditions that do not meet modern standards of accommodation for national schools.

This evening I am appealing to the Minister to give their application her immediate attention and grant this project the highest priority. We simply cannot afford to wait year after year with the young pupils of Creeslough being deprived of these basic requirements. The people of Creeslough have done their bit and it is now up to the Minister for Education and Science to respond positively to their just demands.

I trust the Minister for Communications, Energy and National Resources, who is deputising for the Minister for Education and Science, will contact his Cabinet colleague and impress upon her the urgency of dealing with this school, which has been waiting for funding for so long. I know when the Minister visits Donegal in the near future, he will certainly earn some credit if the project is complete.

**Deputy Eamon Ryan:** I will certainly impress upon the Minister for Education and Science the importance of the project. I look forward to returning to Donegal this winter and again in future years, and I hope to see a brand new shiny school there.

I thank the Deputy for raising the matter as it affords me the opportunity to outline to the House the Government's strategy for capital investment in education projects and also to outline the position regarding the provision of additional accommodation at Scoil Mhuire, Creeslough, County Donegal.

Modernising facilities in our schools presents major challenges given the legacy of under-investment as well as the need to respond to emerging challenges in areas of rapid population growth. Bearing this in mind, this Government has demonstrated a commitment to improve the conditions of our school buildings and ensure accommodation supports are available for a broad and balanced curriculum.

This year, over €540 million will be spent on school building and modernisation projects. Since 1997, a total of €3 billion has been invested in

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school buildings and this has delivered more than 7,800 school building projects. Building on past achievements, this investment will focus in particular on the provision of school accommodation in areas where the population is growing at a rapid rate. As further evidence of our commitment, NDP funding of approximately €4.5 billion will be invested in schools in the coming years.

In addition to the record levels of investment, the programme for Government contains a wide range of commitments to build on and maintain the momentum of the school building programme. Taken together with the committed funding in the coming years, this is evidence of the priority accorded to school building by the Government.

On top of this, to reduce red tape and allow projects to move faster, responsibility for smaller projects has been devolved to school level. Standard designs have also been developed for eight and 16-classroom schools to facilitate speedier delivery of projects and save on design fees. The design and build method is also used to expedite delivery where the use of standard designs is not possible. Taken with the unprecedented level of funding available, these initiatives ensure that building projects are delivered in the fastest time-frame possible.

Scoil Mhuire, Creeslough, is a co-educational primary school with a September 2007 enrolment of 119 pupils. Enrolments at this school have decreased in recent years from 125 pupils in 2001 to 119 pupils in 2007. The school has a current staffing of principal, four mainstream assistants, two learning support-resource teachers and one Breaking the Cycle post.

The school has submitted an application to the Department for capital funding towards the provision of additional accommodation and the long-term staffing figure on which accommodation needs will be based has been determined and notified to the school authority. It has been agreed that appropriate accommodation should be provided to cater for a long-term projected staffing of principal, eight mainstream assistants and appropriate ancillary accommodation. The building project required will be considered in the context of the multi-annual school building and modernisation programme.

I thank the Deputy once again for raising this matter and allowing me to outline the progress being made under the school building and modernisation programme and the position for the provision for a new school building at Scoil Mhuire, Creeslough, County Donegal.

### **Renewable Energy Projects.**

**Deputy James Bannon:** I welcome the opportunity to raise this issue and am glad the Minister is in the House to reply. This is an important energy saving and environmentally sustainable

process that requires a coherent policy: the development of slurry-generated electricity.

The use of organic materials such as farm slurry could generate enough electricity to power one in every three homes at peak periods. By using fuels that are readily available, the Irish Bioenergy Association estimates enough electricity could be generated to meet supply storage demands as projected by the ESB. The association's figures show that if 25% of animal slurry and manure collected in Ireland was processed using anaerobic digestion and biogas produced, it could be used to generate 2,400 MW hours of electricity during the evening peak period, a tenth of total capacity.

The new power source would reduce pollution, cut greenhouse gas emissions and lower the cost of food production. Small processing plants are operating successfully in other European states and the production of electricity from organic material is already commonplace in Germany and Sweden. There is no coherent policy here to encourage such development.

There is much debate about the shortfall in electricity supply capacity but bioenergy can be stored and used to produce electricity at specific times when demand is high. Small processing plants can be used to produce large quantities of electricity. The technology to process the organic material or biomass is used widely in farming and has proven to be very cost effective. A herd of 50 cattle will produce enough waste to generate 5 KW of electricity per hour; the average house uses 2 KW per day.

Although only three private systems exist in Ireland, the deregulation of the electricity sector and growing demand for power will strengthen the case for bioenergy. Such initiatives will protect the environment by processing farm and industrial waste into organic fertilisers, create renewable energy, heat and electricity from waste and create employment. Full roll-out would be an innovative sustainable energy project that would help to reduce CO<sub>2</sub> emissions and facilitate our meeting our Kyoto targets.

I highlight the Camphill community project in Ballytobin, County Kilkenny. This is a residential therapeutic centre for children and adults with disabilities. A total of 90 people live in the community and they consume 150,000 KW of electricity and 500,000 KW hours of primary energy in heating. The community is committed to strong environmental policies, with an organic farm and gardens. The community also has an agriculturally-based anaerobic digestive plant producing biogas from farmyard waste that meets its energy requirements.

The biogas project is an exciting and innovative means of improving our environmental and energy profile. Government policy to support and expand existing ventures is essential to enable Ireland to get off the ground in the biogas

enterprise. I ask the Minister to give every help to expand this environmentally-friendly energy source and establish a pilot scheme in every county. It would be of benefit to the entire country.

**Acting Chairman:** I have a sister in Ballytobin and a fine system it is.

**Deputy Eamon Ryan:** I agree with Deputy Bannon, there is huge potential in this area and I want to see the Government deliver on that potential.

I welcome this opportunity to update the House on the significant progress achieved in harnessing our renewable energy resources and the challenging target set by the Government to increase the contribution of indigenous renewable energy resources to our electricity mix.

Our minimum targets are to increase the contribution of renewable energy to the electricity market to 15% by 2010 and 33% by 2020. These are not the limits of our ambition, we want to increase supplies beyond this. Project developers can be assured, therefore, that interest in developing new renewable energy projects will increase for a significant period.

The current support system for new renewable electricity projects is the REFIT scheme, which supports the production of electricity in the categories of large wind, small wind, landfill gas, small hydro and biomass. The biomass category is capable of supporting the production of electricity from all biodegradable wastes, including slurry.

The price offered to biomass produced electricity is at the highest level offered under REFIT commencing at €72 a megawatt hour. Any project developer who has a viable proposal to generate electricity from any biomass resource and who can comply with the terms and conditions of REFIT, which are listed on my Department's website, can be accommodated. It is essential in the case of waste products that the waste and project proposal are compliant with the waste management hierarchy in the first instance.

In March this year, my Department published a national bioenergy action plan for Ireland. This plan, which was developed following a joint ministerial conference, comprising seven Government Departments and Ministers, is a comprehensive strategy to increase the deployment of bioenergy across the three key sectors: transport, heat and electricity. Ireland is 90% dependent on imports to meet its energy needs. The more indigenous resources we can harness, the less exposed we are to consistently high and volatile oil prices, which will grow further due to forecasts of peak oil.

I welcome the fact that the REFIT programme will enable a significant number of additional projects to proceed. REFIT has an important part to play in developing all our renewable resources. I

intend to expand this system in terms of the level of capacity supported and to include other technology bands that are not already covered under the scheme. The present level of development will deliver our 2010 renewable electricity target of 15% but there is clearly a step-change required in the level of development and the pace of development to ensure our 2020 target of 33% renewable electricity is achieved and exceeded.

To develop the necessary scale into our renewable energy development, there is a clear need to extend REFIT to cover the areas of offshore wind, additional biomass categories, including co-firing at the peat stations, and providing support for wave and tidal energy.

While some of these technologies are still emerging through the research and development stage, it is important that we signal our commitment to developers in these areas to enable technology developers to progress to full commercialisation stage in Ireland. Similarly in the case of energy harnessed from waste, while the earliest signal is desirable, we must interact with project developers to ensure delivery of credible authentication of waste management compliance.

The all-Ireland electricity market that commenced earlier this month will create additional opportunities for the renewables sector as we move to larger market opportunities. My Department is working with the relevant authorities to ensure that REFIT will fit seamlessly with the new market terms and conditions.

I also have asked my officials to resume the renewable energy development group process to provide a permanent forum in which industry, policymakers and relevant authorities can engage to ensure the renewables industry, including bioenergy producers, can move forward at the desired pace. This forum worked well in the past and significant progress was made when all players moved towards common ground.

In addition to these opportunities, significant work has been undertaken by my Department and colleagues in Northern Ireland, the regulators and the transmission system operators, both North and South, to complete an all-island grid study which is due to complete its work in a short number of weeks. I believe this work will provide both the foundation and the roadmap for developing the renewables sector over the next decade or so.

I am certain the post-Kyoto treaty agreement, when finalised, will make additional carbon reduction demands on Ireland. The European Council has already signalled a unilateral reduction of 20%, with a move to a reduction of 30% if other states come on board in a meaningful way. This shows clearly the need to reduce the carbon intensity of the energy we use and emphasises the fact that this issue will not go away. This is a long-term issue that must be addressed as a priority on an ongoing basis and this points

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clearly to the importance we must all place in developing our renewable energy future.

There is a growing demand to harness all our renewable energy resources and a sustainable programme is in place to deliver our 2020 targets. In the case of qualifying waste-to-energy projects,

including slurry-based anaerobic digestion, these projects can access the existing support programme.

The Dáil adjourned at 5.15 p.m. until 2.30 p.m. on Tuesday, 20 November 2007.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 10, inclusive, answered orally.*

### Energy Conservation.

11. **Deputy Olivia Mitchell** asked the Minister for Communications, Energy and Natural Resources the timescale involved in the roll out of net metering as was promised in the programme for Government; and if he will make a statement on the matter. [28990/07]

22. **Deputy Michael D. Higgins** asked the Minister for Communications, Energy and Natural Resources the timeframe for a commitment to install smart electronic meters in every home as per the programme for Government, in view of the announcement on the pilot scheme for smart meter installation; the full cost for the pilot scheme and the estimated cost for the roll out to every home; the geographic locations of the pilot scheme; if this will facilitate the introduction of a micro generation strategy; and if he will make a statement on the matter. [28975/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 11 and 22 together.

The introduction of net-metering facilities for micro-scale producers will be enabled by the introduction of smart metering technology. The Government's Energy Policy Framework and Programmes for Government commit to the introduction of smart meters to every customer in the country over the next five years. The smart meter programme is a key component of the Government's Strategy to radically improve demand, management and energy efficiency and to enable the development of micro generation and distributed generation on a wider scale.

The Commission for Energy Regulation (CER) will lead the implementation of smart metering which entails a first phase to scope out potential

applications and the technical and system developments appropriate in the context of the Irish electricity market. Informed by this work ESB Networks will commence a first phase roll out of 25,000 smart meters at an estimated cost of €10 million. The ESB Networks programme currently envisages the first meters being installed in the second quarter of 2008. The geographic locations of the smart meters in the first phase roll out has not yet been finalised but will include a number of mixed network sites in urban and rural locations including the Sustainable Energy Ireland (SEI) sustainable energy community programme in Dundalk.

Microgenerators will be included in the assessment of the optimal design of a smart meter and associated processes. The initial estimate for a full network roll out of smart meters is of the order of some €600 million under the Networks Investment Programme, which is regulated by the CER. The full costs of the project will be determined by the final smart meter design and applications that will be scoped out over the coming period. There will, of course, be significant savings in electricity bills due to greater energy efficiency and also reductions in carbon emissions.

### Fisheries Protection.

12. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources if, in view of a meeting (details supplied) he will confirm the existence of an agreement detailing the right of net fishermen to resume commercial drift and draft net fishing should requisite conservation levels be met; and the rights they will have if they choose not to accept the buy out in view of the fact that a deadline of 21 December 2007 is rapidly approaching. [25899/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The

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Standing Scientific Committee of the National Salmon Commission has advised that stocks of salmon in the river Fergus, a tributary of the Shannon, are below conservation limits. For this reason, no killing of salmon by any method was permitted during the 2007 season. The Shannon Regional Fisheries Board and the Marine Institute will monitor the stocks in developing a management plan for the river with a view to identifying the extent of the recovery, if any, arising from the cessation of the harvest of salmon and any stock rehabilitation works undertaken.

There was no agreement of the nature referred to by the Deputy, on foot of a meeting between the previous Minister of State and this group. He did advise, however, that in the future event that stocks recover in the river Fergus and it is established from the results of the Genetic Stock Identification project that significant numbers of fish destined for other rivers are not intercepted within the river, it should be possible to exploit the identified surplus by all methods but within the constraints permitted by the Habitats Directive. A condition of acceptance of payment under the Salmon Hardship Scheme is that the recipient will not apply for a commercial salmon fishing licence in the future.

Any future issue of commercial salmon fishing licences will be limited to those who have not availed of the hardship scheme and will recognise, for those licence holders who are unable to fish because of the closure of a river on conservation grounds, the year 2006 as the most recent year for fishing in determining the order of priority for the allocation of licences. According to legal advice, salmon fishing licences are issued annually and there is no automatic entitlement to them. They cannot be transferred, traded or sold. No property right exists in them.

I would like to emphasise that the Government's primary motivation in its decision to align future management of the wild salmon fishery with the scientific advice and introduce the appropriate regulations to cease mixed stock fishing, is the conservation of the wild salmon species. It is vital to afford every protection to the remaining salmon stocks and to clearly prioritise conservation over catch. The current imperative is to maintain stocks above conservation limits or, at the very least, to halt the observed decline.

#### Telecommunications Services.

13. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the number of fixed line broadband subscribers excluding mobile services such as 3G; the way they compare to the European average; and if he will make a statement on the matter. [28995/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** There

were 653,000 broadband subscribers (excluding mobile) in Ireland at end of quarter two of 2007 according to official figures from Commission for Communications Regulation ComReg. This figure comprises broadband connections through "DSL" — 472,700, "Cable" — 68,900, "Fixed Wireless" — 102,500, "Other Technologies" such as Satellite and Optical Fibre — 8,900. Additionally, there were 45,000 mobile broadband subscribers in Ireland at the end of June 2007 giving a total of 698,000 subscribers. The 698,000 figure represents a penetration rate of 15.4 subscribers per 100 of population.

Ireland's growth in broadband penetration is exceptional. Last week's report from the OECD shows that we have the strongest per capita subscriber growth in the OECD. Moreover, Ireland has narrowed the gap behind the EU average. At the end of Quarter 2 06 the EU-25 average was 14 subscribers per 100 of population and our rate was 8 subscribers. At the end of Quarter 2 07, the EU-25 Average was 18.2 subscribers per 100 of population and our rate was at 15.4. If the estimated 45,000 mobile broadband subscribers are included, then the penetration figure increases to 16.48 subscribers. It might be noted that the OECD assessment understates Ireland's competitive position as regards broadband access due to the larger size of households in Ireland.

14. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources the position regarding the security failure from Eircom regarding its 250,000 wi-fi customers; and if he will make a statement on the matter. [28980/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I am advised that Eircom have contacted all of their users who are potentially affected by this issue. I am also advised that Eircom have created a special web site [www.eircom.net/wirelesssecurity](http://www.eircom.net/wirelesssecurity) and have set up a free phone number where information is available on how to address the issue. In general, security issues in relation to public communications networks provided by eircom and other service providers are matters in the first instance for the service providers who are regulated by the independent Commission for Communications Regulation (ComReg).

A function of ComReg is the investigation of complaints from consumers in relation to the supply of, and access to, electronic communications networks, electronic communications services and associated facilities. ComReg are required to take all reasonable measures which are aimed at achieving and ensuring that the integrity and security of public communications networks are maintained. My Department is working with industry to increase public awareness in the next few months, in relation to the safe use of Information Communications technology (ICT). This will take the form of an all Ireland campaign

aimed at educating computer users how to mitigate security risks when using computers and the Internet.

15. **Deputy Bernard Allen** asked the Minister for Communications, Energy and Natural Resources the plans he has to improve broadband speeds here as recent studies claim Ireland has a low European ranking with average speeds of 2.2Mbps compared to some European neighbours who have average speeds ten times that of Ireland; and if he will make a statement on the matter. [28993/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of telecommunications services, including broadband, is primarily a matter for the private sector. Broadband service providers operate in a fully liberalised market that is regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg. The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services by competing private sector service providers.

The widespread provision of broadband services has therefore been a priority for Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs). There has been significant progress made to date in the broadband market. There were 698,000 broadband subscribers in Ireland at end of quarter two of 2007 according to official figures from ComReg. This figure represents a penetration rate of 16.48 subscribers per 100 of the population. Last week's report from the OECD shows that we have the strongest per capita subscriber growth in the OECD, with Ireland adding 6.6 subscribers per 100 inhabitants during the past year, far ahead of the OECD average of 3.65 per 100 inhabitants.

The matter of the speed of broadband services is one for the service providers. Worldwide, the telecommunications sector is focusing its investment plans on what has become known as Next Generation Networks (NGNs), which are likely to see the delivery of higher-bandwidth broadband services over fibre-optic infrastructure. I understand many of the services providers in Ireland are formulating plans for the roll out of NGNs. My Department is currently considering policy options in relation to the optimum role for Government in encouraging and facilitating the planning and roll out of next generation broadband in Ireland, including how existing Government owned infrastructure, and possible future Government investment, could help achieve national policy objectives in this area.

16. **Deputy Jan O'Sullivan** asked the Minister for Communications, Energy and Natural Resources his views on reports from ComReg that Eircom's rate of return from services provided is higher than appropriate; the implications for the customer; the action he will take; and if he will make a statement on the matter. [28960/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Statutory responsibility for the regulation of electronic communication service providers, including eircom, rests with the independent regulator, the Commission for Communications Regulation (ComReg), in accordance with the requirements of the Communications Regulation Act 2002, as amended, and the Regulations, which transpose the EU Regulatory Framework for Electronic Communications. I, therefore, have no function in the matter referred to in the Question.

I understand that ComReg issued a consultation paper on the cost of capital that eircom should be allowed. This is a key input to the return eircom is allowed to earn on its fixed-line business and is known as Weighted Average Cost of Capital (WACC). Full details of the consultation are available on ComReg's website – [www.comreg.ie](http://www.comreg.ie), consultation reference 07/88.

#### Broadcasting Services.

17. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources his views on providing a channel dedicated to the democratic discussions in Dáil Éireann and making it available on terrestrial television; and if he will make a statement on the matter. [28965/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Section 28(2)(b) of the Broadcasting Act, 2001 mandates RTÉ to provide programmes of news and current affairs in the Irish and English languages, including programmes that provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament. In addition section 45(4) of the Broadcasting Act 2001 mandates TG4 to provide programmes, primarily in the Irish language, of news and current affairs, and to provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament.

Both RTÉ and TG4 devote resources and efforts, within the constraints of their programming schedules, to coverage and commentary of the proceedings of the Houses of the Oireachtas. I would agree that there is a need for direct public access to live proceedings of both Houses and to the work carried out by committees of the Oireachtas. In line with the commitments set down in the Programme for Government, and in the light of the opportunities offered by the introduction of digital terrestrial television, I propose



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to work with the Houses of the Oireachtas, and in particular with the Joint Administration Committee, to explore the possibilities for the introduction of programming carrying live broadcasts of Oireachtas business.

### Electricity Generation.

18. **Deputy Willie Penrose** asked the Minister for Communications, Energy and Natural Resources his views on the issue of potential power outages in winter 2007 due to underperformance of ageing ESB plants; if he is confident that there will be sufficient power supply in winter 2007; the peak usage in winter 2006 and the predicted usage in winter 2007; the capacity in the system in winter 2006 and in winter 2007; and if he will make a statement on the matter. [28982/07]

213. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he is satisfied regarding the adequacy of energy to meet the country's electricity needs; and if he will make a statement on the matter. [29192/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 18 and 213 together.

As I have already explained in detail to the House, the recent coverage in the media with regard to potential performance problems at three ESB plants located at Poolbeg, Great Island and Tarbert underlines the necessity to ensure adequate capacity margins on the generation system. EirGrid's 2007 Winter Outlook Report forecasts that electricity generating capacity will be sufficient to meet demand this winter. Eirgrid has indicated that the developments potential outages could lead to reduced capacity margins during the winter peak period, it is still EirGrid's assessment that there will still be sufficient capacity on the system to ensure security of electricity supply this winter.

The report assumes a peak demand this winter of 5,250 megawatts (mw). This compares with the peak demand last winter of 5035 mw. EirGrid calculates that generating capacity of 5930 mw will be available. This includes the new 400 mw facility at Huntstown, which is now in service. This compares favourably with a peak generating capacity of 5,836 mw last year. It is also expected that connected wind capacity will reach 900-1000 mw by year end, which will represent a very significant and welcome increase of over 25% of installed wind capacity since the start of the year.

As with any power generation system, it is not possible to give definitive guarantees that generation adequacy will always be maintained. By their nature, high level forced outages on the system cannot be predicted. Plant outage, whether planned or unforeseen, must at all times be critically managed to maintain security of sup-

ply. EirGrid operates a range of demand control measures to assist in managing demand at peak times. These include reducing demand by agreement with large users in the interests of ensuring domestic customer supply is maintained.

### Postal Services.

19. **Deputy Eamon Gilmore** asked the Minister for Communications, Energy and Natural Resources if, when he pledged to progress the delivery of postcodes here, he was in possession of a cost benefit analysis of this system; if so, if he will publish details of same; the initial cost and the ongoing cost of this project; the amount of this that will be financed by the taxpayer; if there will be a general consultation process before a system of postcodes is introduced; the type of postcode system he favours; the time-frame for implementation; and if he will make a statement on the matter. [28952/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The National Postcode Project Board was established in 2005 to recommend the most suitable postcode for Ireland. As part of its work on the project, the National Postcode Project Board's technical and economic advisors carried out an extensive consultation with stakeholders, both within the postal sector and outside it with a view to arriving at a postcode model that best meets the needs of the stakeholders. These consultants also measured the likely costs and benefits of the introduction of such a postcode along with a detailed implementation plan including the levels of funding required and how those funding requirements should be met.

The cost of establishing a postcode address database and implementing and promoting the postcode was estimated to be in the region of €15m. There would also be ongoing annual maintenance costs but these could be met from revenues generated by the postcode manager. After consideration of the matter earlier this year, the Government decided that further analysis and quantification of the wider economic and societal benefits of postcodes would be required. Some of the public sector benefits identified by the consultants included better targeted service provision, improved policy formulation, implementation and evaluation, and better profiling of public expenditure.

The commitment to introduce a postcode system in Ireland is contained in the Programme for Government and I am currently considering the issues involved in order to progress the project to the implementation stage.

*Question No. 20 answered with Question No. 9.*

21. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his preferred options for the development of the postal service in the future; his plans

for the utilisation of the post office network; and if he will make a statement on the matter. [28913/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Government's policy with regard to the future development of the postal service, is to ensure Irish customers, both business and residential, enjoy competitively priced, high quality postal services on a par with the highest quality standards in key comparator economies elsewhere in the EU. Ensuring that Irish consumers have access to a broad suite of high-quality postal services and the maintenance of the universal service obligation are of key importance to Ireland in the context of the future full liberalisation of the European postal market, which is due to take place in 2011. I intend to hold a public consultation examining the key issues in the draft EU directive, on its ratification early next year.

While the Government will support An Post and its network in any way it can, it is the responsibility of the board and management of the company to make strategic decisions regarding its future, how it will prepare itself for further competition and the number and type of post offices in the network. In preparation for competition, it is vital that the company restructures itself effectively and that management and trade unions in An Post work together to transform the company into an efficient and modern service provider by implementing the agreed restructuring programme.

*Question No. 22 answered with Question No. 11.*

### Greenhouse Gas Emissions.

23. **Deputy Willie Penrose** asked the Minister for Communications, Energy and Natural Resources the steps being taken to pursue the option of carbon capture and storage; if he has any legislative proposals to advance this method of addressing CO<sub>2</sub> emissions; and if he will make a statement on the matter. [28981/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The assessment of the prospects for geological storage of carbon, in Ireland is at a relatively early stage. A study by Sustainable Energy Ireland, Environmental Protection Agency (EPA), Geological Survey of Northern Ireland and Geological Survey of Ireland (GSI) is examining the potential for such storage on the island of Ireland. An EPA-GSI project in the next 2 years will evaluate the prospect for potentially favourable sites in the Moneypoint region. Research under the Griffith Geoscience Research Awards has just begun which will document the subsurface characteristics of potential sites in this region. However, we are some very considerable distance from implementing any storage solution, even if all

these studies have positive results. GSI intends to affiliate to an active European network on geological storage of carbon to ensure we are fully aware of best practice on technical options relevant to Ireland.

My Department is also participating in other EU and international fora where the potential for carbon capture and storage is being progressed. The question of legislative underpinning for geological storage of carbon will be kept under review in light of developments.

### Telecommunications Services.

24. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources the position regarding the review of the cost effectiveness and performance of the MANs; when he will decide on the progression of a further phase of the MANs; the amount a further phase of the MANs will cost; if the Government will sell the MANs to Eircom; and if he will make a statement on the matter. [28966/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department is continuing to undertake a Value for Money and Policy Review on Phase I of the Metropolitan Area Networks Programme. The review is being carried out in close cooperation with the Department of Finance. This Review, which is expected to be completed by the end of 2007, along with other policy analyses being undertaken, will help to inform my decisions on future investment in broadband infrastructure.

The open access, high speed, fibre optic Metropolitan Area Networks continue to play a vital role in facilitating and encouraging competition and innovation in regional telecommunications markets and I have no plans to sell them or to change the existing open access, carrier neutral model of the Metropolitan Area Networks programme. The positive impact of competition, in terms of consumer choice, quality and price of services, is significant.

### Broadcasting Services.

25. **Deputy Emmet Stagg** asked the Minister for Communications, Energy and Natural Resources the position regarding arrangements agreed with RTE for the provision of RTE broadcasting in Great Britain in 2008; and if he will make a statement on the matter. [28972/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Section 3 of the Broadcasting (Amendment) Act 2007, enacted and commenced in April of this year, amends RTÉ's public service remit, by requiring the national public service broadcaster to provide a television and radio service to Irish communities abroad, and stipulating that any such television service must be representative of

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the existing RTÉ One, RTÉ Two and TG4 channels. Section 14 of the Broadcasting (Amendment) Act 2007 empowers RTÉ to utilise the public funding it receives in respect of television licence fee income in pursuance of this amended public service remit.

RTÉ's initial focus in fulfilling its new mandate is on ensuring the provision of a television service to Irish communities in Britain. RTÉ is currently planning the establishment of an international channel for such a purpose and has an active group working on the project. This group is currently exploring the various options available, including the cost and availability of space on the broadcasting transmission platforms of third parties and the cost, and acquisition of certain rights associated with the broadcast of programmes outside of Ireland. On completion of this process RTÉ will outline its specific proposals to meet the mandate set by the Oireachtas under section 3 of the 2007 Act.

#### Compensation Schemes.

26. **Deputy Michael Noonan** asked the Minister for Communications, Energy and Natural Resources his views on putting together a compensation package for the small number of coal mine workers who continue to suffer health problems as a result of their time in the mines, taking into account the effect this has on their families and considering the small numbers involved; and if he will make a statement on the matter. [29005/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The issue in relation to former coal miners who suffer health problems as a result from their time in the mines is primarily one of disability or occupational injuries benefit entitlement and I understand that this matter has previously been referred to the Minister for Social and Family Affairs. I am afraid there is no scheme available to me from which to pay such compensation.

#### Tax Code.

27. **Deputy Kathleen Lynch** asked the Minister for Communications, Energy and Natural Resources if he has made a case to the Department of Finance regarding carbon taxes; his position regarding carbon taxes; and if he will make a statement on the matter. [28968/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I am generally supportive of the introduction of a carbon levy along the lines of the commitment set out in the Programme for Government which states that "Appropriate fiscal instruments, including a carbon levy, will be phased in on a revenue-neutral basis over the lifetime of this Government". In addition, the Programme for

Government commits to the establishment of a new Commission on Taxation whose remit will include investigate fiscal measures to protect and enhance the environment including the introduction of a carbon tax, in the context of maintaining a strong economy. I am working with my Government colleagues on implementing the Programme for Government and will be discussing all dimensions with them in that context.

In addition, the National Climate Change Strategy 2007-2012 describes the existing and planned taxation measures designed to reduce greenhouse gas emissions. The Strategy stated that the Government would continue to examine other tax incentives or disincentives where these can be shown to have a clear cost benefit in reducing greenhouse gas emissions.

#### Television Licence Fee.

28. **Deputy Ruairí Quinn** asked the Minister for Communications, Energy and Natural Resources the plans in place for an increase in the television licence; the amount of increase that is planned; his views on whether an increase in the licence fee is justified; and if he will make a statement on the matter. [28964/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I refer the Deputy to my reply to Parliamentary Question No. 1 of today.

#### Telecommunications Services.

29. **Deputy Jan O'Sullivan** asked the Minister for Communications, Energy and Natural Resources his views on a report (details supplied) that claimed that while western European broadband prices for residential users have decreased on average by 3.1%, the cost of average broadband went up by 35.5% here; and if he will make a statement on the matter. [28959/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of telecommunications services, including broadband, is a matter for the private sector operating a fully liberalised market, regulated by the independent Commission for Communications Regulation (ComReg). I have no function in this matter. I understand ComReg has raised concerns with the authors of the report about the methodology adopted and the accuracy of the results published for Ireland.

Since liberalisation, Irish broadband prices have decreased significantly in comparison with the overall Consumer Price Index. For example, ADSL tariff packages cost in excess of €100 per month in 2002. By Quarter 2 of this year the average price in the market was €23, which is the 5th cheapest in the EU, the overall EU average price being €29. Broadband can also be had for as little as €9.99 when taken in a telecommunications bundle.

30. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources his views on whether the telecoms market here is competitive; if so, the evidence there is for same; and if he will make a statement on the matter. [28979/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The telecoms market is fully liberalised and regulated by the Commission for Communications Regulation (ComReg), which is independent in the exercise of its functions. ComReg's objectives include the promotion of competition and the promotion of the interests of users. There are now over 600 authorised undertakings for telecoms services and this includes 100 companies offering fixed telephony services, five companies offering mobile services and over 200 companies offering high-speed broadband over a number of platforms.

Since liberalisation, Irish telecommunications prices have decreased significantly in comparison with the overall Consumer Price Index (CPI) according to information from the CSO. Ireland has the 10th lowest average broadband subscription fee according to recent figures published by the OECD.

Under the regulatory framework for telecommunications ComReg conducts market analysis to determine whether any part of the overall telecommunications market is not competitive. Where significant market power is determined, the regulator is obliged to impose remedies to ensure that the operator does not abuse a dominant position. ComReg has found significant market power in the fixed line market and has imposed remedies on the dominant operator in order to facilitate competition in the market.

ComReg's powers have been substantially strengthened by the enactment of the Communications Regulation (Amendment) Act, 2007 earlier this year. This Act enhanced ComReg's enforcement powers and also conferred on them competition law powers, similar to those of the Competition Authority, which allow it to investigate and prosecute any instances of anti-competitive behaviour or abuse of dominance in the electronic communications sector.

#### **Alternative Energy Projects.**

31. **Deputy Emmet Stagg** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the potential of the deep geothermal heat source on the Newcastle Blackrock geological fault line and that deep geothermal resources could provide sustainable energy to thousands of homes; if he will put in place legislation that is needed for this type of exploration; and if he will make a statement on the matter. [28953/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In 2004 Sustainable Energy Ireland (SEI) funded a Geothermal Atlas of Ireland which identified the potential locations of deep geothermal energy in Ireland. The Blackrock-Rathcoole fault line was identified as a possible area of relatively accessible geothermal energy. The report recommended further research along the fault line and SEI have subsequently funded a feasibility study of the potential for a deep geothermal energy system on UCD's Belfield campus which was considered to be located on the fault. The report analyses technical options for a deep geothermal energy system and concludes that a specific drilling programme would be necessary to confirm the heating potential of the geothermal energy resource and to quantify the expected depth and cost of drilling for any full scale system.

It is clear that further research, including detailed cost benefit analysis, will be needed into the potential for deep geothermal energy exploitation in the Irish and indeed European context. The necessity for legislation will be kept under review in light of developments.

#### **Telecommunications Services.**

32. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources his views on calls for a functional separation of Eircom's business rather than a full structural split of its network and its retail arms; and if he will make a statement on the matter. [28969/07]

36. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources if he has been in contact with Eircom regarding its proposed break up of its network business from its retail arm; if so, if he will ensure that a broken up Eircom will continue to provide affordable fixed line phone access under the terms of its universal service obligation; and if he will make a statement on the matter. [28992/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 32 and 36 together.

The provision of telecommunications services is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the Commission for Communications Regulation (ComReg), the independent regulator. Eircom, as a private company, is entitled to implement the corporate structure, which best meets its needs provided that appropriate engagement takes place with ComReg on any regulatory issues that might arise in a separated company. I understand that ComReg is seeking consultancy advice to assist them in that regard. Regulatory obligations such as the universal service obligations imposed on Eircom

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by ComReg would continue to be met irrespective of Eircom's corporate structure.

Soon after taking up office as Minister for Communications, I met the Chairman and Chief Executive of Eircom to discuss Eircom's plans for the future. In addition, officials in my Department have met with Eircom to clarify some of the issues outlined in a discussion paper I recently received from Eircom on the communications sector in general, including their proposals to separate its retail and wholesale arms. My officials are considering the matter further and I expect will engage again with Eircom in due course. Clearly my general policy concern is this area is to have a world class communications sector, as this is critical to our continued economic and social prosperity.

### Broadcasting Services.

33. **Deputy Joan Burton** asked the Minister for Communications, Energy and Natural Resources the position regarding digital terrestrial television; his views on whether Ireland will be ready for the switch over by 2012; if he will report on the pilot schemes; and if he will make a statement on the matter. [28976/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Broadcasting (Amendment) Act, 2007 puts in place a flexible framework for the licensing of Digital Terrestrial Television (DTT) into the future. The Act provides for the use of multiplexes by both public service and commercial broadcasters and for the transmission of both digital television services and digital sound broadcasting services. Under the Act, RTE, the Broadcasting Commission of Ireland (BCI) and Communications Regulation (ComReg) have obligations to provide for the roll-out of DTT. Each of their roles is critical to ensuring the success of DTT in Ireland.

In order for Ireland to benefit fully from the switch to Digital Terrestrial TV, a switch-off of analogue television services is necessary. Ireland has indicated that this switch off will take place by 2012, in line with other European Countries and the Broadcasting (Amendment) Act, 2007 has provided a mechanism to ensure this date is met. During 2008, RTE will start to build a network to provide a DTT multiplex capable of carrying RTE 1, RTE 2, TV3 and TG 4. The BCI will be launching a competition for up to three additional DTT multiplexes early in 2008. My Department will monitor progress of DTT roll-out and will hold discussions with all relevant stakeholders around the issue of digital switch over.

When decisions have been taken about the nature and timing of analogue switch over, it will be necessary to ensure that Irish viewers are fully informed of all the issues arising. The Digital Ter-

restrial Television trial is being operated by my Department. The trial operates from 2 transmission sites in Dublin and Louth. There are 500 public participants on the trial who have access to 16 TV channels, 14 radio channels and a HD test channel. The trial is planned to continue until August 2008 and will provide the opportunity for further technical and user testing of both existing and new broadcast services, including digitext and audio description.

34. **Deputy Joe Costello** asked the Minister for Communications, Energy and Natural Resources the time-line for the publication of the Deloitte and Touche and William Fry report on the future of TG4; the way he envisages TG4 will be financed in the long term; the arrangements for the independence of TG4; and if he will make a statement on the matter. [28962/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** TG4 became an independent statutory body on 1 April last. It will continue to receive public funds to finance its operations, along with the income that it generates from its commercial operations. In 2007, some €32 million of Exchequer funding for TG4 is being provided from my Department's Vote. The Deloitte & Touche/William Fry Solicitors "Report on the Preparation of a Implementation Plan for the Establishment of TnaG as an Independent Statutory Body" (dated 30 November 2005) is available on the Broadcasting section of my Department's website at [www.dcenr.ie](http://www.dcenr.ie). The published report excludes some commercially sensitive information.

### Telecommunications Services.

35. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the steps which he is taking to ensure the roll out of broadband in rural areas; and if he will make a statement on the matter. [28373/07]

39. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the way he plans to introduce the 100% broadband coverage that he has recently commented on in view of the fact that most rural and Border areas are still without broadband; and if he will make a statement on the matter. [28987/07]

56. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the steps he is taking to ensure the roll-out of broadband in rapidly growing communities; and if he will make a statement on the matter. [28374/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 35, 39 and 56 together.

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

There are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. Accordingly, the procurement process for a National Broadband Scheme (NBS) is under way. The NBS will provide broadband services to areas that are currently unserved and will ensure that all reasonable requests for broadband in unserved areas are met. The first phase of the procurement process, the Pre-Qualification Questionnaire (PQQ) phase, is now complete and four candidates have pre-qualified. As my Department indicated on 2 September, the four candidates are, in alphabetical order, BT Communications Ireland Ltd Consortium, Eircom Ltd, Hutchinson 3G Ireland Ltd and IFA/Motorola Consortium.

The pre qualified candidates have been invited to participate in a competitive dialogue process which is now underway. My Department is anticipating that the award of the NBS contract will be in the second quarter of 2008, with roll-out of the services due to begin as soon as possible thereafter. This timeline is subject to negotiations with candidates during the competitive dialogue phase of the procurement process.

*Question No. 36 answered with Question No. 32.*

37. **Deputy Pat Rabbitte** asked the Minister for Communications, Energy and Natural Resources the progress on setting up a national advisory forum of telecoms experts; if his Department's policy paper on communications infrastructure is complete; the position and progress on next generation networks; and if he will make a statement on the matter. [28957/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of telecommunications services, including next generation broadband is primarily a matter for the private sector operating in a liberalised market, regulated by the Commission for Communications Regulation (ComReg). In

response to developments in the Irish market and internationally, my Department is currently in the process of drafting a policy paper on Next Generation Networks (NGNs). The paper will consider and learn from international experience in NGN roll-out, review current communications policy and analyse policy options in relation to the optimum role for Government in the evolution to next generation broadband. I intend to convene a National Advisory Forum on NGNs to critique the paper and provide expert high-level guidance on future developments in the telecommunications sector. I am currently considering the membership of the forum.

#### **Alternative Energy Projects.**

38. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources his predicted figures for capital expenditure for the greener home scheme; and if he will make a statement on the matter. [28996/07]

51. **Deputy Kathleen Lynch** asked the Minister for Communications, Energy and Natural Resources if the second phase of the greener homes scheme is underway; the number of applications it received; the budget allocated for this phase of the scheme; if it is envisaged to expand what is offered in the scheme; and if he will make a statement on the matter. [28967/07]

57. **Deputy Andrew Doyle** asked the Minister for Communications, Energy and Natural Resources the predicted take up of the greener home scheme; the budget implications this will have for his Department; and if he will make a statement on the matter. [28997/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 38, 51 and 57 together.

I estimate that by the end of this year some €33m will have been expended on the Greener Homes Scheme since its introduction in 2006. The provision for 2008 will be made available in the context of the Budget on 5th December next. Phase II of the Greener Homes Scheme was launched on 1st October with several adjustments reflecting the positive developments in the market for domestic renewable technologies. The grant levels have been reduced for some technologies where the market has reached a level of maturity to allow it to continue at a lower rate of support. Other grant levels remain unchanged. The products that continue to be grant aided under Phase II are solar panels, wood pellet and woodchip boilers and geothermal pumps.

The objective of Phase II is to further consolidate the market, underpinning it with quality standards and training and providing for a long-term future that is not necessarily grant depen-

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dent. In this way Phase II will help secure a range of objectives including more competitive offerings, revised product standards, improved training standards and greater stability across the renewable heating industry. There have been over 800 applications received to date under Phase II. It is too early to estimate the level of actual take-up. The overall level of funding for Phase II of the Greener Homes Scheme will be determined in the context of the 2008 Budget.

I am keeping under review the scope for including other renewable energy products under the Greener Homes Scheme. In addition to overall budgetary considerations relevant factors would include product standards, supplier capability, installation quality assurance, energy and CO<sub>2</sub> saving impact, market impact potential and, ultimately, value for money for the taxpayer.

*Question No. 39 answered with Question No. 35.*

### Energy Conservation.

40. **Deputy Eamon Gilmore** asked the Minister for Communications, Energy and Natural Resources if he has met with the Department of Transport in view of Sustainable Energy Ireland's findings that transport energy efficiency has barely improved since 1995; the manner in which improvements can be made; and if he will make a statement on the matter. [28961/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The report on Energy Efficiency in Ireland published by Sustainable Energy Ireland underlines the scale of the challenges inherent in delivering an energy efficient transport system. The Programme for Government commits to the promotion of the sustainable use of energy in transport. In that context my colleague the Minister for Transport in consultation with me and other Ministerial colleagues, is preparing a Sustainable Travel and Transport Action Plan, which will set out a range of measures for enhancing the energy efficiency and sustainability of the transport sector. I am also working with him to ensure that the National Energy Efficiency Action Plan fully reflects our objectives to improve energy efficiency in the transport sector.

41. **Deputy Olivia Mitchell** asked the Minister for Communications, Energy and Natural Resources the progress that has been made in introducing net metering as was promised in the programme for Government; and if he will make a statement on the matter. [28989/07]

53. **Deputy Michael Noonan** asked the Minister for Communications, Energy and Natural Resources the projected cost in the roll out of net metering as was promised in the programme for

Government; and if he will make a statement on the matter. [28991/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 41 and 53 together.

The national smart meter programme which I announced recently is the key to facilitating the introduction of net metering to allow consumers to sell electricity back into the grid from any renewable power supplies they have. The Commission for Energy Regulation is leading the implementation of the smart meter programme which will among other things investigate the various potential applications of smart meter technology including micro generation and net metering potential. In that context the costs and benefits of net metering will be the subject of further analysis.

### Telecommunications Services.

42. **Deputy Brendan Howlin** asked the Minister for Communications, Energy and Natural Resources his views on the proposed adoption on 13 November 2007 by the EU Commission of reform proposals for the EU telecom rules; the reform proposals and the stage Ireland is at to comply with these proposals in each case; and if he will make a statement on the matter. [28954/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The EU Commission's proposals for reform of the electronic communications legislative framework, which were published this week, are part of an ongoing review of the current regulatory package that commenced in late 2005 and which will help to ensure that the framework keeps pace with technological and market developments and remains effective over the coming decade.

Officials in my Department have participated fully in the review to date, sharing our views with the Commission and consulting with stakeholders along the way, including a forum held last September to garner industry and interested parties' views.

The key issues in the Commission's new proposals, which are available on the EU Commission's website, include:

- The establishment of a new EU Telecoms market authority to ensure greater regulatory consistency across Europe.
- Giving National Regulatory Authorities the possibility of imposing functional separation as a remedy to tackle competition problems, where all other regulatory tools have proved to be inadequate.
- The extension of the Commission's powers to allow a veto on the remedies to be applied by National Regulatory Auth-

orities where dominance in a market is found.

- A more coordinated approach to spectrum management.
- Stronger consumer powers, especially for people with disabilities.

I look forward to examining the Commission's proposals in more detail and participating in the negotiations, through to the adoption of revised Directives in 2009-2010.

### Energy Conservation.

43. **Deputy Pat Rabbitte** asked the Minister for Communications, Energy and Natural Resources the extent of cross-departmental interaction with regard to policy effects on energy and communications; when the high level group comprising key delivery Departments and agencies will be set up in relation to the national energy efficiency action plan; the persons who it will comprise; and if he will make a statement on the matter. [28958/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Energy policy is a whole Government priority and is by definition closely interrelated with other policy areas. The delivery of enhanced Energy Efficiency in particular involves a range of Departments and Agencies. The National Energy Efficiency Action Plan sets out the proposed range of actions, to deliver a minimum of 20% energy efficiency savings across the economy by 2020 with the additional objective of surpassing this target. We have also set a target of 33% for energy savings across the public sector. Following the current public consultation process I intend to bring the Action Plan to Government and to launch it early in the New Year.

My Department is already actively engaged with the Departments and Agencies most directly concerned in finalising the Action Plan. Implementation of the Action Plan will entail delivery right across Departments and Agencies, including notably the Departments of Finance, Transport, Environment, Heritage and Local Government, Enterprise, Trade and Employment and the Office of Public Works. The Cabinet Committee on Climate Change and Energy Security will oversee crosscutting delivery, supported by the Senior Officials Group, and my Department will convene a high level Group of Departments and Agencies to drive implementation following the launch of the Action Plan. I will advise the Deputy of the names of the members of the group following its establishment.

### Energy Prices.

44. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources if he will address the high levels of fuel and energy poverty in society here; his views on a St. Vincent de Paul survey that found that 79% of

lone parents, 78% of elderly and 81% of local authority tenants struggled to pay for energy and heating costs in their homes; his views on a formal mechanism to review utility prices on an ongoing basis in the context of fluctuating prices on global oil and gas markets and the harsh impact of utility prices on low income families and senior citizens; and if he will make a statement on the matter. [28955/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** As stated in the White Paper on Energy Policy, the National Action Plan for Social Inclusion 2007 – 2016 sets the overall policy framework for tackling poverty and social inclusion up to 2016 and includes measures targeted at fuel poverty. Coordination of the implementation of this Action Plan is primarily a matter for the Department of Social and Family Affairs.

Within that overall framework the relevant Departments and Agencies as well as energy suppliers will continue to work together to systematically address energy efficiency and affordability challenges through existing schemes and new measures as required. One of the schemes presently in operation and funded by my Department is the Warmer Homes Scheme, which provides insulation and other energy efficiency improvements at little or no cost to low income homes across Ireland. With regard to the St Vincent de Paul survey referred to by the Deputy, while I note its findings, and I would refer to the Greener Homes Scheme mentioned above, I have no function in regard to income and other supports for social welfare recipients to address fuel poverty.

The Commission for Energy Regulation (CER) has statutory responsibility for the regulation of electricity and gas tariffs and regulation includes a formal review process. As Minister I have no function in setting, regulating or reviewing these tariffs. As the Deputy will appreciate, neither do I have any function in regard to the regulation of international oil and gas prices. The price of oil and gas is set by the international commodity markets. Prices reflect a complex interaction of unanticipated strong demand, tight capacities, geopolitical uncertainties and the influence of speculators on the markets. The relative performance of the US dollar against the euro also impacts on oil prices and supply into the oil market continues to be influenced by OPEC policies.

### Energy Resources.

45. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources his views on reports from the UK that British Government officials are claiming that under current policies Britain would miss the EU's 2020 target of 20% energy from renewables by a long way; if there are lessons to be learned here; if so,



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the lessons to be learned; and if he will make a statement on the matter. [28956/07]

55. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources the percentage of requirements he believes can be met from renewable sources by 2010. [29008/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 45 and 55 together.

The accelerated growth of renewable energy sources for electricity heat and transport is a priority for the Government in line with the overall ambition of 20% across Europe set by all the Heads of Government at the Spring European Council. We have set ambitious targets nationally for renewable energy to be delivered progressively by 2020. We have increased our EU target for renewable energy sourced electricity from 13.2% to a national target of 15% by 2010. We have set the target at 33% of gross electricity consumption from renewable energy sources by 2020.

In Biofuels for transport, we have committed to a target of 5.75% by 2010, in keeping with the EU Biofuels Directive and to a further target of 10% by 2020 in line with current EU proposals. These targets will be delivered through a Biofuels Obligation, which will be introduced in 2009. In the heat sector, targets of 5% and 12% market penetration by 2010 and 2020 respectively have been set and are supported through the successful Greener Homes, ReHeat and combined heat and power (CHP) grant programmes.

Ireland has probably the best renewable energy potential in Europe. We intend to realise that potential to the full. We will continue to put in place the necessary measures to incentivise the development and deployment of renewable sources of energy as well as addressing technical and other constraints. In that context we will shortly publish the All-island Grid Study, which is ground breaking research in international terms and which will underpin and inform delivery on our national renewable energy targets.

I am aware that the UK and several other Member States have informally expressed some concerns about the feasibility and costs of delivering on the 20% target for the EU. I am however, in full agreement with Commissioner Piebalgs that Europe must set and take all necessary steps to deliver, high targets for renewable energy.

#### **Electricity Generation.**

46. **Deputy Joe Costello** asked the Minister for Communications, Energy and Natural Resources the action he will take to guarantee the objective of achieving lower prices for consumers through breaking up the ESB; his views on whether the splitting of the ESB may be unnecessary for gen-

erating competition and that splitting the ESB will endanger the long-term energy security of people here; and if he will make a statement on the matter. [28951/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The White Paper on Energy Policy and the Programme for Government endorse the case for a process of structural change in the electricity sector. The effective working of the all-island market, the competitiveness of energy costs, the interests of consumers and the economy require it. We need to create the conditions that will deliver more competition, real consumer choice and support greater innovation in the electricity market and the strategic development of the distribution and transmission networks.

The Government is committed to the transfer of the electricity transmission network assets from ESB to EirGrid by end 2008. EirGrid already manages the assets as a fully independent entity. Combining the ownership and operation of the transmission assets makes sense. It will ensure that the system operates transparently and effectively, giving confidence to all market players. The present structure is complex and cumbersome and adds to costs. It creates additional overheads and transaction costs, duplication of skills and activities, and the risk of blurred accountability. It also makes for more complex regulation.

The transfer of ownership of the transmission assets will be implemented in a way that ensures the future of both EirGrid and the ESB as strong Semi State companies, as well as reflecting the position of the State and the ESOT as shareholders. There is no question of breaking up the ESB. Both the ESB and EirGrid will be stronger and better placed strategically as a result of the Government's actions.

We will have a healthier, more transparent energy market, which will reinforce the benefits of the Single Electricity Market and encourage investment. Transparency in relation to access to the Grid and Transmission assets will attract more players into the market and encourage competition. Competition on its own is not necessarily a panacea for lower energy prices but a more competitive and transparent environment will benefit the energy sector and Irish business and the consumer.

The Energy Policy White Paper and the Programme for Government contains a range of actions to deliver energy security of supply and a low carbon future for Ireland. The ESB, EirGrid and Bord Gáis Éireann together with all the players in the energy sector, have crucial contributions to make in the collective challenge to address security of supply, competitiveness and climate change.

#### **Telecommunications Services.**

47. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when he expects 100% high speed broadband availability; and if he will make a statement on the matter. [28912/07]

60. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources the position regarding the national broadband scheme; his views on whether the 1MB service it offers is sufficient and competitive; the most up to date cost of this project; the time-frame for the project; and if he will make a statement on the matter. [28978/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 47 and 60 together.

The provision of telecommunications services, including broadband, is a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg. The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services by competing private sector service providers.

The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs). There are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. Accordingly, the procurement process for a National Broadband Scheme (NBS) is under way. The NBS will provide broadband services to areas that are currently unserved and will ensure that all reasonable requests for broadband in unserved areas are met.

The NBS aims to provide basic broadband services to rural regions. The requirement is to provide a minimum 1MB service, which is currently a typical product on the Irish market. It is intended that product specifications will evolve during the contract period to reflect trends in the broadband market. Financial modelling has been undertaken to establish the estimated cost of the scheme. I am not making the figure public as to do so could influence the negotiation process with the candidates.

The first phase of the procurement process, the Pre-Qualification Questionnaire (PQQ) phase, is now complete and four candidates have pre-qualified. As my Department indicated on 2 September, the four candidates are, in alphabetical order, BT Communications Ireland Ltd Consortium, eircom Ltd, Hutchinson 3G Ireland Ltd and IFA/Motorola Consortium. The next phase of the procurement process involves inviting can-

didates to participate in a competitive dialogue process. My Department is anticipating that the award of the NBS contract will be in the second quarter of 2008, with roll out of the services due to begin as soon as possible thereafter. This timeline is subject to negotiations with candidates during the competitive dialogue phase of the procurement process.

#### **Electricity Generation.**

48. **Deputy Michael D. Higgins** asked the Minister for Communications, Energy and Natural Resources his plans for an interconnector to France; if this will have implications for the Government's position on nuclear power; and if he will make a statement on the matter. [28983/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):**

Under the Energy Policy Framework and the Programme for Government, we are committed to the progressive development of a regional electricity market with the UK and North West Europe underpinned by new interconnection. The current focus is on the delivery of the second North South electricity interconnector by 2011 and the new East-West electricity interconnector no later than 2012. At the Government's request EirGrid is also undertaking cost benefit analysis and feasibility planning for further interconnection with the UK and potentially with Europe in the longer term. Enhanced interconnection is critical for Ireland and indeed all Member States in terms of security of supply, competition and the completion of the Internal Market.

The Government fully intends to maintain the statutory prohibition on nuclear generation in Ireland. The use of nuclear fission for the generation of electricity in Ireland is in any event statutorily prohibited under Section 18(6) of the Electricity Regulation Act, 1999. This prohibition does not, however, include the importation of electricity generated by nuclear energy. Legal advice received by my Department states that such a prohibition would be in breach of Article 28 of the EC Treaty, which prohibits quantitative restrictions on imports and all measures having equivalent effect between Member States.

I am further advised that it is not technically possible to guarantee that electricity imported over an interconnector is not generated from nuclear sources as it is not physically possible to prevent the flow of nuclear generated electricity onto the network. Neither is it possible to distinguish the flow of electricity across interconnectors by reference to the original source of supply or generation.

#### **Television Licence Fee.**

49. **Deputy Ruairí Quinn** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that

[Deputy Ruairí Quinn.]

full year, full cost radio and television licences must be obtained in respect of caravans and holiday homes even where such premises are used for only a number of weeks in the year; his views on arranging such licensing where appropriate on a part year basis at *pro rata* cost; and if he will make a statement on the matter. [28963/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The requirement to have a television licence is set out in the Wireless Telegraphy Acts, 1926 to 1988. Under this legislation a licence is required in respect of each location at which a television set is kept. The issue of holiday homes was raised in the context of the Joint Oireachtas Committee on Communications, Marine and Natural Resources public consultation process on the proposed Broadcasting Bill. The Joint Committee reported its findings on the outcome of the consultation process to the Houses of the Oireachtas on 18 April 2007.

I am currently considering the Committees report. However, I have no immediate plans to change current television licensing requirements in this regard. There is no requirement to have a radio licence. This licence category was abolished some years ago.

#### Telecommunications Services.

50. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources if he has plans to reform the Communications Regulation Act 2007 in order for ComReg not to transfer revenue surplus to the Department of Finance in order for ComReg to reduce fees and levies on operators who in turn pass on the savings to consumers; and if he will make a statement on the matter. [28994/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I have no plans to amend the Communications Regulations (Amendment) Act 2007, as suggested by the Deputy. The funding by way of fees and levies on operators in a sector is the model used among sectoral regulators generally. ComReg's income derives from spectrum licence fees and levies imposed on both electronic communications and postal providers to meet the expenses incurred in discharge of its functions.

In the case of the levies, if the monies collected exceed the cost of regulation there is a requirement under the Communications Regulation Act 2002, as amended, that ComReg repays the surplus collected pro-rata to those who paid it. Any surplus that is paid to the Exchequer is therefore in respect of spectrum licence fees which consist of two elements: an administrative fee and a fee for the right to use the Radio Spectrum. It is my view that as spectrum is a national asset, it is right that the surplus should be paid to the Exchequer.

*Question No. 51 answered with Question No. 38.*

#### Fisheries Protection.

52. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources the position regarding plans to remove the weir below Fermoy Bridge in view of a previous commitment that nothing would be done to endanger sporting or other activities on the river; and if he will make a statement on the matter. [27077/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I am advised that the River Blackwater is one of Ireland's most important salmon rivers and that the weir referred to by the Deputy significantly delays the free and uninterrupted migration of salmon and constitutes an effective barrier to the passage of lamprey and allis shad. In July 2006, the then Minister of State exercised his powers under the Fisheries (Consolidation) Act 1959 and issued a direction to Fermoy Town Council, the owners of the weir, to carry out the alterations necessary to the Fermoy weir to allow for the free passage of fish while mitigating the impact on rowing activities. This direction issued in the interests of conserving and protecting the wild salmon resource and in order to avoid the initiation of infringement proceedings by the EU Commission under the Habitats Directive.

An engineering report commissioned by the Department recognises that complete removal of the Fermoy weir would have a significant impact on the activities of a rowing club in the area as residual water depths would not be sufficient if the weir was removed. In recognition of the constraints imposed by the need to maintain a depth of water for rowing, the report recommended that a section of the weir upstream from the Fermoy bridge be lowered to the maximum extent consistent with retaining sufficient depth for rowing activities and that a rock ramp fish pass be installed in the lower weir to enable the free passage of all migratory species.

Fermoy Town Council was instructed to undertake remedial works in this regard. It is a matter for the Town Council to secure the necessary resources to undertake the works.

*Question No. 53 answered with Question No. 41.*

#### Telecommunications Services.

54. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources his views on the most recent OECD figures on broadband provision that puts Ireland below average of OECD countries; and if he will make a statement on the matter. [28977/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** There were 653,000 broadband subscribers (excluding mobile) in Ireland at end of quarter two of 2007 according to official figures from ComReg. Additionally, there were 45,000 mobile broadband subscribers in Ireland at the end of June 2007 giving a total of 698,000 subscribers. The 698,000 figure represents a penetration rate of 15.4 subscribers per 100 of population.

Ireland's growth in broadband penetration is exceptional. Last week's report from the OECD shows that we have the strongest per capita subscriber growth in the OECD, with Ireland adding 6.6 subscribers per 100 inhabitants during the past year, far ahead of the OECD average of 3.65 per 100 inhabitants. It might be noted that the OECD assessment understates Ireland's competitive position as regards broadband access due to the larger size of households in Ireland.

*Question No. 55 answered with Question No. 45.*

*Question No. 56 answered with Question No. 35.*

*Question No. 57 answered with Question No. 38.*

#### **Proposed Legislation.**

58. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the position regarding the Broadcasting Bill; when it will be published; if he is in favour of maintaining the RTÉ authority; if this is no longer the case, the reasoning for same; and if he will make a statement on the matter. [28974/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The draft general scheme of the Broadcasting Bill was submitted to the Joint Oireachtas Committee on Communications, Marine and Natural Resources in September 2006 for the purposes of public consultation under the eConsultation initiative. The Joint Oireachtas Committee published its conclusions on the draft general scheme in April 2007.

It is proposed to publish the consequent Broadcasting Bill in early 2008 having considered the Joint Oireachtas Committee's conclusions on the outcome of the eConsultation process, with a view to ensuring the appropriate regulatory and organisational structures for the growth and development of public service, commercial and community broadcasting in Ireland.

#### **Housing Grants.**

59. **Deputy Olwyn Enright** asked the Minister for Communications, Energy and Natural Resources his views on a national programme of

home insulation, to protect older and more vulnerable people from the effects of cold weather; if there are plans to introduce such a scheme; and if he will make a statement on the matter. [26185/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Government is committed to tackling fuel poverty and one of the principal means of doing so is to improve the energy efficiency of homes belonging to those on lower incomes. My Department provides funding to Sustainable Energy Ireland for its Warmer Homes Scheme, which provides insulation and other energy efficiency improvements at little or no cost to low income homes across Ireland.

My colleague, John Gormley T.D., Minister for the Environment, Heritage and Local Government, introduced a new Housing Aid for Older People Scheme on 1st November. This scheme will include energy efficiency measures such as insulation, provision of central heating and repair or replacement of windows and doors. These works will greatly improve the energy efficiency of the homes supported under the scheme.

The residential sector generally offers much potential for energy efficiency savings, particularly in terms of the generally poorer insulation standards of older housing stock. The Programme for Government commits to the introduction of a domestic insulation scheme. Officials from my Department, in consultation with Sustainable Energy Ireland, are developing options in this regard for my consideration, with a view to the implementation of an appropriate scheme to meet the commitment in the Programme for Government.

I published a draft National Energy Efficiency Action Plan for public consultation on 3rd October and in that draft Plan I have identified a range of actions that Government may use to improve the energy efficiency of the residential sector. The overall aim of the Action Plan is to achieve energy efficiency savings across the economy of at least 20% by 2020.

*Question No. 60 answered with Question No. 47.*

#### **Decentralisation Programme.**

61. **Deputy Michael Creed** asked the Tánaiste and Minister for Finance the amount of office space rented by his Department at each of its decentralised locations; the costs per annum involved; the anticipated additional space required to complete the decentralisation programme; the arrangements in place to procure this additional office space; and if he will make a statement on the matter. [29119/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The following two premises have been leased to provide accommodation

[Deputy Noel Ahern.]

for an advance party of approximately 250 staff, relocated in two phases during 2005 and 2006 to Portlaoise. These premises will be surrendered on the delivery of a dedicated Department of Agriculture, Fisheries and Food Headquarters in Portlaoise.

Eircom Building, Knockmay Industrial Estate Portlaoise	1,325 sq. m approx	€191,000 per annum
Grattan Business Centre Dublin Road Portlaoise	1,480 sq. m. approx	€264,640 per annum

Details of the office accommodation provided in Clonakilty for an advance party of 45 Sea Fisheries staff pending construction of the dedicated office are as follows:

West Cork Technology Park Clonakilty	870 sq. m. approx	€118,910 per annum
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The Commissioners expect to complete the lease of a further three premises in Portlaoise by the end of this year comprising:

- The provision of office accommodation (approximately 405 sq. m) for a further 35 advance party;
- The provision of a mixed office (approximately 267 sq. m) for an advance party of 10 staff and combined warehouse facility (approximately 1,032 sq. m)
- The provision of approximately 930 sq. m. of file-storage space.

Finally, the Commissioners of Public Works are examining various premises with a view of providing office accommodation for a further 115 staff, which the Department wishes to relocate, as an advance party, to Portlaoise before the end of 2008.

#### Tax Code.

62. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Finance if he will take cognisance of the adverse effect of the poor summer weather on the cider production industry when considering an increase in excise duty on alcohol; his views on existing and potential employment and the importance of apple growing as a farm enterprise; and if he will make a statement on the matter. [29020/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I have noted the issues raised by the Deputy. It is a long-standing practice of the Minister for Finance not to comment in advance of the Budget on any tax or expenditure matters that might be the subject of Budget decisions.

#### Noise Pollution.

63. **Deputy Tony Gregory** asked the Tánaiste and Minister for Finance if he will request the Office of Public Works to detail the restrictions it imposes on concert promoters regarding noise levels in the Phoenix Park, Dublin 7 in view of the fact that the location is close to a densely residential area; if this location will be reviewed; and if he will make a statement on the matter. [29035/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** A licence is required from the relevant local authority for any event attracting an audience capacity of more than 5,000. Dublin City Council was the licensing authority for the recent series of concerts in the Phoenix Park and laid down the noise level standards to be adhered to. Dublin city Council also monitored the noise levels but no breaches were detected during the concerts.

The upcoming concert series will have an audience capacity of less than 5,000 per concert and therefore will not require a licence. Nevertheless the Office of Public Works will apply the same level of noise restrictions and conditions as were applied by Dublin City Council for the recent larger events. The venue for this concert series will be at a different location in the Phoenix Park for environmental reasons.

#### Ministerial Travel.

64. **Deputy Liz McManus** asked the Tánaiste and Minister for Finance the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29046/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I have travelled by air, on official business, on four occasions, once in each of the months July, September, October and November. Each of these trips was on Government Aircraft the cost of which is met by the Department of Defence. The Minister of State has travelled by air, on official business on two occasions, once in July and once in October at a cost of about €1600.00.

#### EU Directives.

65. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Finance if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the European Commission on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29064/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am not the subject of enforcement proceedings for the non-transposition of EU directives into Irish Law. There are no Reasoned Opinions relating to the transposition of EU directives being dealt with by Department Officials.

#### Tax Code.

66. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if his Department has assessed the impact of the ending of fuel rebates on certain transport activities; and if he will make a statement on the matter. [29094/07]

68. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Finance if he has removed the refund of excise duty on fuel used in passenger transport services apparently due to the EU energy tax directive; the reason the private passenger transport sector alleges it was not informed of the change before setting fares and contract charges for 2008; and the action he will take on the matter. [29146/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I propose to take Questions Nos. 66 and 68 together.

The Deputies may recall that I have answered Parliamentary Questions on this issue over the past year, including on 4 July 2007. The 2003 EU Energy Tax Directive incorporated special derogations which allowed specific excise duty reliefs to be applied in a number of Member States. In the Irish context, these derogations allowed for reduced rates to apply to fuel used for public transport services which includes school transport services.

While these derogations expired on 31 December 2006, Ireland, along with other Member States, sought retention of its derogations beyond that date. However the European Commission, who are the deciding authority, have to date refused all such requests. The Commission maintain that, in keeping with the EU Energy Tax Directive, Member States must apply at least the EU minimum rates of excise on fuels in such circumstances and that any further favourable excise treatment is not allowable. In this regard the Commission's decision was published to its website in March 2007. At the Commission's behest my officials have indicated that Ireland will avail of the forthcoming Finance Bill to make the necessary legislative changes to conform with the Directive.

In the circumstances, the relevant line Departments who have primary responsibility in this regard are, in conjunction with my Department, exploring alternative non-tax support mechanisms that could be put in place where appropriate to maintain the assistance currently being provided, subject of course to compatibility with EU State Aid requirements. In the interim the

reduced rates applicable to fuel used will be maintained.

#### Disabled Drivers.

67. **Deputy Michael Creed** asked the Tánaiste and Minister for Finance the categories of persons entitled to a refund of vehicle registration tax by virtue of disability; the application process involved; and if he will make a statement on the matter. [29122/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and VRT (up to certain limit) on the purchase of a car adapted for the transport of a person with specific severe and permanent physical disabilities, as well as relief from excise on the fuel used in the car up to a certain limit.

The disability criteria for eligibility for the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get the Primary Medical Certificate, an applicant must be severely and permanently disabled and satisfy one of the following conditions:

- (a) be wholly or almost wholly without the use of both legs;
- (b) be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs;
- (c) be without both hands or without both arms;
- (d) be without one or both legs;
- (e) be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;
- (f) have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

The Senior Medical Officer (SMO) for the relevant local Health Service executive administrative area makes a professional clinical determination as to whether an individual applicant satisfies the medical criteria. An unsuccessful applicant can appeal the decision of the SMO to the Disabled Drivers Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dún Laoghaire, Co. Dublin which makes a new clinical determination in respect of the individual.

*Question No. 68 answered with Question No. 66.*

### Tax Collection.

69. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance if a P21 will issue in the case of persons (details supplied) in County Kildare for the year ending 31 December 2006; and if he will make a statement on the matter. [29201/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I have been advised by the Revenue Commissioners that they have no record of receiving a request from the taxpayers for forms P21 for the year 2006. On receipt of the Deputy's query, the Revenue Commissioners processed reviews and resultant forms P21 2006 will issue to the taxpayers in the coming days.

### Health Services.

70. **Deputy Niall Collins** asked the Minister for Health and Children the reason an application by a person (details supplied) in County Limerick was refused. [29096/07]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Deputy's question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### Departmental Reports.

71. **Deputy Áine Brady** asked the Minister for Health and Children when her Department and the Health Service Executive will publish the Indecon report; and if she will make a statement on the matter. [29117/07]

**Minister for Health and Children (Deputy Mary Harney):** The report referred to by the Deputy was published by the Health Service Executive on Tuesday 13 November 2007.

### Child Care Services.

72. **Deputy P. J. Sheehan** asked the Minister for Health and Children if she will make a statement on the concerns of a person (details supplied) in Dublin 10 in relation to the community child care subvention scheme. [29169/07]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** The main supports the Government makes available to parents to assist them with their childcare costs are Child Benefit and the Early Childcare Supplement. The latter payment, which is in recognition of the higher childcare costs of pre-school children, is the responsibility of my Office, and it alone amounts to expenditure of over €400m in a

full year. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of childcare they choose and regardless of whether they live in urban or rural areas. In addition to these universal supports, Government childcare policy has also recognised the need to target additional supports towards disadvantaged families.

Under the Equal Opportunities Childcare Programme 2000 — 2006 (EOCP), which is co-funded under the EU Social Fund (ESF), targeted support was provided through the staffing support grant scheme whereby community based not-for-profit childcare providers with a strong focus on disadvantage were awarded grant aid towards their staffing costs to allow them to operate reduced fees to disadvantaged parents. Funding under this scheme was originally awarded for a limited period during which services were expected to move towards sustainability. This funding was subsequently continued to the end of 2007, where it was considered necessary to enable services to continue to make their services accessible to disadvantaged parents. This continuation funding was subject to the condition that tiered fee structures were implemented by the services in question.

With the closure of the EOCP in December 2007, to continue to support community childcare services to provide affordable childcare to disadvantaged parents, the Community Childcare Subvention Scheme (CCSS) is being introduced from January 2008 under the Exchequer funded National Childcare Investment Programme 2006-2010 (NCIP), the successor programme to the EOCP. The CCSS has been allocated €153 million over the next 3 years, representing a 16% increase in funding over the EOCP staffing scheme, and will continue to support community childcare services to provide reduced childcare fees for disadvantaged parents, complementing the universal supports in place for all parents. Under the new scheme, it will be possible to ensure that the level of grant aid which individual services qualify for will reflect the actual level of service they provide and the profile of the parents benefiting from their service. As part of their application for funding under the new scheme, services will be required to ask parents using their services to complete a simple declaration form which will be included in a return to my Office and on which basis the level of subvention for each service will be determined. The subvention received by services will, in turn, be reflected in the reduced fees for parents who qualify as disadvantaged under the scheme.

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) or parents in receipt of Family Income Supplement (FIS), will see a weekly subvention in

respect of their child. A higher subvention 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 for subvention will be charged the cost price for their childcare service, however, as community not-for-profit services will, generally, have availed of capital grant aid under the EOCP or NCIP removing the requirement to cover rent or a mortgage, and as the services are run on a not-for-profit basis, this should still be significantly below the market price.

It is considered that the new scheme will provide an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community childcare services generally. The scheme has been informed by and takes account of a number of enhancements recommended by the report of the Value for Money Review of the EOCP. These include the fact that the subvention to services will be more responsive to the level of service provided as well as the degree of parental disadvantage supported and the ceiling for funding, which existed under the previous scheme, is being removed. Account will also be taken of all of the operational costs of the service rather than staffing costs alone. Services, including full-time, part-time and sessional ones, which at present are, in some cases, inaccessibly priced for disadvantaged parents, will be available to them at more appropriate rates under the new scheme.

The new scheme has clear advantages over its predecessor. There is an increase in the level of funding available under it, and a majority of services will benefit from the changes it introduces. Existing EOCP staffing grant recipients who enter the new scheme will continue to be funded at their current levels until July 2008. My Office has engaged in a series of meetings with existing grant recipients to outline to them the details of the new scheme and to gather feedback from the services themselves. A meeting with representatives of the City and County Childcare Committees has also taken place.

Transitional arrangements have been made under which existing grant recipients will continue to be funded at their current levels until 1 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 has been received from applicants this month. If appropriate, adjustments necessary to the scheme to secure the best outcomes for childcare services and for disadvantaged parents and their children will be considered on the basis of

this data and well in advance of the commencement of the new funding levels in July 2008.

### **Cancer Screening Programme.**

73. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if she is satisfied that the National Cancer Screening Service Board has been validly constituted having regard to the fact that the order made by her on 14 December 2006 provided that the board would be established from 1 January 2007, but members of the board were not appointed until 31 January 2007; if she is further satisfied that it is possible to establish a corporate body without any membership on its establishment day; and if she will make a statement on the matter. [29016/07]

**Minister for Health and Children (Deputy Mary Harney):** The National Cancer Screening Service Board (Establishment) Order, 2006 was signed by me on 14 December 2006 and came into effect on 1 January 2007. The Order provides that the quorum for a meeting of the Board is five members. Five members of the Board were appointed with effect from 1 January 2007 and the remaining seven members of the Board were appointed on 31 January 2007.

### **Services for People with Disabilities.**

74. **Deputy Ciarán Lynch** asked the Minister for Health and Children the number of assessments that have been requested under part two of the Disability Act 2005 since it became law on 1 June 2007; the number of assessment reports that have been completed; if complaints have been lodged regarding assessment reports; the measures that have been implemented to raise public awareness of the right to an assessment under the Act; and if she will make a statement on the matter. [29021/07]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** Part 2 of the Disability Act 2005 provides people with disabilities with an entitlement to:

- An independent assessment of health and education needs
- A statement of the services (Service Statement) which it is proposed to provide, which will be prepared by a Liaison Officer
- Pursue a complaint through the HSE complaints process if necessary
- Make an appeal to the independent Disability Appeals Officer against a finding or recommendation of a complaints officer's report or against the non-implementation by the HSE or education service provider of a recommendation of a complaints officer



[Deputy Jimmy Devins.]

Part 2 of the Disability Act 2005 has commenced for children aged under 5 years with effect from 1st June 2007. This prioritisation reflects the importance of intervention early in life, which can have a significant impact on the disabling effects of a condition or impairment. Part 2 will be commenced in respect of children aged 5-18 in tandem with the implementation of the EPSEN Act. The statutory requirements of Part 2 of the Disability Act will be extended to adults as soon as possible but no later than 2011.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### Hospital Services.

75. **Deputy Jack Wall** asked the Minister for Health and Children when a bed will be made available for a person (details supplied) in County Kildare in Beaumont Hospital; and if she will make a statement on the matter. [29022/07]

**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.

#### National Treatment Purchase Fund.

76. **Deputy Jack Wall** asked the Minister for Health and Children if a person (details supplied) in County Kildare qualifies under the national purchase scheme for a hip operation; if so, the procedure they must follow to have the appointment made; and if she will make a statement on the matter. [29024/07]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question relates to the operation of the National Treatment Purchase Fund, my Department has asked the Chief Executive of the Fund to reply directly to the Deputy in relation to the information requested.

#### Health Repayment Scheme.

77. **Deputy M. J. Nolan** asked the Minister for Health and Children when a person (details supplied) in County Carlow will receive a refund

for nursing home subvention; and the reason for the delay in applicants receiving refunds from this scheme. [29028/07]

**Minister for Health and Children (Deputy Mary Harney):** I take it the question refers to a repayment under the Health Repayment Scheme. The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

#### Departmental Reports.

78. **Deputy Mary O'Rourke** asked the Minister for Health and Children if the Health Service Executive has concluded its McElwee report; when it will be presented to her; when it will be made public; and if she will make a statement on the matter. [29029/07]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** Following disclosures from An Garda Síochána that the then Midland Health Board had been informed about the incident concerning Mr. Niall McElwee, I asked the HSE to investigate the incident and report to me. The HSE have informed my office that the inquiry is being conducted thoroughly and expeditiously and while the report has not been completed the HSE understand full cooperation has been received by those carrying out the inquiry. The HSE have already stated that findings from the inquiry will be made public subject to any legal restrictions.

#### Ministerial Travel.

79. **Deputy Liz McManus** asked the Minister for Health and Children the cost and frequency of travel per month since the beginning of the new Government by her and her Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if she will make a statement on the matter. [29048/07]

**Minister for Health and Children (Deputy Mary Harney):** Since the formation of the new Government, my Department paid €318 in respect of air travel for Minister of State, Deputy Pat the Cope Gallagher, who travelled to Athens in October to attend an International Health Conference. In addition, I travelled by Government aircraft twice in both September and October and once in November. Also, Minister of State Deputy Pat the Cope Gallagher and Minister of State Deputy Máire Hctor each travelled once by Government aircraft in September and November, respectively. The cost of this travel is borne by the Department of Defence.

No payments were made by my Department in respect of travel by bus or rail by Ministers.

### Hospital Building Projects.

80. **Deputy Charlie O'Connor** asked the Minister for Health and Children if her attention has been drawn to the widely held view that the chosen location for the proposed new children's hospital at the Mater is a cramped and inaccessible site; if she will confirm that she will now have the decision reviewed; and if she will make a statement on the matter. [29054/07]

87. **Deputy Charlie O'Connor** asked the Minister for Health and Children if her attention has been drawn to statements circulating in Tallaght that the children's hospital in Tallaght is to close; the position regarding the whole issue; and if she will make a statement on the matter. [29150/07]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 80 and 87 together.

I have no plans to review the decision to locate the new National Paediatric Hospital on a site to be made available at the Mater Hospital, Dublin. On 31st October last, the Health Service Executive announced the details of the High Level Framework Brief for the new hospital. The Brief was prepared by Rawlinson Kelly & Whittlestone Ltd (RKW), an established UK-based health care planning company. The content of the report was also informed by the views of a range of international experts, including architectural, clinical and nursing experts. The Brief sets out the recommended model of care, the core services to be delivered at the new hospital, and the additional range of services to be provided outside of the main hospital through an Ambulatory/Urgent Care Service. The Brief will help to inform the work of the National Paediatric Hospital Development Board in planning, designing, building and equipping the new hospital.

The Brief includes a detailed assessment of the capacity of the Mater Hospital site to accommodate the space requirements of the new hospital, and a maternity hospital, to meet expected demand up to the year 2021. The analysis indicates that all the requirements can be accommodated on the site, and still allow expansion capacity beyond the year 2021. The analysis found that the site offers a development area of 140,000 square metres. The overall space requirement for core services at the new hospital is 90,000 square metres. When ancillary services including Education, Training, Research, Medical Genetics and Parents Accommodation are included, the total requirement is 103,600 square metres. There is also sufficient space to comfortably accommodate a new maternity hospital on-site. The total projected bed requirement for the hospital to the year 2021 ranges from 352 to 454 beds. The esti-

mated space requirements for the hospital have been calculated based on the upper range of bed numbers.

The Brief includes provision for all in-patients to be accommodated in single en-suite rooms, allows for the provision of on-site accommodation for parents and families, and allows for education, training and research facilities to be developed on-site. The Hospital will be at the centre of a national paediatric network, linked to regional and local hospitals, and to primary and community care services, through outreach, telemedicine, joint appointments and staff rotation. A network of Ambulatory and Urgent Care Centres (A/UCCs) will be established, to be operated by the new hospital. The first of these will be developed at Tallaght.

I am aware of the concerns relating to the future of the National Children's Hospital in Tallaght in the context of the development of the National Paediatric Hospital. It should be noted that currently the vast majority of children attending the National Children's Hospital Emergency Department do not require admission, and will continue to access their care at the new Ambulatory and Urgent Care Centre which is to be developed at Tallaght. RKW estimated in the report that, when the first A/UCC is developed at Tallaght, it will cater for approximately 48,000 Emergency Department attendances, 9,000 day cases, and 58,000 outpatient attendances. Clearly this projected level of activity would change depending on the number and location of any additional A/UCCs.

### EU Directives.

81. **Deputy Lucinda Creighton** asked the Minister for Health and Children if she is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if she has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if she will make a statement on the matter. [29066/07]

**Minister for Health and Children (Deputy Mary Harney):** My Department is not currently in receipt of Reasoned Opinions from the European Commission in respect of any Directives awaiting transposition. My Department has received a Letter of Formal Notice in respect of Directive 2007/1/EC (amending Directive 76/768/EEC concerning cosmetic products for the purposes of adapting Annex II thereof to technical progress). This Directive is expected to be transposed in the coming weeks.

### Health Service Staff.

82. **Deputy M. J. Nolan** asked the Minister for Health and Children if she will ensure that nurses who are retiring from the drugs treatment programme in the Health Service Executive Dublin

[Deputy M. J. Nolan.]

SW — mid-Leinster area will be replaced in view of the work they are doing in the area of drug rehabilitation; and if she will make a statement on the matter. [29072/07]

**Minister for Health and Children (Deputy Mary Harney):** The question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

83. **Deputy Paul Kehoe** asked the Minister for Health and Children when the Health Service Executive will make the payment to a service (details supplied) in County Wexford in order that the sustaining progress increases due to staff from December 2006 and July 2007 can be awarded; and if she will make a statement on the matter. [29074/07]

**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.

#### **Ambulance Service.**

84. **Deputy Liz McManus** asked the Minister for Health and Children if she will clarify the refuelling arrangements for ambulances based at Loughlinstown ambulance station; if she will confirm changes in refuelling arrangements which limit ambulances to a service station that closes at 10 p.m. some evenings instead of the previous arrangement whereby ambulances could refuel on a 24 hour basis; her views on whether ambulances on night duty need access to a service station and that this is an unacceptable situation in relation to refuelling ambulances; if her attention has been drawn to the fact that these ambulances cover a wide area around north Wicklow and south Dublin; and if she will make a statement on the matter. [29115/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the

Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Drug Abuse.**

85. **Deputy Billy Timmins** asked the Minister for Health and Children the number of people who have died from the use of cocaine and ecstasy tablets each year from 2006 to date in 2007; and if she will make a statement on the matter. [29127/07]

**Minister for Health and Children (Deputy Mary Harney):** The information which the Deputy has sought on the number of people who have died from the use of cocaine and ecstasy tablets in 2006 and to date in 2007 is not available. The General Mortality Register, the main source of information on drug-related deaths prior to the establishment of the National Drug Related Deaths Index in 2005, shows that there were 9 cocaine-only deaths in 2004 — the latest year for which data is available. The Coroner's Service is dealing with a backlog of inquests many of which go back to 2004. The coding system used in the General Mortality Register to classify cocaine-related deaths does not allow one to extract deaths where cocaine is combined with other drugs, therefore the above figure is an underestimate of cocaine-related deaths. In relation to ecstasy-related deaths, there is no individual code in the General Mortality Register to identify ecstasy-related deaths.

The statistics in the General Mortality Register are collected by the Central Statistics Office which measures — as it is required to do — direct drug-related deaths based on an international classification system. It does not have a reliable measure of deaths which are indirectly related to drug use and so does not provide the full picture of drug-related deaths. For example a death through an infectious disease contracted through drug use may not feature in the General Mortality Register as drug-related. To remedy these limitations, the Department of Health and Children and the Department of Justice, Equality and Law Reform jointly asked the Health Research Board to establish a National Drug-Related Deaths Index.

This index was established to comply with Action 67 of 'Building on Experience: National Drug Strategy 2001-2008'. The index is a census of drug and alcohol-related deaths and deaths among substance users in Ireland which is one of the European Monitoring Centre for Drugs and Drug Addiction's (EMCDDA) key indicators to measure the consequences of the drug situation. The data for the Index is drawn from a number of sources including the General Mortality Register; the Coroner's Service; the Hospital In-patient Enquiry (HIPE); and the Central Treatment List.

A committee, co-chaired by the two above-mentioned Departments, provides general and

technical advice on the development of the index. The index will produce its first report in September 2008. The index will ascertain the exact contribution of each type of illicit drug to deaths in Ireland.

#### **Hospital Charges.**

86. **Deputy Róisín Shortall** asked the Minister for Health and Children, further to Parliamentary Question No. 80 of 27 September 2007, the reason a formal reply has not been issued by the Health Service Executive; and if she will now furnish a reply to the question. [29136/07]

**Minister for Health and Children (Deputy Mary Harney):** Officials of my Department have been informed by the HSE that a reply issued to the Deputy on 16 October 2007 in relation to this matter. The Mater Misericordiae University Hospital reviewed the bill in question and the patient was subsequently billed for the appropriate Statutory Charge which was duly paid.

*Question No. 87 answered with Question No. 80.*

#### **Hospital Services.**

88. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she will give assurances to cancer patients in the Tallaght Hospital catchment area regarding services following the recent announcements by the Health Service Executive in respect of those cancer services; the position regarding same; and if she will make a statement on the matter. [29151/07]

**Minister for Health and Children (Deputy Mary Harney):** The recent decisions of the HSE to designate four managed cancer control networks and eight cancer centres will be implemented on a managed and phased basis. Professor Keane, interim Director of the Programme, is due to take up his post next week. The HSE has advised that meetings and discussions are already underway with the eight designated centres and with those centres currently providing cancer services (including Tallaght Hospital) which will not form part of the future managed cancer control networks. These discussions have focused on identifying the capacity issues for the eight designated centres so that a detailed transitional plan can be put in place to facilitate the progressive, gradual and carefully managed transfer of services over the course of the next two years.

#### **Departmental Expenditure.**

89. **Deputy James Reilly** asked the Minister for Health and Children if her Department provides funds to the Irish Patients' Association; and if she will make a statement on the matter. [29154/07]

**Minister for Health and Children (Deputy Mary Harney):** The Irish Patients' Association is a voluntary, independent organisation which advocates issues relating to quality, safety and patients' rights within the healthcare system. The Association plays a significant and useful role in representing the concerns and needs of patients. The recent 'Clean Hospital Summit', the second in two years, is an excellent example of a successful Irish Patients' Association initiative. The Health Service Executive provided funding of €87,205 to the Irish Patients' Association this year.

#### **Health Services.**

90. **Deputy Bernard Allen** asked the Minister for Health and Children the reason a person (details supplied) in County Cork who has a long history of hearing problems and who has been provided for many years with an external hearing aid has been told that despite the fact that they find it impossible to wear the external hearing aid due to discomfort and severe pain they are not entitled to an internal hearing aid which would allow them to use it on a more regular basis. [29161/07]

**Minister for Health and Children (Deputy Mary Harney):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Pharmacy Regulations.**

91. **Deputy Michael Ring** asked the Minister for Health and Children if, in view of recent difficulties between the Health Service Executive and the pharmacies, meetings or negotiations have taken place between her Department and the Irish Pharmaceutical Union; the meetings that have taken place; and the plans she has to meet this sector or if there is a mediation process that can be put in place to try and progress the discussions between her Department and the pharmacies. [29168/07]

**Minister for Health and Children (Deputy Mary Harney):** As the Health Service Executive (HSE) has operational responsibility, under the Health Act 2004, for the management and delivery of health and personal social services no direct meetings have taken place between my Department and the Irish Pharmaceutical Union (IPU) on the matters referred to by the Deputy.

To address concerns expressed by the IPU, on behalf of community pharmacists, about the implications of recent legal advice on competition

[Deputy Mary Harney.]

law on their right to negotiate fees through the Union, a process of dialogue was established, chaired by Bill Shipsey SC, to explore ways in which concerns raised by the IPU about the implications of this legal advice might be addressed. Despite suspension of this process during the recent withdrawal by individual pharmacists of methadone services, there has recently been renewed engagement between the Irish Pharmaceutical Union and the HSE under the auspices of Mr. Shipsey.

#### **Hospital Waiting Lists.**

92. **Deputy Bernard Allen** asked the Minister for Health and Children when a person (details supplied) in County Cork will receive an appointment. [29170/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Hospital Staff.**

93. **Deputy Olwyn Enright** asked the Minister for Health and Children the number of people employed in each section or unit including administration, human resources and management in hospitals (details supplied); the grade at which each person is employed; the number of permanent, part time and temporary staff working at each hospital; and if she will make a statement on the matter. [29171/07]

**Minister for Health and Children (Deputy Mary Harney):** Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the require-

ments of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Hospital Services.**

94. **Deputy Edward O'Keeffe** asked the Minister for Health and Children if a person (details supplied) in County Cork will be allocated a bed in an orthopaedic hospital. [29176/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Care of the Elderly.**

95. **Deputy Seymour Crawford** asked the Minister for Health and Children the number of beds that were available on a hospital basis in 1997 within the public health service; the number in 2007; the number of public beds available for the care of the elderly in 1997; the number at present; if she is satisfied that sufficient progress has been made taking into account the increased number of aged people needing care; and if she will make a statement on the matter. [29177/07]

**Minister of State at the Department of Health and Children (Deputy Máire Hctor):** The 1997 Survey on Long Stay Activity Statistics published by the Department records that there were 20,890 long stay beds in 1997 (10,179 public, 3,779 voluntary and 6,932 private). The report also provides a summary of individual long stay units. The corresponding total for 2005 was 21,478 long stay beds (7,699 public, 3,429 voluntary and 10,350 private). This data should be interpreted in the context of the survey response rates which vary from year to year (86.6% response rate for 1997 and 80% for 2005). The average number of available acute in patient beds (including day places) for 1997 was 11,731. This has increased to over 13,340 in 2005. Based on a total bed complement (including inpatient and day places) the provisional total for 2006 is 13,771. A copy of the relevant statistical reports has been posted directly to the Deputy. The Health Service Executive (HSE) has advised the Department that there are currently over 10,000 HSE public

beds in residential care centres for older people nationally.

While the main emphasis will continue to be on providing supports that help older people to remain in their own homes for as long as possible, additional long-stay residential places will be required in the coming years to meet the needs of an ageing population. Last year, the HSE, in conjunction with Prospectus, undertook a Needs Assessment of bed capacity requirements in the areas of long-stay, dementia specific and respite care beds. This report was submitted to the Department of Health and Children in September 2006. While the report indicates a small national surplus of long-stay beds, it also notes that this surplus masks the uneven distribution of beds between and within regions. In particular, HSE Dublin North east and HSE South have an immediate requirement for additional beds. This shortage is being addressed by the Executive.

I have asked the Parliamentary Affairs Division of the Health Service Executive to respond directly to the Deputy with information in respect of the number of beds available on a hospital basis for 1997 and 2007 within the public service as soon as it is available.

#### Health Services.

96. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if a person (details supplied) in County Cork will be provided with assistance. [29179/07]

**Minister of State at the Department of Health and Children (Deputy Máire Hochtóir):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Ministerial Travel.

97. **Deputy Liz McManus** asked the Minister for Transport the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29051/07]

**Minister for Transport (Deputy Noel Dempsey):** In relation to the Deputy’s question, I have not engaged in any such travel since the formation of the new Government. There is no Minister of State in my Department.

#### EU Directives.

98. **Deputy Lucinda Creighton** asked the Minister for Transport if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29069/07]

**Minister for Transport (Deputy Noel Dempsey):** Ireland is the subject of enforcement proceedings in respect of 2 directives which fall under the remit of the Department of Transport. These are directive 2004/36/CE of 21 April 2004 on the safety of third-country aircraft using Community Airports, and directive 84/5/EEC of 30 December 1983 relating to insurance against civil liability in respect of the use of motor vehicles.

In addition we have received one reasoned opinion from the Commission in respect of directive 2003/59/EC of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers. I wish to assure the Deputy that I am committed to ensuring that Ireland is fully compliant with European Law.

#### Road Safety.

99. **Deputy Fergus O’Dowd** asked the Minister for Transport if a vehicle ADR inspection centre will be provided in the north-eastern area to facilitate vehicles based in Counties Louth, Meath, Cavan and Monaghan; and if he will make a statement on the matter. [29075/07]

**Minister for Transport (Deputy Noel Dempsey):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No 477 of 2006) this is a matter for the Road Safety Authority.

#### Road Network.

100. **Deputy Lucinda Creighton** asked the Minister for Transport the reports, plans or correspondence his Department has that refers to a proposed eastern bypass; the correspondence he has had with Dublin City Council on this issue; and if he will make a statement on the matter. [29076/07]

**Minister for Transport (Deputy Noel Dempsey):** As Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The implementation of individual national road projects, such as the proposed Eastern Bypass Route, is a matter for the National Roads Authority (NRA), and the local authorities concerned, under the relevant sections of the Roads Act, 1993.

[Deputy Noel Dempsey.]

Two reports were commissioned by the NRA in 2000 and 2002 on the feasibility of constructing the Eastern Bypass, copies of both reports were forwarded to my Department at the time. The output of these reports consisted of a constraints study and preliminary cost and traffic reports. The NRA subsequently engaged consulting engineers to update these two studies by undertaking a further engineering and feasibility study of the Bypass. This study examines possible route options, forecasts traffic demand and reports on scheme costs for the various options examined. It has recently been completed and a copy was provided to my Department in the past week.

It was indicated at the launch of Transport 21 that feasibility study work would be undertaken on this route. However, implementation of the project is not included in the Transport 21 financial envelope. There has been no correspondence on this issue between myself, or my Department and Dublin City Council.

101. **Deputy Joe McHugh** asked the Minister for Transport the negotiations that have taken place in relation to identifying the priority route between Strabane and Dublin; the plans in place to introduce ideas from both sides of the Border; and if he will make a statement on the matter. [29082/07]

**Minister for Transport (Deputy Noel Dempsey):** A meeting of the North South Ministerial Council (Transport Sector) took place on 14th September 2007. The Council discussed and agreed the necessary steps to progress the A5 road project which will provide dual carriageway standard on the route within Northern Ireland serving the North West Gateway. The Council agreed to the formation by October 2007 of a management structure for the A5 project comprising a Cross Border Steering Group, Technical Group and a dedicated Roads Service Project Team to evaluate and monitor progress as required, and the early appointment of consultants to enable a route corridor study of the A5 project to commence. The Cross Border Steering Group met in October and the Technical Group was established. Work is proceeding in connection with the appointment of consultants to carry out the route corridor study.

#### Public Transport.

102. **Deputy Billy Timmins** asked the Minister for Transport if approval was sought from his Department by Bus Éireann for an hourly service to Tullow, County Carlow; and if he will make a statement on the matter. [29126/07]

**Minister for Transport (Deputy Noel Dempsey):** The provision of public bus services by Bus Éireann on specific routes to serve particular areas is an operational matter for the com-

pany. I can confirm that my Department received a notification from Bus Éireann for a service from Tullow to Dublin. Section 25 (1) of the Transport Act 1958 provides that the consent of the Minister for Transport is required where State companies wish to introduce or alter a passenger road service where such service would compete with a licensed passenger road service provided by a private bus operator. In accordance with section 25 (2), the decision made by the Minister under section 25 (1) is final.

My Department concluded that in this instance the proposed service would compete with an existing service licensed by a private operator in accordance with the Road Transport Act 1932. Therefore, on 30 April 2007 my Department informed Bus Éireann that should they wish to pursue the introduction of this proposed service, the Company would be required to submit an application under Section 25 of the Road Transport Act, 1958. To date no application in accordance with Section 25 of the Road Transport Act, 1958 has been received from Bus Éireann in respect of the proposed service.

#### Tax Code.

103. **Deputy Thomas P. Broughan** asked the Minister for Transport the alternative support measures being put in place by his Department and the Government to support the private passenger transport sector following the apparent removal by the Department of Finance of the refund of excise duty on fuel used in passenger transport services; the reason the private passenger transport sector alleges it was not informed of the change before setting fares and contracts for 2008; and the actions he will take to remedy the situation. [29147/07]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to the Minister for Finance's reply to Dail Questions Nos. 106 & 107 which he answered on Wednesday last 14th November.

#### Road Safety.

104. **Deputy Thomas P. Broughan** asked the Minister for Transport the role he envisages for the Health and Safety Authority in the inspection of road works, signage and road traffic conditions generally and in view of the large number of fatalities and injuries during the early morning rush hour to work. [29148/07]

**Minister for Transport (Deputy Noel Dempsey):** The role of the Health and Safety Authority is that provided for in the Health, Safety and Welfare at Work Act 2005 as interpreted by the Courts. The Act provides primarily for the safety of workers in the workplace. The involvement of the Health and Safety Authority in the matters referred to by the Deputy is cur-

rently the subject of proceedings in the High Court.

### Passport Applications.

105. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the position in relation to a person (details supplied) in County Kildare; if in view of the circumstances he will give the necessary information to secure their number by telephone; and if he will make a statement on the matter. [29019/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The person in question has received the necessary information via facsimile transmission, by arrangement with the Consulate General in Sydney. His new passport has also been sent to him in Queensland. It is the policy of the Passport Office not to divulge any passport details by telephone, in order to safeguard the privacy and prevent fraudulent misrepresentation of passport holders. The difficulties encountered by the individual in question highlight the necessity for people travelling abroad to keep their passports safe and secure. That said, the Department and our Embassies and Consulates are always ready to help out citizens in every way possible, and I know this is widely appreciated.

### Ministerial Travel.

106. **Deputy Liz McManus** asked the Minister for Foreign Affairs the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29047/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The table below provides the relevant details of the air travel undertaken by myself and the Ministers of State at my Department since June 2007. No travel expenses were incurred as a result of bus or rail travel in the period. As the Deputy may be aware, the cost of the Government Jet is charged to the Vote of the Department of Defence.

Minister for Foreign Affairs Dermot Ahern T.D.

Number of Trips	Month	Cost of Air Travel
2	June '07	Government Jet
1	July '07	Government Jet
3	September '07	Government Jet
4	October '07	Government Jet
2	November '07	Government Jet

Minister of State Dick Roche T.D.

Number of Trips	Month	Cost of Air Travel
1	June '07	Government Jet
1	July '07	€378.71
1	September '07	€2,856.79
1	September '07	Government Jet
1	November '07	€1,131.12

Minister of State Michael Kitt T.D.

Number of Trips	Month	Cost of Air Travel
1	July '07	€6,053

### EU Directives.

107. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29065/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** As I stated in my reply to a similar question by the Deputy on 6th November 2007, my Department does not as a rule have responsibility for transposing EU Directives into Irish law. Currently, there are no EU Directives awaiting incorporation into Irish law in my Department.

However, in the context of the Department of Foreign Affairs' overall coordinating role in relation to EU matters, it is the current practice that letters from the Commission, including those transmitting Reasoned Opinions, are addressed in the first instance to me as Minister for Foreign Affairs via the Permanent Representation in Brussels. My Department transmits all such letters to the Department which is responsible for the transposition of the measure concerned.

### Ministerial Travel.

108. **Deputy Liz McManus** asked the Minister for Enterprise, Trade and Employment the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29044/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The details requested by the Deputy are provided in the tables. The tables show the cost incurred by my Department each month, from 14 June 2007 to 13



[Deputy Micheál Martin.]

November 2007, in respect of travel undertaken by me and by the Ministers of State at my Department using the modes of transport specified by the Deputy. The frequency of travel under each of the categories of transport is also provided.

The tables do not include travel using the Government jet, the costs of which are borne by

the Department of Defence, travel organised and paid for by the development agencies under the aegis of my Department, or travel organised and paid for by international bodies. I will arrange for data in this respect to be supplied to the Deputy but it has not been possible to compile the information in the time available.

Minister Micheál Martin

Month	Bus		Rail		Air	
	Cost	Frequency	Cost	Frequency	Cost	Frequency
	€		€		€	
June 2007	0.00	0	0.00	0	0.00	0
July 2007	0.00	0	0.00	0	76.46	2
August 2007	0.00	0	0.00	0	0.00	0
September 2007	0.00	0	0.00	0	63.49	1
October 2007	0.00	0	0.00	0	0.00	0
November 2007	0.00	0	0.00	0	0.00	0
Totals	0.00	0	0.00	0	137.95	3

Minister of State Michael Ahern

Month	Bus		Rail		Air	
	Cost	Frequency	Cost	Frequency	Cost	Frequency
	€		€		€	
June 2007	0.00	0	0.00	0	0.00	0
July 2007	0.00	0	56.50	1	0.00	0
August 2007	0.00	0	0.00	0	0.00	0
September 2007	0.00	0	0.00	0	110.00	1
October 2007	0.00	0	0.00	0	5,519.31	3
November 2007	0.00	0	0.00	0	0.00	0
Totals	0.00	0	56.50	1	5,629.31	4

Minister of State Billy Kelleher

Month	Bus		Rail		Air	
	Cost	Frequency	Cost	Frequency	Cost	Frequency
	€		€		€	
June 2007	0.00	0	0.00	0	0.00	0
July 2007	0.00	0	0.00	0	198.85	1
August 2007	0.00	0	0.00	0	0.00	0
September 2007	0.00	0	0.00	0	0.00	0
October 2007	0.00	0	0.00	0	0.00	0
November 2007	0.00	0	0.00	0	0.00	0
Totals	0.00	0	0.00	0	198.85	1

## Minister of State John McGuinness

Month	Bus		Rail		Air	
	Cost	Frequency	Cost	Frequency	Cost	Frequency
	€		€		€	
June 2007	0.00	0	0.00	0	0.00	0
July 2007	0.00	0	0.00	0	0.00	0
August 2007	0.00	0	0.00	0	0.00	0
September 2007	0.00	0	0.00	0	0.00	0
October 2007	0.00	0	0.00	0	0.00	0
November 2007	0.00	0	0.00	0	0.00	0
Totals	0.00	0	0.00	0	0.00	0

**EU Directives.**

109. **Deputy Lucinda Creighton** asked the Minister for Enterprise, Trade and Employment if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29062/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Department of Enterprise, Trade and Employment has currently one active infringement of non-transposition of Directives. A Letter of Formal Notice was received from the European Commission for Directive 2006/139/EC (relating to arsenic) on 2 August 2007. However this Directive was transposed on 9 November 2007. The Commission has been notified and is expected to terminate infringement proceedings in due course. There are no outstanding Reasoned Opinions for non-transposition of Directives.

There are, however, two outstanding Reasoned Opinions for wrongly transposing a Directive (Directive 92/100/EC, on Public Lending Rights) and failure to fully implement a Directive (96/82/EC on the control of major-accident hazards involving dangerous substances). The Commission is expected to halt infringement proceedings for both these Directives once the outstanding issues are fully addressed by the end of December 2007.

**Educational Projects.**

110. **Deputy Denis Naughten** asked the Mini-

Time Frame	Applications Received
November 11th 2006 to November 11th 2007	26,568
November 11th 2005 to November 10th 2006	27,888

ster for Enterprise, Trade and Employment if he or the Minister of State with responsibility for Innovation will facilitate a request for a meeting by an organisation (details supplied); and if he will make a statement on the matter. [29071/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** I understand that the organisation in question has been in contact with my colleague the Minister for Innovation Policy seeking a meeting regarding funding for the development of a degree year for the Higher Certificate in Workplace and Community Studies. I should state that I and the Ministers for State at my Department are always open to meeting people and organisations where we can provide useful responses and constructive input to the subject matter.

In this case, I understand that a reply has issued to the organisation involved that it would be more useful if the proposal for the development of a degree programme were raised directly with my colleague the Minister for Education and Science.

**Work Permits.**

111. **Deputy Bernard J. Durkan** asked the Minister for Enterprise, Trade and Employment the number of applications received in his Department for work permits in the 12 months to date; the extent to which this compares with the previous 12 month period; and if he will make a statement on the matter. [29200/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Employments Permits Section of my Department have informed me that the following are the figures for valid permit applications received in the last two years:

### Ministerial Travel.

112. **Deputy Liz McManus** asked the Minister for Arts, Sport and Tourism the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and

if he will make a statement on the matter. [29039/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The table provides details of travel by bus, rail and air undertaken by me since taking up office as Minister for Arts, Sport and Tourism in June of this year:

Destination	Date	Cost
Visit to Department's decentralised offices in Killarney, Co. Kerry	19 July 2007	€107.79
Attending World Travel Market in London	13 November 2007	N/A (Government jet)

From 30 September to 4 October, Mr. Sean Power, T.D., Minister of State at the Department of Justice, Equality and Law Reform represented the Government at the Special Olympics World Games in Shanghai, China as I was unable to attend. The cost to my Department was €3,124.27.

couples and lone parents with young children would be eligible to apply for the payment.

### Ministerial Travel.

### EU Directives.

113. **Deputy Lucinda Creighton** asked the Minister for Arts, Sport and Tourism if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29057/07]

115. **Deputy Liz McManus** asked the Minister for Social and Family Affairs the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29050/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** There are no EU Directives currently awaiting incorporation by my Department.

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Since the formation of the new Government I have made use of the Ministerial Air Transport Service (MATS) on one occasion in October 2007. No further travel costs have been incurred as I have made use of the official Ministerial car to attend all other engagements. There is no Minister of State assigned to my Department.

### Social Welfare Code.

114. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the statutory basis for the cohabitation rule in respect of the one parent family payment; and if the abolition of this rule can be achieved through secondary legislation only. [29017/07]

### Pension Provisions.

116. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the number of pensions held that are integrated with the State pension; and the safeguards in place to protect the interests of pension holders. [29073/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Section 175 of the Social Welfare Consolidation Act 2005 provides that a qualified parent for the purposes of the one parent family payment, shall not, if and so long as they and any other person are cohabiting as husband and wife, be entitled to and shall be disqualified for receiving payment of the one parent family payment. Any amendment to this provision would require primary legislation.

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Although there are no statistics available in relation to the number of pensions that operate on an integrated basis, it is generally accepted that the system applies in the vast majority of defined benefit schemes. There were 1,411 defined benefit schemes registered with the Pensions Board at the end of 2006.

Under the proposed new income support payment for lone parents and other low income families outlined in the Government discussion paper "Proposals for Supporting Lone Parents," the cohabitation rule would not apply. Both

The manner in which integration is implemented can vary, but the most common method is by what is known as "salary offset". This means that the employer will regard the social welfare pension as providing pension rights in relation to part of the salary. Notional adjustments are made to salary that take account of this to arrive at the "pensionable salary," on which both employer and employee contributions to the

occupational schemes are often based. When the pension is paid, the combination of the occupational scheme and the social welfare payment is intended to provide the retirement income as provided for under the scheme.

Under legislation, integration may only take place at the point when an occupational pension is first paid. Legislation does not permit reductions to be made to occupational pensions in payment to take account of subsequent increases in the social welfare pension. The legislation also provides for a minimum level of benefit to be paid from an occupational scheme based on the total contributions made by the employee to that scheme.

117. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 383 of 23 October 2007, his views on introducing controls and restrictions around the scheme whereby his Department forwards correspondence to pension scheme members and other persons to ensure that the interests of the State are protected in view of the fact that at least one large pension scheme has opted to contact all deferred members through this process, regardless of whether a valid address is on file for the pension scheme member. [29138/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** As I explained in my previous reply, my Department was approached by third parties to assist them in contacting individuals who could not be contacted at the address held in their name on the third parties' records. My Department has consistently maintained that it should be a last port of call in overcoming problems with contacting individuals and has engaged with third parties to the scheme accordingly. In general, third parties have respected this principle and safeguards applied to date have been appropriate.

The Department is aware of anecdotal evidence suggesting that one company may be attempting to contact individuals regardless of whether or not it holds accurate contact details. The company in question has already been re-appraised of the purpose of the scheme and advised as to more restrictive safeguards that may be put in place to ensure that no such widespread abuse of the scheme can take place. To date, the scheme has operated well and has been of great benefit to individuals. My department is of the view that it should not be unduly restricted due to the inappropriate action of a participant. As previously advised, the situation will be kept under review.

#### **Social Welfare Benefits.**

118. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo did not receive

the full amount of arrears which they were due; and when they will receive the balance of these arrears. [29172/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** This person was awarded a State Pension Non-Contributory from 8 October 2004. In January 2007, the Department was notified by the UK Department of Social Security that he qualified for a British Retirement Pension with effect from 21 June 2004. His entitlement to State Pension Non-Contributory for the period 8 October 2004 to 4 January 2007 was therefore reviewed and an overpayment arising from the overlap of State Pension Non-Contributory and British Retirement Pension was assessed at €2387.50. This amount was due to be refunded to the Department from the arrears of British Retirement Pension.

The total amount of British Retirement Pension arrears was €5380.28, and following deduction of the overpayment of €2387.50 State Pension Non-Contributory, left a balance of €2992.78 due to be paid. A cheque for this amount, representing the balance of arrears due in this case issued to him. On the 19th October a letter issued regarding the arrears due to this person, unfortunately the gross arrears was quoted. No reference was made to the overpayment of State Pension Non-Contributory and the net amount was not stated. I regret any misunderstanding which arose as a result.

119. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason the habitual residency clause is being used to exclude a person (details supplied) in County Kildare; and if he will make a statement on the matter. [29218/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** All applicants regardless of nationality are from 1 May 2004 required to be habitually resident in the State in order to qualify for Supplementary Welfare Allowance, child benefit and certain social welfare assistance payments. The Eastern Area of the Health Service Executive has advised that the person concerned was refused supplementary welfare allowance on the grounds that he is not habitually resident in the country. Any applicant who disagrees with the decision of a Community Welfare Officer has the right to appeal to the Social Welfare Appeals Office.

The person concerned has also applied for Illness Benefit. However, there is no record of any Irish contributions made by him or of a work permit which would allow him to work in Ireland. In the absence of an Irish contribution record, an Illness Benefit claim would fall to be dealt with by the authorities in Romania.

120. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the correct

[Deputy Bernard J. Durkan.]

rent support payable in the case of a person (details supplied) in County Kildare who has three children and who is in arrears with rent; and if he will make a statement on the matter. [29221/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Health Service Executive has advised that it is awaiting documentation from the person concerned so that it can make a decision on any entitlement to rent supplement. It has further advised that it will inform the person concerned of its decision on the matter in writing in due course. The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the community welfare division of the Health Service Executive.

### Social Welfare Code.

121. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the action his Department has taken on each of the recommendations relating to his Department contained in his Department's internal report *The Operation of the Habitual Residence Condition*, July 2006. [29222/07]

122. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the reason there is no arrangement whereby the interests of Irish citizens are safeguarded *vis-à-vis* the operation of the habitual residence rule including reasons that may relate to EU law; the details of other EU jurisdictions that are applying this rule to their own citizens or disregarding the rule in relation to their own citizens; and the number of Irish citizens who have to date been refused social welfare payments under this rule with a breakdown by the number of children and the number of adults. [29224/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 121 and 122 together.

The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1st of May 2004. The basis for the restriction is the applicant's habitual residence. The restriction is not based on citizenship, nationality, immigration status or any other factor. The question of what is a person's "habitual residence" is decided in accordance with European Court of Justice case law, which sets out the grounds for assessing individual claims.

These grounds are now specified in Section 30 of the Social Welfare and Pensions Act 2007 (see full details of legislative provisions in the note which follows). Decisions to the effect that applicants satisfy the Habitual Residence Condition are made in the majority of cases at claim accept-

ance stage by Deciding Officers at local level throughout the country. Complex cases that require detailed consideration are sent to a central section in Dublin or are examined in more detail in the scheme areas.

For the period from 1 May 2004 to 31 October 2007, the number of applications decided in respect of Irish citizens was 15,788, of which 1,629 (10%) were disallowed. Of the total disallowed, 13 were in respect of applications for Child Benefit. Records are not maintained in respect of the number of child dependents involved in claims for assistance which are not awarded. Each case received for a determination on the Habitual Residence Condition is dealt with in its own right and a decision is based on application of the legislation and guidelines to the particular individual circumstances of each case. Any applicant who disagrees with the decision of a Deciding Officer or a Community Welfare Officer has the right to appeal to the Social Welfare Appeals Office.

EU legislation prohibits discrimination between nationals of EU Member States in the context of freedom of movement of workers and their access to social security or social assistance entitlements. Therefore national legislation must not differentiate between Irish nationals and other EU nationals in the application of the habitual residence legislation. However, Irish nationals returning to live here on a permanent basis should experience no difficulty in meeting the requirements of the Habitual Residence Condition. Amongst the factors governing a decision in this matter are an assessment of the claimant's main centre of interest and future intentions as it appears from all the circumstances.

My Department does not have (and does not require to have for its business purposes) information on the application of similar rules in other EU Member States. Such information would not be easily obtained as it would require a detailed examination of

- whether other legislation that uses the term "habitual residence" (e.g. UK) contains similar or different provisions
- whether other Member States' legislation or administrative practice regarding the granting of (e.g.) residence permits and, in some States at least, the restricting of assistance payments to such residence permits results in similar effects.
- the relevance of transitional arrangements for migration between the older and newer Member States where these still apply.

Nationals of the European Economic Area (EEA) who take up employment in the State are protected under the EU Regulations governing social security for migrant workers. Migrant workers from outside the EEA qualify for social insurance benefits in respect of the unexpired

part of their work permits if they satisfy the normal qualifying conditions.

*The Operation of the Habitual Residence Condition (HRC)*

*An Internal Review by the Department of Social and Family Affairs (DSFA)*

*Summary of Recommendations and latest position on same*

*Devolution*

1. Devolution of decision-making should be completed as early as possible taking into account the needs for expanded guidelines and training. (Para 3.3)

*Present Position*

HRC decisions have been devolved to the relevant scheme owners in respect of the following schemes: Child Benefit, State Pension (Non-Contributory), Widow's Non-Contributory Pension, Blind Pension, Widow's or Widower's (Non-Contributory) Pension, Guardian's Payment (Non-Contributory), Carer's Allowance and Disability Allowance. HRC Decisions on complex cases involving claims for Jobseeker's Allowance and One Parent Family Payment are currently completed in HRC Central Unit in Dublin.

*Guidelines*

2. The guidelines should be expanded to deal with the application of HRC to certain groups, e.g. asylum seekers, refugees, work permit holders and spouses of workers. (See Para 3.2)
3. The application of the relevant guidelines should be reviewed in the light of the experience of Community Welfare Officers. (Para 2.5)
4. Further consideration should be given to the requirements of Articles 41 and 43 of the European Code of Social Security in relation to the Child Benefit entitlements of families who are in employment or self-employment and to incorporating any necessary clarification in the guidelines. . (Para 5.2.1)

*Present Position*

Revised guidelines for claims decisions staff in both DSFA and the Health Services Executive (HSE) on the application of HRC to various categories of claimants — including those mentioned above — are currently nearing completion in consultation with management in the various scheme areas. In relation to No. 4, the relevant clarification was incorporated in the Child Benefit Guidelines in December 2006.

*Procedures and Training*

5. Procedures should be kept continually under review and improved wherever appropriate. (Para 4.7)
6. Comprehensive training should be provided to the Department's staff and CWOs on the basis of the expanded guidelines. (See Paras 3.6.7, 4.3 and 4.8)
7. A joint briefing should be devised for DSFA and Department of Enterprise, Trade and Employment staff in relation to HRC, the visa permit system and general immigration policy. (Para 3.6.7)

*Present Position*

On completion of the revised HRC guidelines, arrangements will be made to deliver training and/or briefings as appropriate to trainer staff within relevant organisations such as the Department of Enterprise, Trade and Employment and the Health Service Executive (HSE), in addition to staff within the Department of Social and Family Affairs (DSFA).

*Liaison*

8. Liaison should be strengthened between the Department of Social and Family Affairs and the Health Service Executive to maintain the level of consistency in decision making. (Para 3.6.2)
9. For statistical purposes, PPS Numbers should be used by the Reception Integration Agency, and data should be shared with this Department. (Para 2.12) It is also recommended that in all cases the customer's PPS Number should be included in the Garda National Immigration Bureau database. (Para 3.6.3)
10. A link should be formalised between the Department of Justice, Equality and Law Reform (D/JELR) and the Department of Social and Family Affairs, as the conditions of grant of residence in Irish Born Child cases are a cross departmental issue. (Para 3.6.5)
11. To assist and ensure consistency in the decision making process, the current nature and status of the GNIB stamp should be clearly set out including specific reference to the fact that the person cannot become a burden on the State if applicable. (Para 4.6)
12. The basis of continued disallowance of cases, especially holders of a stamp 3 needs to be reviewed in consultation with D/JELR in the light of the proposed Bill. (Para 5.3.3)

[Deputy Martin Cullen.]

*Present Position*

Liaison with the Health Service Executive in relation to HRC is effected through a dedicated area within DSFA dealing with policy matters in relation to the Supplementary Welfare Allowance Scheme. Liaison and consultation on the other matters in question is ongoing with officials in other relevant organisations (e.g. Department of Justice, Equality and Law Reform) in the task of revising the HRC guidelines and addressing the issues mentioned here. This inter-agency communication will continue to inform the manner in which these recommendations are addressed. It has been agreed that the revised decisions guidelines will contain full details of the conditions which attach to each of the GNIB “stamps” applicable to residence permits.

*Customer service*

13. Forms and information leaflets relating to the HRC should be made available in other languages. (Para 3.6.1)
14. EEA Nationals who have paid PRSI contributions while working in Ireland should be advised of their possible entitlement to social insurance benefits if they become involuntarily unemployed or sick, and also of their possible entitlement to Supplementary Welfare Allowance. Posters should be displayed in Social Welfare Local Offices to inform customers of these provisions. (Para 4.4.)

*Present Position*

The SW4 Guide to Social Welfare Services booklet which contains information on social insurance coverage and other welfare entitlements is currently available on-line on the department’s website [www.welfare.ie](http://www.welfare.ie) in a variety of languages including English, Arabic, Chinese, French, Polish, Portuguese, Romanian, Russian and Spanish. Similar arrangements are underway in regard to the department’s information leaflet SW108 on the Habitual Residence Condition

*Legislation*

15. Consideration should be given to reflecting the criteria set down in the ECJ case law in the relevant provisions of the legislation in the interests of clarity and legal certainty. (Para 4.5)

*Present Position*

Section 246 of the Social Welfare Consolidation Act 2005, provides that:

“it shall be presumed, until the contrary is shown, that a person is not habitually resident in the State at the date of the making of the application concerned unless he has been present in the State or any other part of the Common Travel Area for a continuous period of 2 years ending on that date.”

Section 30 of the Social Welfare and Pensions Act 2007 added the following to the above — and thereby has now included the ECJ criteria in regard to HRC into national legislation:

“(4) Notwithstanding the presumption in subsection (1), a deciding officer or the Executive, when determining whether a person is habitually resident in the State, shall take into consideration all the circumstances of the case including, in particular, the following:

- (a) the length and continuity of residence in the State or in any other particular country;
- (b) the length and purpose of any absence from the State;
- (c) the nature and pattern of the person’s employment;
- (d) the person’s main centre of interest, and
- (e) the future intentions of the person concerned as they appear from all the circumstances.”

**Ministerial Travel.**

123. **Deputy Liz McManus** asked the Minister for Community, Rural and Gaeltacht Affairs the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29041/07]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The cost of all official travel is paid out of monies provided by the Oireachtas and approved in the Estimates process. Details of proposed expenditure under this subhead were given at the relevant Estimates meeting of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs. It is expected that the expenditure under the subhead in question will fall within the approved budget.

The information sought by the Deputy in relation to the cost and frequency per month of official travel by means of bus, rail or air transport is set out in the Tables. It may be noted that in relation to certain trips the cost does not fall to be met from within my Department’s Vote.

Cost and frequency per month of official travel by means of bus, rail or air transport by Minister/Minister of State\* at the Department of Community, Rural and Gaeltacht Affairs

Minister Éamon Ó Cuív, T.D.

Month ending	Bus Cost	Train Cost	Air Cost
	€	€	€
31.7.07	—	—	3 internal return flights (€135 in total) 1 external return flight (Air Corps — cost n/a)
31.8.07	—	—	—
30.9.07	—	—	1 internal return flight (€83) 1 internal return flight (Air Corps — cost n/a)
31.10.07	—	—	1 external return flight (€3,407) 1 internal return flight (Air Corps — cost n/a)
30.11.07 to date	—	—	—

Minister of State Pat Carey, T.D.

Month ending	Bus Cost	Train Cost	Air Cost
	€	€	€
31.7.07	—	—	—
31.8.07	—	—	1 external return flight (€3,780)
30.9.07	—	—	1 internal return flight (€167)
31.10.07	—	—	—
30.11.07 to date	—	—	—

\* Any relevant details in relation to Minister of State Conor Lenihan, T.D., to be provided by the Department of Justice, Equality and Law Reform.

### EU Directives.

124. **Deputy Lucinda Creighton** asked the Minister for Community, Rural and Gaeltacht Affairs if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29059/07]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As outlined in my response to Question No. 300 of 6 November 2007, there are no EU directives awaiting incorporation into Irish Law by my Department. I am not, therefore, the subject of enforcement proceedings for the non-transposition of EU directives into Irish law and have not received any reasoned opinions from the EU Commission on the transportation of directives.

### Grant Payments.

125. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the reason an application for transfer of single payment entitlements have been refused for a person (details supplied) in County Clare; and if she will make a statement on the matter. [29025/07]

### Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):

An application for the Transfer of Entitlements without land under the 2007 Single Payment Scheme to the first named person was submitted on the 3rd April 2007. The Regulations governing the Transfer of Entitlements allow Single payments entitlements to be transferred without land only if the transferor has used at least 80% of his/her entitlements in one calendar year. A person uses entitlements by submitting one hectare of land per entitlement on their Single Payment Scheme application form. This application for the Transfer of Entitlements from the second person named to the first person named was rejected, as the second person named did not use 80% of his entitlements in 2005. A formal letter outlining this decision issued to the persons named on the 30th October 2007.

### Ministerial Travel.

126. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food the cost and frequency of travel per month since the beginning of the new Government by her and her Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if she will make a statement on the matter. [29038/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The relevant infor-



[Deputy Mary Coughlan.]

mation is presently being collated and will be passed to the Deputy as soon as possible.

#### EU Directives.

127. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food if she is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if she has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if she will make a statement on the matter. [29056/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** My Department currently has responsibility for the transposition of a large number of Directives into national law, none of which is the subject of enforcement proceedings for non-transposition. One Directive, on the Quality of Shellfish Waters, has been the subject of infringement proceedings. Responsibility for this Directive and the associated functions transferred to my Department on 19 October 2007 pending their further transfer to the Department of Environment, Heritage and Local Government. The European Court of Justice issued a judgement in infringement proceedings in this case on 14 June 2007.

Since that date this case has progressed satisfactorily with the decision by the Government in July 2007 to select criteria to designate an estimated additional 54 marine sites for water quality protection and improvement. Work is ongoing towards full transposition and no further action has been taken by the Commission since the judgement was received.

#### Grant Payments.

128. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if there are grants available to construct forestry roadways through plantations; the level of grant available; if the parcel of land that is committed to planting can be claimed for area aid and REP scheme; and if she will make a statement on the matter. [29085/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Forest Service of my Department provides grant aid for the construction of both development and harvesting roads, on the basis that the road construction is compatible with the code of best Forest Practice and Forest Service environmental guidelines. Grants of up to 80% of the cost incurred in the construction of a forest road are available subject to a maximum of €45 per linear meter. Neither the land used in the construction of roading, nor any land planted under the afforestation schemes, nor any existing commercial forestry are eligible for REPS payments.

However, under my Department's Forestry Environment Protection Scheme (FEPS) there are grants and premiums available to farmers to combine the establishment of high nature-value woodland with participation in REPS on the remainder of their farms. Under the FEPS scheme farmers can qualify for a special 'top-up' premium which is payable for a five-year period over and above the usual afforestation premium. This additional premium is roughly equivalent to the REPS payment, which is otherwise foregone on the parcel of land planted.

In relation to the Single Payment Scheme, land that is used for forestry may not be declared as forage on the Area Aid application. However, farmers who plant lands under an approved Department scheme may apply to consolidate (stack) their Single Payment Entitlements where the land being planted was used by the applicant during the reference years 2000 — 2002 to establish their Single Payment Entitlements and provided they fulfil the Terms and Conditions for consolidation.

129. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if she will take steps to have an application in relation to single farm payment by a person (details supplied) in County Westmeath awarded as all matter pertaining to the inheritance of this farm has been clarified; and if she will make a statement on the matter. [29088/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** An application for the Transfer of Entitlements under the 2007 Single Payment Scheme to the person named was submitted on the 26th of April 2007. During processing of the Transfer application it was necessary for an official of my Department to write to the person named requesting specific legal documentation. The requested documentation was received and the application is now fully processed. Payment in respect of 15.03 National Reserve entitlements and 28.07 standard entitlements transferred to the person named by way of inheritance will issue shortly.

#### Fishing Industry Development.

130. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when the State aid programme for restructuring of the fishing fleet will be available to applicants; and if she will make a statement on the matter. [29118/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** I have now received the approval from the EU commission of Ireland's state application to restructuring the fishing fleet. This restructuring programme will permanently remove some 35% of the Irish Whitefish Fleet from the sea and is an integral part of the Government's Cawley Strategy to

develop a restructured, profitable and sustainable seafood industry. I met with Fisheries Commissioner Borg last month and explained to him the urgency of getting his early approval of the scheme. I am glad say that he has now responded favourably to my request. This substantial scheme will bring the Irish fleet into balance with sustainable available fishing opportunities. I am planning to launch the scheme as early as possible.

#### Animal Welfare.

131. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the grant aid available to the pig sector to comply with new pig welfare regulations; and if she is satisfied that grant aid will be available to all those in the industry to meet their requirements under these regulations. [29120/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Grant-aid is available to the pig sector for the improvement of animal welfare standards in sow housing under the Sow Housing (Animal Welfare) Scheme which was introduced by my Department in July 2007. An allocation of €6 million has been made available for the Scheme under the current Rural Development Programme and 35 applications have to date been received by my Department. The Scheme will be suspended when the funding allocated to this measure has been committed.

#### Domestic Abattoirs.

132. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the number of licensed butchers' slaughter houses on a county basis in 1997; the number at present; her views on the rights of the independent butchers to have their own slaughter houses; and if she will make a statement on the matter. [29174/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** According to my Department's records, there were 426 approved local abattoirs in 1997. The Local Authority Veterinary Service (LAVS), reporting to the Food Safety Authority of Ireland, is now responsible for such abattoirs and I understand that there are 189 abattoirs approved by the LAVS under new EU regulations collectively known as the Hygiene Package, which came into operation on 1 January 2006. The breakdown by county for both years is provided in the table.

The Hygiene Package set out updated requirements regarding hygiene and safety assurance for food business operators (FBOs), including butchers, involved in production and placing on the market of foods of animal origin. The Hygiene Package was transposed into Irish domestic law by the European Communities (Food and Feed Hygiene) Regulations, (S.I. No. 910 of 2005).

With the exception of retail activity, food of animal origin may only be placed on the market from establishments that have been approved according to the requirements of these regulations. It is a matter for FBOs concerned to satisfy a registering authority that they comply with the requirements of the Hygiene Regulations.

Breakdown of local authority abattoirs by year and county, 1997-2007

County	1997	2007
Cavan	17	12
Carlow	5	2
Clare	16	6
Cork	60	28
Donegal	18	7
Dublin	4	2
Galway	30	9
Kerry	26	19
Kildare	10	1
Kilkenny	12	4
Laois	13	9
Leitrim	14	7
Limerick	20	10
Longford	7	4
Louth	6	1
Mayo	29	0
Meath	13	3
Monaghan	9	3
Offaly	7	5
Roscommon	14	9
Sligo	5	2
Tipperary	34	23
Waterford	9	3
Westmeath	23	14
Wexford	15	2
Wicklow	10	4
Total	426	189

#### School Transport.

133. **Deputy Billy Timmins** asked the Minister for Education and Science the position in relation to the use of safety belts for all school going children using school transport; if this has been fully implemented; and if she will make a statement on the matter. [29018/07]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** All nominated buses operating within the school transport scheme are fitted with safety belts and all pupils travelling on these vehicles are obliged by law to wear the belts provided. My Department launched a safety campaign at the end of

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August which highlighted the fact that it is the law to wear a safety belt and children were encouraged to “belt up” whilst travelling on the school bus.

Bus Éireann also visited Agricultural Shows throughout the summer with a new school bus promoting safety, including the wearing of safety belts. Bus Éireann also issued a circular to parents of children travelling on school transport, inviting their co-operation, and that of their children, to help make the school transport journey as safe and comfortable as possible. The circular emphasises the importance of safety, the consequences of misbehaviour and the disciplinary measures which may be necessary.

### Higher Education Grants.

134. **Deputy Joanna Tuffy** asked the Minister for Education and Science if her attention has been drawn to a section in the new programme for Government 2007, under the heading Improved Opportunities in Further and Higher Education which states that more students will be enabled to qualify for the top-up grant; the way she envisages same being brought about; and if she will make a statement on the matter. [29026/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I am pleased to be able to inform the Deputy that I secured approval for a 10% increase in the standard rate of student grant with effect from September 2007. This very substantial increase, at twice the rate of inflation, will benefit over 56,000 students who receive a maintenance grant to attend higher and further education. In addition, over 13,200 students are expected to benefit from a more substantial increase, of over 14%, for the Special Rate of Maintenance Grant, with the maximum rate for 2007/08 increasing to €6,690.

Financial barriers have long been recognised as a major disincentive for many students who wish to access third level education. The significant increase in the ordinary rate of maintenance grant, at twice the level of inflation, will make the third level option more affordable for a broad range of students and their families. In line with the commitment under the new Programme for Government, in approving an even higher increase in the Special Rate of Maintenance Grant, I am further targeting financial support at those most in need to encourage access to further and higher education for everyone.

This Government’s continued commitment to supporting high rates of participation in third level education, at all levels of society, will ensure that Ireland continues to attract and maintain investment in high quality jobs and that the fruits of the economy can be enjoyed by all.

### Vocational Training Opportunities Scheme.

135. **Deputy Tony Gregory** asked the Minister for Education and Science her views on whether a meal allowance of €4 per week is adequate for vocational training opportunities scheme participants in the VEC; if she will arrange to have the meal and travel allowance for VTOS participants reviewed; and if she will make a statement on the matter. [29034/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The Vocational Training Opportunities Scheme (VTOS) is a second — chance education initiative, which is funded by my Department, for unemployed persons who are at least 21 years of age and in receipt of certain social welfare payments for at least six months. It is operated through the Vocational Education Committees. The aim of the Scheme is 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 meals and travel referred to in the question are equivalent to these 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.

### Ministerial Travel.

136. **Deputy Liz McManus** asked the Minister for Education and Science the cost and frequency of travel per month since the beginning of the new Government by her and her Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if she will make a statement on the matter. [29043/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The table contains a breakdown of the monthly expenditure on travel incurred by the Minister and Ministers of State since the formation of the new Government. The costs for the Minister for Education and Science include the recent visit to New Zealand where she accompanied the President.

## Monthly Expenditure on Travel since the formation of the new Government on the 14th June 2007

Name of Minister/Minister of State	Month	Cost of Air Travel	Cost of Mileage	Monthly Total
		€	€	€
Minister Mary Hanafin	July 2007	54.50	0.00	54.50
Minister Mary Hanafin	September 2007	276.48	0.00	276.48
Minister Mary Hanafin	October 2007	10,201.89	0.00	10,201.89
Total to date for Minister Hanafin		10,532.87	0.00	10,532.87
Minister of State Seán Haughey	May 2007	—	337.55	337.55
Minister of State Seán Haughey	June 2007	—	1,541.14	1,541.14
Minister of State Seán Haughey	July 2007	—	1,730.98	1,730.98
Minister of State Seán Haughey	September 2007	58.49	433.20	491.69
Minister of State Seán Haughey	October 2007	344.50	1730.98	2,075.48
Total to date for Minister Haughey		402.99	5,773.85	6,176.84
Cumulative Total To Date		10,935.86	5773.85	16,709.71

**EU Directives.**

137. **Deputy Lucinda Creighton** asked the Minister for Education and Science if she is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if she has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if she will make a statement on the matter. [29061/07]

**Minister for Education and Science (Deputy Mary Hanafin):** A reasoned opinion has been issued by the European Commission relating to the transposition of EU Directive 2006/100 of 20 November 2006 in relation to mutual recognition of qualifications on the accession of Bulgaria and Romania.

Council Directive 2006/100 of 20 November 2006 was published on 20 December 2006 in the EU Journal. It sets out the titles of certain qualifications in respect of regulated professions in Bulgaria and Romania which should be included in the regime under the EU Directives on Recognition of Professional Qualifications with effect from accession on 1 January 2007. The effect of this proposal is to provide for automatic recognition of the sectoral qualifications (doctors, specialist doctors, nurses responsible for general care, dentists, midwives, veterinary surgeons, pharmacists and architects) which are listed for Romania and Bulgaria, and to provide that the general system regime will apply for the other professions on a case by case basis with effect from 1 January 2007.

The Department of Education and Science has national co-ordination responsibility for the EU Directives on professional qualifications. It has issued the Directive to all relevant Government Departments and Competent Authorities instructing them to apply Directive 2006/100 and the EU Directives on Mutual Recognition of

Qualifications to all eligible applicants with effect from 1 January 2007. The Directive is being applied on an administrative basis from that date.

The transposition of the Directive has been integrated into the overall task of transposing 2005/36 into Irish law, due for transposition by 20 October 2007. To do otherwise would have made the process unnecessarily complex, given that 2 different regimes are applicable in the period in the question and the limited timescale involved. The overall objective of 2005/36 is to provide a single consolidated framework for the application of the Directive conditions. My Department is transposing provisions for the General System covering the remaining professions.

A draft Statutory Instrument for the transposition of the general system under the Directive is undergoing final review and it is hoped that it will be completed in early December. In the meantime, the conditions are being applied by the relevant competent authorities on an administrative basis. The transposition regime undertaken for 2005/36/EC includes provision for automatic recognition of the sectoral qualifications listed for Romania and Bulgaria, which are included in Directive 2006/100/EC.

**Adult Education.**

138. **Deputy Denis Naughten** asked the Minister for Education and Science if she or the Minister of State with responsibility for adult education will facilitate a request for a meeting by an organisation (details supplied); and if she will make a statement on the matter. [29070/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The organisation referred to by the Deputy has written to my Department and a reply will issue shortly.

### Schools Building Projects.

139. **Deputy Michael Ring** asked the Minister for Education and Science when written approval will be given to schools (details supplied) in County Mayo to issue tender documents in view of the fact that this matter has been ongoing for some time. [29077/07]

140. **Deputy Michael Ring** asked the Minister for Education and Science when building is expected to commence on a purpose built building to accommodate two existing schools (detail supplied) in County Mayo in view of the fact that it was deemed as high priority by her Department. [29078/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 139 and 140 together.

I understand that the tender documentation for the project referred to by the Deputy is nearing completion. 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.

### Third Level Courses.

141. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if her attention has been drawn to the fact that UCD has cancelled the 2008 part-time evening degree of bachelor of arts course, which has implications for those students currently on these courses, in particular students who are part of the access to arts and human sciences certificate course in the UCD Adult Education Centre; if she was informed of the reason behind this decision; if she has been or will be in contact with the president of UCD to ask them to re-examine the situation; and if she will make a statement on the matter. [29083/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The universities are autonomous institutions and my Department does not have any function in their day to day operational affairs. The universities receive a block grant from the Higher Education Authority and it is a matter for each institution to determine the programmes it runs.

142. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the amount of State funding UCD receives annually; the amount of that funding intended for evening courses and access to education courses; the amount that is allocated; if funds are made available from other sources for evening and access to education courses; and if she will make a statement on the matter. [29084/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Funding of recurrent grants to universities is provided through the Higher Edu-

cation Authority. The Authority has advised that the amount of recurrent core grants funding, including fees, allocated to date for UCD in 2007 is €176.9 m. The amount allocated to UCD for 2006 was €178.3m. The universities are autonomous institutions and it is a matter for each institution to determine the internal allocation of resources. My Department does not have information on the distribution of allocations within UCD.

### School Transport.

143. **Deputy Richard Bruton** asked the Minister for Education and Science if her attention has been drawn to the impact of the withdrawal of fuel rebates under EU directives on the viability of school transport providers; and if fresh contracts will take this into account. [29093/07]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The current fuel duty rebate scheme is a matter for the Minister for Finance and the Revenue Commissioners. I understand that in March of this year the European Commission published its decision to refuse all requests for the retention of the fuel duty rebate scheme.

My Department understands that officials from the Department of Transport are currently engaging with officials from the Department of Finance to explore the possibility of replacing the scheme, if appropriate, by alternative non-tax financial support mechanisms to achieve the same policy objectives, subject to EU State Aid requirements. My Department will liaise with both Departments regarding the outcome of these discussions.

### Schools Building Projects.

144. **Deputy Pat Breen** asked the Minister for Education and Science the position regarding an application for a new school project (details supplied) in County Clare; and if she will make a statement on the matter. [29105/07]

**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.

### Higher Education Grants.

145. **Deputy Jack Wall** asked the Minister for Education and Science if a disability payment that a person (details supplied) in County Kildare receives is assessed as means as part of the family income in determining an application under the VEC/TLT/PLC grant scheme 2007/08; and if she will make a statement on the matter. [29106/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The assessment of means under my Department's Student Maintenance Grant Schemes is based on gross income from all sources, with specified social welfare and Health Service Executive payments being excluded from the calculation.

The following Social Welfare and Health Service Executive payments are excluded in the calculation of reckonable income:—

- Child Benefit; — Family Income Supplement;
- Disability Allowance (where paid to the candidate);
- Blind Pension (where paid to the candidate);
- Means Tested One Parent Family Payments;
- Guardian's Pension (Previously known as Orphan's Pension);
- Back to Education Allowance;
- Foster Care Allowance;
- Domiciliary Care Allowance;
- Carer's Allowance.

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.

#### **Road Safety Strategy.**

146. **Deputy Shane McEntee** asked the Minister for Education and Science when guidance will be available to schools to enable them to prepare a road safety protocol as required by the Road Safety Strategy 2007 to 2012; and if she will make a statement on the matter. [29130/07]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department is at present working in co-operation with the Health and Safety Authority and the State Claims Agency on the development of guidelines and resources for schools on health and safety, with an initial focus

on second-level schools. It is envisaged that these guidelines and resources, which will include guidance on the preparation of a road safety protocol for inclusion in the school safety statement, will be published on my Department's website early in the next school year. I believe that schools have a role to play both in teaching students about road safety issues and in helping them to develop the attitudes necessary to promote safe behaviour on the roads.

The Social Personal and Health Education (SPHE) programme, which is mandatory in primary schools and at junior cycle level, provides a framework under which the generic values and skills which underpin responsible decision-making, and respect for the rights and safety of others, can be developed and promoted among students. SPHE has a specific personal safety strand within the programme, and this provides a mechanism through which road safety issues for all can be best dealt with in an age appropriate way.

In February of this year, the Road Safety Authority launched the RSA MACE "Safe to School" campaign at primary level, which is aimed at helping primary school children learn effective road safety lessons. The campaign is about walking to school safely and as part of this initiative educational packs and DVDs have been distributed to all primary schools and a Walking to School Guide has been produced. A dedicated website, [ww.safetoschool.ie](http://ww.safetoschool.ie), has also been launched as part of the campaign.

The Streetwise programme for junior cycle pupils was launched in UN Road Safety Week on 24 April 2007. It covers road safety across 9 topics — walking, cycling, seatbelts, airbags, speed, driver fatigue, motor cycle safety, hazard recognition and the engineering aspects of road safety, to be delivered over approx nine class periods. In addition, a Road Safety programme for Transition Year, developed by the Road safety Authority in collaboration with my Department, the National Council for Curriculum and Assessment and the Second level Support Service is currently being piloted in schools. My Department will continue to work with the Road Safety Authority to strengthen the role of schools in promoting road safety even further.

#### **Schools Building Projects.**

147. **Deputy Thomas P. Broughan** asked the Minister for Education and Science the reason progress on providing a permanent building for a school (details provided) in County Louth has been stalled and the responsibility for the project has not been transferred from the school planning section of her Department to the school building section; when such a transfer will take place; when construction of the school is scheduled to commence; when it is due to be completed; and if she will make a statement on the matter. [29131/07]

148. **Deputy Thomas P. Broughan** asked the Minister for Education and Science if a school (details supplied) in County Louth will be included in the scheme to fast track the construction of schools; if not, the reason for same; and if she will make a statement on the matter. [29132/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 147 and 148 together.

As the Deputy will be aware, all applications for large scale capital funding are assessed against published prioritisation criteria and assigned a Band rating. Progress on individual projects in then considered in the context of the multi-annual School Building and Modernisation Programme consistent with the assigned Band rating. This is the case for the project in question.

The funding of €4.5 billion to be provided under the new National Development Plan (NDP) for investment in school building infrastructure will be adequate to meet the Department's needs over the lifetime of the Plan. This will be the largest investment programme in schools in the history of the State and it will enable the Department to ensure that school places are available where needed as well as continuing to upgrade existing school facilities. This investment will allow the Department to continue the acceleration of the school building programme which commenced during the lifetime of the last NDP when well over €2.6 billion was invested on school development, delivering over 7,800 projects.

#### **Departmental Staff.**

149. **Deputy Thomas P. Broughan** asked the Minister for Education and Science the staffing changes made in the primary school planning section in her Department in view of her plans to fast track the building of new schools primarily in the greater Dublin area; the number of personnel and their grades who have been redeployed or seconded to this scheme; if they have been seconded or redeployed from dealing with building projects that are already under way; the length of time this secondment or redeployment will last; the extent to which this will delay school construction projects already approved; and if she will make a statement on the matter. [29133/07]

**Minister for Education and Science (Deputy Mary Hanafin):** As the Deputy will be aware, the Programme for Government includes a commitment to establish a Developing Areas Unit in my Department, dedicated solely to progressing school planning in rapidly developing areas, building on improvements that have already been made in recent years. I should point out that my Department's School Planning Section has been organised on a geographical basis for some time, with staff dedicated to planning for the needs of

counties such as Dublin, Meath and Kildare which include rapidly developing areas. The Developing Areas Unit will consolidate this work. In advance of the full establishment of the unit, some staff have already been redeployed to focus on its priority work, including the need for extra accommodation for September 2008. Discussions are ongoing with the Department of Finance in relation to the additional staffing required to resource this new unit for its longer term work programme.

As the Deputy will be aware, all applications for large scale capital funding are assessed against published prioritisation criteria and assigned a Band rating. Progress on individual projects in then considered in the context of the multi-annual School Building and Modernisation Programme consistent with the assigned Band rating.

The funding of €4.5 billion to be provided under the new National Development Plan (NDP) for investment in school building infrastructure will be adequate to meet the Department's needs over the lifetime of the Plan. This will be the largest investment programme in schools in the history of the State and it will enable the Department to ensure that school places are available where needed as well as continuing to upgrade existing school facilities. This investment will allow the Department to continue the acceleration of the school building programme which commenced during the lifetime of the last NDP when well over €2.6 billion was invested on school development, delivering over 7,800 projects.

#### **School Enrolments.**

150. **Deputy Róisín Shortall** asked the Minister for Education and Science the reason the enrolment procedure for a school (details supplied) in Dublin 9 has recently been changed; the further reason parents were not notified sooner about the change in enrolment policy; if children previously enrolled will lose their place; and the provisions she is making to ensure the education of these children. [29134/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Enrolment in individual schools is the responsibility of the managerial authority of those schools and my Department does not seek to intervene in decisions made by schools in such matters. Schools are not required to inform my Department when changes to enrolment procedures occur. However, under section 15 (2) (d) of the Education Act 1998, each school is legally obliged to publish its enrolment policy.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of Education Act 1998 to

appeal that decision in the relevant Vocational Educational Committee and/or to the Secretary General of my Department.

#### **Home Tuition.**

151. **Deputy Róisín Shortall** asked the Minister for Education and Science, further to Parliamentary Question No. 365 of 6 November 2007, the steps she will take to ensure that a child (details supplied) in Dublin 11 attends a recognised school or otherwise receives a certain minimum education. [29135/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I am informed that the Board of Management of the school is expediting the recruitment process to fill the current teacher vacancies with a view to re-opening the school as soon as possible. In the interim, my Department has sanctioned 20 hours home tuition per week for the pupil referred to by the Deputy and the pupil's parents have been notified accordingly.

#### **Schools Refurbishment.**

152. **Deputy Niall Collins** asked the Minister for Education and Science the reason a school (details supplied) in County Limerick was not successful in its 2007 summer works scheme application. [29153/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The school referred to by the Deputy applied under the Summer Works Scheme 2007 for the provision of a drop off area and staff car parking facilities. Within the budget available, it was not possible to allocate funding to all proposed projects. The Department considered further the application following an appeal from the school authority however the original decision was confirmed.

#### **Special Educational Needs.**

153. **Deputy Willie Penrose** asked the Minister for Education and Science the steps her Department is taking to provide appropriate educational facilities for a child (details supplied) in County Westmeath; if steps will be taken to expedite matters; and if she will make a statement on the matter. [29175/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The Deputy will be aware that the role of the National Council for Special Education (NCSE), through its network of local Special Education Needs Organisers (SENOS), includes identifying appropriate educational placements for children with special educational needs. I understand that the relevant SENO is currently liaising with the family concerned to identify a placement for their child.

The home tuition scheme provides funding to parents to facilitate the provision of education at

home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement and early education intervention for pre-school children with autism. A home tuition grant has been sanctioned for the child in question as an interim measure.

#### **School Accommodation.**

154. **Deputy Edward O'Keeffe** asked the Minister for Education and Science if extra accommodation will be allocated for a school (details supplied) in County Cork. [29178/07]

**Minister for Education and Science (Deputy Mary Hanafin):** For the purposes of post-primary education provision, the country is divided into catchment areas, each of which has its own post-primary education centre. The catchment boundaries were determined following consultation with local educational interests and the intention was that certain primary schools would feed exclusively into each centre. My Department provides accommodation to meet the educational needs of an area on this basis.

Turning specifically to the school referred to by the Deputy, an application for an extension has been received. A re-assessment of projected enrolments, demographic trends and housing developments in the area will be required in order to assist in determining the long-term projected enrolment on which the school's long term accommodation needs will be based. When the long-term projected enrolment has been finalised and agreed with the school authorities, the Department will draw up schedules of accommodation for the project which will be notified to the school management authority. The required project will then be considered further in the context of the multi-annual School Building and Modernisation Programme.

#### **Schools Building Projects.**

155. **Deputy John Perry** asked the Minister for Education and Science if her attention has been drawn to an assessment that has been carried out in a school (details supplied) in County Sligo; if she will give direct instruction for this work to be carried out; her plans to facilitate an extra teacher at this school; and if she will make a statement on the matter. [29181/07]

**Minister for Education and Science (Deputy Mary Hanafin):** An application for capital funding towards the provision of an extension for the school to which the Deputy refers has been assessed and the long term projected staffing on which the schools future accommodation needs has been determined and notified to the school authority. The building project required is being



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considered in the context of the multi-annual School Building and Modernisation Programme.

### Higher Education Grants.

156. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the extent of entitlement to a higher education grant in respect of holders of stamp four residency status; and if she will make a statement on the matter. [29199/07]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department funds four maintenance grant schemes for third level and further education students. These are the Higher Education Grants Scheme, the Vocational Education Committees' Scholarships Scheme, the Third Level Maintenance Grants Scheme for Trainees and the Maintenance Grants Scheme for Students attending Post Leaving Certificate Courses. The Higher Education Grants Scheme is administered by the Local Authorities. The other three schemes are administered by the Vocational Education Committees. Under the terms of the maintenance grants scheme grant assistance is awarded to students who meet the prescribed conditions of funding including those which relate to nationality, residency, means and previous academic attainment.

The Nationality requirement as set out in the 2007 Grant schemes states:- Candidates must: hold E.U. Nationality; or have Official Refugee Status; or have been granted Humanitarian Leave to Remain in the State (prior to the Immigration Act 1999); or be a person in respect of whom the Minister for Justice, Equality and Law Reform has granted permission to remain following a determination not to make a deportation order under section 3 of the Immigration Act 1999; or have permission to remain in the State by virtue of marriage to an Irish national residing in the State, or be the child of such person, not having EU nationality; or have permission to remain in the State by virtue of marriage to a national of another EU Member State who is residing in the State and who is or has been employed, or self-employed, in the State, or be the child of such a person, not having EU nationality; or be nationals of a member country of the European Economic Area (EEA) or Switzerland.

It is the Department of Justice, Equality and Law Reform that adjudicates on a person's entitlement to remain in the State and on the stamp that is awarded where permission to remain is sanctioned. A Stamp Four does not automatically satisfy the residency requirement of the grant schemes. My Department understands a Stamp Four can be awarded to categories of applicants other than those specified in my Department's grant schemes.

### Departmental Properties.

157. **Deputy Paul Gogarty** asked the Minister for Education and Science the communications that have taken place between her Department and South Dublin County Council regarding the reinstatement of the playing field at a school (details supplied) in County Dublin; if her Department has received a recent response; the further action planned to ensure that this much needed site reverts back to its original condition; and if she will make a statement on the matter. [29225/07]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department has agreed to dispose of a small portion of its land to South Dublin County Council to facilitate a new access road. The agreement is subject to a number of conditions including the reinstatement of the field. While improved access has now been provided, my Department has been advised that some works still remain outstanding and in this regard the matter has been raised with South Dublin City Council and a response is awaited.

158. **Deputy Paul Gogarty** asked the Minister for Education and Science if approaches have been made to her Department by a developer, asking her Department to sell the site under its ownership at a school (details supplied) in County Dublin; if her Department has not and will not dispose of this site in view of its availability as a physical education and play area and that the provision of this space was a key element in the selection of the school's current location, that pupils currently operate from a very small play area and that the school has been trying for the last number of years to get South Dublin County Council to reinstate the much needed site back to its original state and usable condition; and if she will make a statement on the matter. [29226/07]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department has received a request to dispose of some lands in the area referred to by the Deputy. This land is not for sale at the present time.

### Ministerial Transport.

159. **Deputy Liz McManus** asked the Minister for Defence the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29042/07]

**Minister for Defence (Deputy Willie O'Dea):** During the period from 14 June 2007 to date, I availed of the Ministerial Air Transport Service for official travel as follows:

Aircraft	Date	Return Date	Min. Time on Board	Route
Learjet	07/11/07	07/11/07	380 Minutes	Baldonnel-Lulea, Sweden-Baldonnel
EC 135 Helicopter	06/09/07	06/09/07	90 minutes	Baldonnel-Sarsfield Barracks-Haulbowline-Sarsfield Barracks-Baldonnel

During the same period, Minister of State, Deputy Tom Kitt availed of the MATS service for official travel as follows:

Aircraft	Date	Return Date	Min. Time on Board	Route
Gulfstream	04/09/07	06/09/07	460 Minutes	Baldonnel-Pristina-Skopje-Pristina-Baldonnel

With regard to cost, the Department of Defence follows the normal practice in the aviation business of costing aircraft by reference to the cost per flying hour under either of two headings: (a) The direct cost, i.e. the costs which are additional to those associated with having the aircraft and which only arise when the aircraft is flown including maintenance, fuel and support services; and (b) The total cost, i.e. the direct cost plus the costs associated with having the aircraft, i.e. depreciation and personnel costs

The costs associated with Air Corps aircraft used in provision of Ministerial Air Transport Service are as follows:

Aircraft	Average Direct Cost Per Hour	Average Total Cost Per Hour
	€	€
Gulfstream	3,500	7,100
Learjet	1,000	2,100
EC135 Helicopter	*	*

\*An hourly cost is not yet available in respect of the Air Corps EC135.

### EU Directives.

160. **Deputy Lucinda Creighton** asked the Minister for Defence if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29060/07]

**Minister for Defence (Deputy Willie O'Dea):** This question does not apply to my Department at this time.

### Sexual Offences.

161. **Deputy Thomas P. Broughan** asked the Minister for Defence if he will establish an independent public inquiry into the serious allegations of sexual abuse made in a High Court

case decided on 30 July 2007 (details supplied). [29145/07]

**Minister for Defence (Deputy Willie O'Dea):** I understand that the case referred to is still before the courts. Solicitors acting for the Plaintiff in this High Court case have recently served a Notice of Appeal to the Supreme Court in relation to the High Court judgment. It would not be appropriate for me to comment on the matter in the circumstances.

162. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if unilaterally or in co-operation with his colleagues at EU level, he has examined means of protecting children from abuse through the Internet with particular reference to Internet grooming; and if he will make a statement on the matter. [29191/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I wish to assure the Deputy that I am actively engaged in pursuing measures to protect children from abuse through the internet with particular reference to internet grooming. The internet is an international and world-wide phenomenon with no borders and no single organisation controlling it. Measures to combat illegal materials and activities on the internet are, therefore, hampered by a multiplicity of jurisdictions, differing legal systems, and differing societal norms. Furthermore, new developments in communications technologies allowing for internet access by new means are a regular occurrence. These are largely positive developments but also bring particular challenges for those charged with protecting against the downsides of the internet.

A combination of responses, and the co-operation of all the stakeholders, at both national and international level — legislators, law enforcement, schools, child protection practitioners, parents and guardians — is essential. My Depart-

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ment is fully committed to playing its part in a pro-active way.

One of my first steps as Minister for Justice, Equality and Law Reform was to provide for the establishment of the Office for Internet Safety (OIS) as an executive office within my Department. Arrangements for the staffing and headquartering of the office are well advanced, and I expect the office to be fully functioning shortly. The new Office will continue to build on the work of the Internet Advisory Board which was set up in February, 2002 following the Report of the Working Group on the Illegal and Harmful use of the Internet. It will oversee and further develop the self-regulatory regime for the Irish internet service providers, encourage best practice procedures; promote awareness of the internet downside issues and provide advice and facilitate research on internet related issues regarding child safety. The OIS will also be tasked with investigating, in conjunction with the An Garda Síochána, the issue of applying blocking technology to the internet, and will consider the possibility of operating some form of symbol assignment to content as a method of rating such content as age appropriate within Ireland. The OIS will also continue to oversee the operation of the Hotline ([www.hotline.ie](http://www.hotline.ie) — the system for dealing with reports of illegal content on the internet). The Hotline is funded by the Internet Service Providers' Association of Ireland with support from the EU Safer Internet Action Plan. It accepts and investigates reports from the public in relation to child pornography and other illegal material on the internet.

I recently launched two new booklets in the GET with IT! Series on behalf of the Internet Advisory Board (IAB). The first booklet "Get with IT" A Parents Guide to new media technologies is an update on the Board's first "Get with IT" booklet which was originally published in September, 2005 and was a major success. That booklet gave an overview of new technologies for parents' in an effort to address their potential worries about the dangers of the new media for their children. The second booklet "Get with IT" A Parents' Guide to filtering technologies helps parents navigate the processes of how to use filtering technology.

In terms of legislation, in the Child Trafficking and Pornography Act, 1998, Ireland has one of the most robust pieces of legislation anywhere. Under the Act, the possession, distribution, importation and exportation or sale of all forms of child pornography — films, video or material in written or auditory form including material produced or transmitted via the internet — are offences with penalties of up to 14 years' imprisonment. Mere possession of child pornography can be punishable by imprisonment for up to 5 years. Using a child or allowing a child to be used

for the production of child pornography is also punishable by up to 14 years' imprisonment.

Section 6 of the Criminal Law (Sexual Offences) (Amendment) Act 2007 introduced an offence of meeting a child or travelling to meet a child, having "groomed" the child on at least two previous occasions, for the purpose of doing anything that would constitute the sexual exploiting of the child. The maximum penalty on conviction on indictment is imprisonment for a term not exceeding 14 years.

I am re-examining the practice of grooming children for the purpose of sexual exploitation to see if further legislation in this area is required. I am informed by the Garda Authorities that they monitor child pornography on the internet and where evidence is available action is taken in accordance with legislation. I understand that An Garda Síochána, in conjunction with its EU colleagues, is currently examining new methods of preventing the production and distribution of child pornography on the internet.

International co-operation is a vital part of the fight against child pornography on the internet, and Ireland is fully committed to playing its part. The Deputy may be aware that the European Union has taken a strong line on combating child pornography and other illegal and harmful uses of the internet. Since 1999, under the Safer Internet Action Plan, the EU has provided financial and other supports for measures in the member states to combat illegal and harmful uses of the internet, with particular emphasis on protecting children. A new EU action plan — Safer Internet Plus — covering the period 2005 to 2008, and with a budget of €45m, was agreed under the Irish presidency in June 2004 and is now in operation. My Department is represented on the management committee for the Safer Internet Plus programme.

In September 2001, the Council of Europe approved the first international Convention on Cybercrime. Ireland signed up to the Convention in June 2002. The main objective of the Convention is to foster international cooperation in protecting society against cybercrime. The Convention deals specifically with the distribution of child pornography on the internet, infringements of copyright, computer related fraud and violations of network security. The EU Framework Decision on Attacks on Information Systems of 24 February 2005 aims to strengthen criminal judicial cooperation on attacks against information systems by developing effective tools and procedures. It is proposed to give both the Convention and the Framework Decision force of law in Ireland under a single piece of legislation.

My Department is fully committed to cooperating with and promoting these measures nationally, at EU level and the wider international level.

### Ministerial Travel.

163. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29049/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to the reply to Parliamentary Question No. 245 on 7 November, 2007, which sets out my own position. The cost of commuting by rail was borne by myself. The air travel occurred in September, 2007. The Minister of State with special responsibility for Integration Policy, Mr Conor Lenihan, T.D., has travelled abroad by air on one occasion. The cost of this air travel, which took place in October, 2007, was € 3,367.91.

The Minister of State with responsibility for Equality Issues, Mr Seán Power, T.D., has used air transport to travel abroad on three occasions. One trip took place in October while the other two occurred in November. The total air travel expenditure incurred by this Department for Minister of State Power was €1,405.58. In addition, one of these trips involved the use of the Government Jet, the costs of which are not available to my Department.

### EU Directives.

164. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29067/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** My Department is not the subject of any enforcement proceedings for the non-transposition of EU Directives. A reasoned opinion was received from the EU Commission in relation to the transposition of the Racial Equality Directive (2000/43/EC) and my Department responded to the Commission last September. I am satisfied that this Directive has been properly transposed.

### Prison Building Programme.

165. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform the position regarding the planned prison in Kilworth, County Cork; if planning permission is required before the development can go ahead; and if he will make a statement on the matter. [29087/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Government decided earlier this year to assign a site owned by the Minister of Defence to the Prison Service as the location for the development of a prison facility to replace Cork Prison and serve the Munster region. The project is at an early stage.

The normal planning provisions do not apply to a prison development. However before consent to a prison development can be given, the procedures set out in Part 9 of the Planning and Development Regulations 2001 and, where appropriate, section 181A of the Planning and Development Act, 2000 (as inserted by section 36 of the Planning and Development (Strategic Infrastructure) Act, 2006) or the procedures set out in Part 4 of the Prisons Act 2007 must be followed. These procedures require public notice to be given of the proposed development and allow submissions to be made by interested parties on the development.

### Deportation Orders.

166. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Roscommon is being deported; if he will review the case; and if he will make a statement on the matter. [29100/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The person in question entered the State on 7 September, 2006. He was not in possession of a valid entry visa for the State. He failed to register his presence in the State with the Garda National Immigration Bureau as required. On 18 April, 2007 the person in question signed a declaration consenting to the making of a deportation order in respect of himself in the presence of a member of An Garda Síochána. His case will be considered under Section 3 of the Immigration Act 1999, as amended and Section 5 of the Refugee Act 1996, as amended. I expect the case to be passed to me for decision in due course.

### Asylum Applications.

167. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in Dublin 6 will receive a decision on their application for leave to remain; the reason for the delay in processing this application; and if he will make a statement on the matter. [29116/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The person concerned arrived in the State on 28 November, 1999 and applied for asylum on 30 November, 1999. His application was refused following consideration of his case by Asylum Division and, on appeal, by the Refugee Appeals Tribunal.

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Subsequently, in accordance with Section 3 of the Immigration Act, 1999 he was informed by letter dated 22 May, 2001, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made; or consenting to the making of a deportation order. Representations were received on behalf of the person in question. On 27 March 2007 the applicant applied to return to Algeria under a programme operated by the International Organisation for Migration. However, he withdrew this application on 17 April 2007. The case in question is currently under consideration by my Department. I expect the case to be submitted to me for decision in due course.

#### **Crime Levels.**

168. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform his views on introducing a regulation system to control the purchase and sale of metals in view of the high value involved in these products and the increasing crime levels involving the theft of same. [29123/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Department of Enterprise, Trade and Employment is responsible for matters relating to commerce, business and the operation of efficient and competitive markets. An Garda Síochána enforce the provisions of the criminal law in respect of theft and robbery, including theft and robbery of metal.

169. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the increase in headline crime for the past five years for Garda divisions in Dublin north, Dublin north central and Dublin west. [29137/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the

period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive. I have requested the CSO to provide the statistics sought by the Deputy directly to her.

#### **Asylum Applications.**

170. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in County Waterford will be informed of the date for their oral hearing before the Refugee Appeals Tribunal; and if he will make a statement on the matter. [29152/07]

**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 this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

#### **Residency Permits.**

171. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will expedite the issue of stamp four status in the case of a person (details supplied) in County Kildare given that their representatives have provided all documentary evidence required and having particular regard to their personal circumstances; and if he will make a statement on the matter. [29202/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Immigration Division of my Department has recently been in contact with the representatives of the person concerned granting her permission to remain in the State.

172. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if stamp four or travel documentation will issue in the case of a person (details supplied) in County Meath who is waiting a decision under subsidiary protection rules; and if he will make a statement on the matter. [29203/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to Parliamentary Questions No. 147 of Thursday, 11 October 2007 and No. 957 of Wednesday, 26 September 2007 and the written replies to those Questions. The status of the person concerned remains unchanged.

### Citizenship Applications.

173. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform, further to his reply to Parliamentary Question No. 224 of 18 October 2007, the position regarding the application for naturalisation (details supplied); and if he will make a statement on the matter. [29204/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to my reply to Parliamentary Question 224 on 18 October 2007. The position remains as stated.

### Asylum Applications.

174. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or intended residency status in the case of a person (details supplied) in Dublin 8; if ongoing review of the case has been concluded; and if he will make a statement on the matter. [29205/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The person in question arrived in the State as an unaccompanied minor on 14 March, 2005. He applied for asylum on 5 April, 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 27 September, 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made; or consenting to the making of a deportation order. Representations were received on behalf of the person in question. I expect the case to be submitted to me for decision in due course.

### Residency Permits.

175. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if and when residency status will be granted in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [29206/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The person in question arrived in the State as an unaccompanied minor on 14 March, 2005. He applied for asylum on 5 April, 2005. His application was refused following consideration of his case by the Office of the

Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 5 September, 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made; or consenting to the making of a deportation order. Representations were received on behalf of the person in question. I expect the case to be submitted to me for decision in due course.

176. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when it is expected residency status will be granted in the case of a person (details supplied) in Dublin 9; and if he will make a statement on the matter. [29207/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The person concerned arrived in the State on 14 March, 2005 as an unaccompanied minor. She applied for asylum on 5 April 2005. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

In accordance with Section 3 of the Immigration Act 1999, the person concerned was informed on 20 September, 2005 that the Minister was proposing to make a deportation order in respect of her. She was in accordance with the Act, given the option of making representations within 15 working days setting out the reasons why she should not be deported i.e. be allowed to remain temporarily in the State; leaving the State before the deportation order was made; or consenting to the making of the deportation order. Representations were received on behalf of the person concerned. I expect the case to be submitted to me for decision in due course.

177. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will extend temporary residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [29208/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I would refer the Deputy to the replies to Dáil Questions No. 48 of 15 February 2007 and No. 103 of 1 March 2007, in relation to the person concerned.

As previously advised, the person concerned whose case falls under the Dublin II Regulation, Council Regulation (EC) No. 343/2003, evaded

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his transfer to France on 30 August, 2006. The person concerned continues to evade his transfer and continues to remain illegally in the State. I would therefore again urge the person concerned to present himself to the Garda National Immigration Bureau without further delay in order to arrange for his transfer to France.

178. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of residency status in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [29209/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The case of the person concerned falls under the terms of the Dublin II Regulation, Council Regulation (EC) No. 343/2003. This Regulation is intended to prevent the phenomenon of “asylum shopping” across Europe and sets out criteria for determining which Regulation State is responsible for examining an asylum application where applications have been lodged in more than one Regulation State or whereby an asylum seeker has been granted a visa to enter another Regulation State and has entered that other State before entering Ireland and making an asylum application here.

At the same time, it guarantees applicants that one State will process their application, thereby preventing the creation of “refugees in orbit”, a situation which had previously pertained in Europe. Under the Dublin II Regulation, the Office of the Refugee Applications Commissioner, (ORAC), can, on the basis of relevant criteria, request another Regulation State to accept responsibility for an asylum application and have it processed in that other state.

The person concerned lodged an asylum claim in this State on 19 May, 2006. Following investigation by the ORAC and pursuant to the provisions of the Dublin II Regulation, it was established that France was the appropriate State to process the application as the person concerned had previously lodged an asylum claim there on 14 January 2005, and the appropriate authorities in France have accepted their responsibilities accordingly. They subsequently accepted responsibility for the person’s child under Article 4(3) of the Dublin II Regulation. The ORAC informed the person concerned of their determination on 8 August, 2006, whilst at the same time affording her an opportunity to appeal the determination to the Refugee Appeals Tribunal, (RAT). The person concerned appealed the ORAC determination to RAT which the RAT upheld and the person concerned was informed of this by way of letter on 28 September, 2006.

As a direct consequence of the ORAC determination, a Transfer Order was signed in respect of the person concerned on 10 August, 2006. This Order was issued to her on 24 August 2006, requiring her to present herself to the Garda National Immigration Bureau (GNIB), 13-14 Burgh Quay, Dublin 2 on 29 August 2006, in order for arrangements to be made for her transfer to France. The person failed to attend the GNIB on this date and was recorded as having evaded her transfer pursuant to the provisions of the Dublin II Regulation. She is currently being sought by the Garda National Immigration Bureau and the Garda. She should make herself known to them without further delay so that arrangements can be made for her transfer to France.

#### **Asylum Applications.**

179. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will expedite the process in respect of an application for family reunification in the case of a person (details supplied) in County Westmeath whose spouse has EU residency status; and if he will make a statement on the matter. [29210/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to my previous answer to Parliamentary Question No. 149 put down for answer on 25 October 2007. I am informed by the Immigration Division of my Department that the person in question made a Family Reunification application in February 2007. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation is completed and the Commissioner has forwarded a report to my Department.

This application will be considered by my Department and a decision will issue in due course. Family Reunification applications are dealt with in chronological order and at the present time are taking up to 24 months to process.

#### **Residency Permits.**

180. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in Dublin 24 will be informed as to specific reason their application for family reunification in respect of their children has been refused in order that they can respond by way of appeal; and if he will make a statement on the matter. [29211/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** A certain confusion has arisen in the case referred to by the Deputy. My

answer to Question No. 154 of 11 October, 2007, referred erroneously to earlier applications rather than to the most recent ones. This situation arose from the absence of the unique reference numbers which were allocated to these particular visa applications.

The position is that the applications refused by the Visa Officer on 2 August were refused on the grounds that insufficient documentation was submitted in support of the applications and that, further, it would be contrary to general policy to approve a visa in the circumstances of the case. The applicants' Irish Reference has permission to remain in the State under Section 18 of the Refugee Act, 1996 — i.e. the family member of a refugee. Such a person has no right to family reunification.

The period within which an appeal may be submitted (two months) has expired in this case. In all the circumstances, however, if the applicants feel that there are compelling reasons as to why their case should be regarded as exceptional to the general policy, my Department will, on an exceptional basis, review the matter. The application was also refused on the grounds of insufficient documentation submitted with the application. If the applicants intend seeking a review of the case, they should take note of the list of documentation required to accompany a visa application on [www.inis.gov.ie](http://www.inis.gov.ie)

181. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if extension of residency status will be granted in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [29212/07]

182. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if extension of residency status will be granted in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [29213/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I propose to take Questions Nos. 181 and 182 together.

The persons in question, a mother and daughter, arrived in the State on 16 April, 2003 and applied for asylum. Their application was refused following consideration of their case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Following consideration of their case under Section 3 of the Immigration Act 1999 as amended, the persons in question were granted temporary leave to remain in the State on 30 November, 2004, and this was renewed on 1 December, 2005 and 10 January, 2007 respec-

tively. Their current permission to remain is valid up until 10 January, 2008. The persons in question should make an application for renewal of their leave to remain one month before their current permission to remain expires. Their application will then be dealt with in due course by my Department.

183. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform his views on allowing an appeal or extension of temporary residency in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [29214/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The person concerned arrived in the State on 27 December, 2005 as an unaccompanied minor and applied for asylum on 4 January 2006. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 16 January, 2007, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made; or consenting to the making of a deportation order. In addition, he was notified that he was eligible to apply for Subsidiary Protection in accordance with regulations known as the European Communities (Eligibility for Protection) Regulations, SI. No. 518 of 2006, which came into force on 10 October, 2006. The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application will be considered in due course.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement), as amended.

#### **Asylum Applications.**

184. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of applications for refugee or asylum received in his Department in each of the past five years to date; and if he will make a statement on the matter. [29215/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The information requested by the Deputy is set out in the table.



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Table 1: The number of asylum applications received by the Office of the Refugee Applications Commissioner from 2002-2007 (31/10)

Year	2002	2003	2004	2005	2006	2007 (31/10)
No. of asylum applications received	11,634	7,900	4,766	4,323	4,314	3,302

#### Residency Permits.

185. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to a review of residency entitlement in the case of a person (details supplied) in Dublin 8 in view of the family's acute special needs; and if he will make a statement on the matter. [29216/07]

**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 this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

#### Ministerial Travel.

186. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29045/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Since becoming Minister, I have not used the Government jet. Details of travel by bus, rail and air transport, where relevant, to end October are set out in the tables.

Minister John Gormley T.D.

Month	Rail Transport		Commercial Air Transport	
	Frequency	Cost	Frequency	Cost
		€		€
June 2007			One Return Journey	1,056
July 2007			One Return Journey	1,020
August 2007			One Return Journey	540
September 2007			Two Return Journeys	3,462
October 2007	One Return Journey	85	One Return Journey	1,298

Minister of State Batt O'Keeffe T.D.

Month	Bus Transport		Commercial Air Transport	
	Frequency	Cost	Frequency	Cost
June 2007	One Journey	6	One Return Journey	27
October 2007			Three Journeys	322

Minister of State Tony Killeen T.D.

Month	Bus Transport		Air Transport Government Jet	
	Frequency	Cost	Frequency	Cost
October 2007			One Return Journey	Borne by D/Defence

### EU Directives.

187. **Deputy Lucinda Creighton** asked the Minister for the Environment, Heritage and Local Government if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the EU Commission

on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29063/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The European Commission has initiated infringement proceedings against Ireland in relation to six cases of non-transposition of Directives. Information on the status of each is set out in the table.

Directive Number and Title	Date Due for Transposition	Current position on infringement proceedings related to directives overdue for transposition	Position on transposition of directives
Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC	25 June 2005	The Commission issued a Reasoned Opinion under Article 226 of the Treaty on 19/12/2005 and Ireland's response was issued on 08/02/2006. The Commission referred this case to the European Court of Justice on 17/10/2007. Ireland's defence is being prepared.	Many of the provisions of this Directive are already provided for in existing legislation. Work is continuing on the outstanding instruments with a view to completing transposition at the earliest possible date.
Directive 2005/33/EC of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels	11 August 2006	The Commission issued a Reasoned Opinion under Article 226 of the Treaty on 29/06/2007 and Ireland's response was issued on 30/08/2007.	Drafting of regulations to transpose this Directive is ongoing. It is anticipated that the Directive will be transposed by early 2008.
Council Directive 2006/105/EC adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of environment, by reason of the accession of Bulgaria and Romania	01 January 2007	The Commission issued an Article 226 Letter of Formal Notice on 20/04/2007 and Ireland's response was issued on 01/06/2007.	The Commission has been informed that Irish legislation already provides for the requirements in this Directive. No further action is required.
Council Directive 2006/106/EC adapting Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, by reason of the accession of Bulgaria and Romania	01 January 2007	The Commission issued an Article 226 Letter of Formal Notice on 20/04/2007 and Ireland's response was issued on 06/06/2007.	The Commission has been informed that Irish legislation already provides for the requirements in this Directive. No further action is required.
Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air	15 February 2007	The Commission issued a Letter of Formal Notice under Article 226 of the Treaty on 20/04/2007 and Ireland's response was issued on 22/06/2007.	Drafting of regulations to transpose this Directive is ongoing. It is anticipated that the Directive will be transposed by early 2008.
Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage	30 April 2007	The Commission issued a Letter of Formal Notice under Article 226 of the Treaty on 31/05/2007 and Ireland's response was issued on 27/07/2007.	Drafting of regulations to transpose this Directive is ongoing with a view to completing transposition at the earliest possible date.

### Urban Renewal Schemes.

188. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government if he will provide details on a project (details supplied) in County Limerick. [29097/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Limerick County Council received a total of €1,331,186 in grant assistance under the Urban and Village Renewal Programme, 2000-2006, in respect of improvement works in Kilfinane. Infor-

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mation regarding the total cost of those works is not available to my Department and may more appropriately be sought directly from the Council.

#### **Water and Sewerage Schemes.**

189. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government the position of the proposed treatment plant at Kilconnell, Ballinasloe, County Galway; the involvement of his Department in relation to same at present; and if he will make a statement on the matter. [29103/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Kilconnell Sewerage Scheme is included in my Department's Water Services Investment Programme 2007 — 2009 for funding under the Rural Towns and Villages Initiative. Galway County Council's Preliminary Report for the scheme is being examined in my Department and is being dealt with as quickly as possible in the light of additional information received from the Council.

190. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government the position of the proposed treatment plant at Caltra, Ballinasloe, County Galway; the involvement of his Department in relation to same at present; and if he will make a statement on the matter. [29104/07]

**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 Caltra scheme in the current Programme.

#### **Noise Pollution.**

191. **Deputy Deirdre Clune** asked the Minister for the Environment, Heritage and Local Government the options open to residents who

are subjected to loud noise from their neighbours; and if he will make a statement on the matter. [29109/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a person may seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal options available to persons experiencing noise nuisance is available from my Department and is also on the Department's website, [www.environ.ie](http://www.environ.ie).

Noise nuisance and other problems caused by local authority tenants are also covered under legislation. The tenancy agreement, which is the legal basis of the relationship between the local authority and its tenants, will generally contain provisions in relation to the type of behaviour that is, or is not, acceptable. The local authority is empowered under Section 62 of the Housing Act 1966, to initiate proceedings to secure an eviction where a tenant has breached the conditions of the tenancy agreement. I am currently examining options to strengthen legislation on noise pollution as provided for in the Programme for Government.

#### **Election Management System.**

192. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his plans to amend or introduce legislation to provide for a set frequency for local electoral area reviews; and if he will make a statement on the matter. [29110/07]

193. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government when he will appoint a commission to review the local area boundaries in advance of the 2009 local elections particularly in the context of the demographic shifts since the last review in 1998; and if he will make a statement on the matter. [29111/07]

194. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the action he will take to correct the large democratic deficit in some local electoral areas due to under-representation; and if he will make a statement on the matter. [29112/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 192 to 194, inclusive, together.

Unlike for Dáil and European Parliament constituencies, there are no legal requirements in relation to the frequency of local electoral area

reviews. The last review of local electoral areas was carried out in 1998; the next local elections are due to take place in 2009. I am at present considering the issues around a review of local electoral areas and I expect to be in a position to make a statement on the matter shortly. There are no current proposals for legislation in this area.

### Local Authority Housing.

195. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if he has plans to introduce legislation to enable tenants of housing associations to avail of a tenant purchase scheme; and if he will make a statement on the matter. [29113/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe):** I refer to the reply to Question No. 1117 of 26 September, 2007.

196. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government his proposals to introduce a new tenant purchase scheme for local authority tenants in view of the fact that the valuation of houses is making it impossible for the vast majority of tenants to avail of the existing scheme. [29114/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe):** To assist local authority tenants purchase their homes, a discount of 3% of the market value of the house is allowed for each year of tenancy, up to a maximum of 30%. In addition to this, a further discount of €3,809 is provided. Thus, a local authority house with a market value of €140,000 would be available for purchase at some €94,200 by a tenant of ten or more years’ standing. By any account, this is a generous discount.

The proceeds of the sale of local authority houses to tenants are used to part-fund improvements to, and planned maintenance programmes in, the local authority housing stock. I consider that the terms of the present tenant purchase scheme strike a reasonable balance between the aspirations of certain tenants to own their own homes and the needs of all other local authority tenants. Nevertheless, I will continue to keep the terms of the scheme under review.

### EU Directives.

197. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government if he will provide the information in his possession to show that all local authorities have complied with a requirement (details supplied). [29166/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I assume that the Question refers to Directive 2003/4/EC on public access to environmental information. Article 5(3) of Directive 2003/4/EC provides that, where charges are made for the provision of environmental information, public authorities must publish and make available to applicants a schedule of such charges as well as information on the circumstances in which a charge may be levied or waived. This requirement was transposed into Irish law by Article 15 of the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. 133 of 2007).

Furthermore, guidelines for public authorities were issued under Article 14 of the regulations, and public authorities must have regard to these guidelines in discharging their functions thereunder. Section 16 of the guidelines reinforces the requirements arising under Article 15 of the regulations and states, *inter alia*, that: “public authorities must make publicly available a list of fees, if any, charged for the provision of environmental information and the method by which those fees are calculated. Applicants should be informed of any charges (and details thereof) for the provision of the information they have requested”.

The making of the regulations and the guidelines have been notified to public authorities through public advertisements and otherwise. Implementation of the Regulations is a matter for the public authorities concerned.

198. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government if he will provide this Deputy with the registers or lists of the environmental information held by his Department; and the location where such information can be found. [29167/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Access to environmental information held by my Department is facilitated primarily through the Departmental website, [www.viron.ie](http://www.viron.ie). Under the heading “Our Environment” on the website’s homepage, four broad categories of environmental information are listed. Within each category there are links provided to the relevant lists of publications and documents available.

Information on a wide range of environmental subjects is also available from ENFO — the environmental information service of my Department. The website address is [www.enfo.ie](http://www.enfo.ie). There is an extensive database of references available in the ENFO library and their premises at 17, St. Andrews Street, Dublin 2 are open to the public from 10.00 am to 5.00 pm, Monday to Saturday excluding public holidays.

Under the Freedom of Information Acts 1997 and 2003, my Department is required to prepare

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Section 15 and 16 manuals. These manuals give a general description of the structure and function of the Department, the records held, the services provided, the rules and procedures used for the decisions and determinations of its schemes and enactments. Updated versions of these manuals are being finalised and will be published on our website in early December.

### Regional Fisheries Boards.

199. **Deputy Michael Creed** asked the Minister for Communications, Energy and Natural Resources when elections from approved bodies will take place for positions on the Regional Fisheries Boards; the proposals he has to abolish or change the fisheries boards; and if he will make a statement on the matter. [29121/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Elections to the Regional Fisheries Boards are scheduled to be held in December 2007 following an extension agreed by the Oireachtas in 2006. The Deputy will be aware that the Government has decided that a fundamental restructuring of the inland fisheries sector is required. However, in light of the recent appointment by Government of an interdepartmental group who are charged with overseeing the independent review of the inland fisheries sector with a view to it being brought to a conclusion and a final allocation of responsibilities implemented as soon as possible, it is my intention, subject to Oireachtas approval, to make a further Order postponing the elections until 2008.

In the context of providing the legislation necessary to facilitate the new structures, an examination is also being undertaken as to how the existing seventeen pieces of legislation governing the inland fisheries sector, which date back to 1959, can be modernised and consolidated into a single Statute. Officials from the Department are working with management of the fisheries boards on this exercise and it is hoped to be in a position to publish proposals next year.

### Inland Fisheries.

200. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural Resources if it is anticipated that net fishing will be re-introduced in the River Shannon; when it is expected that fishing will commence in the River Shannon; and if he will make a statement on the matter. [29155/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Standing Scientific Committee of the National Salmon Commission advised that stocks of salmon in the River Shannon are below conservation limits. For this reason, no killing of wild

salmon or sea trout, over 40 cm, by any method in the River Shannon or other rivers in the catchment, with the exception of the Feale and the Mulkear, was permitted during the 2007 season. The Feale and Mulkear rivers were open for fishing because their specific stocks were judged to be meeting their conservation limits and had an identified surplus for harvest.

The Shannon Regional Fisheries Board and the Marine Institute will monitor the stocks in developing a management plan for each of the rivers in the Shannon catchment with a view to identifying the extent of the recovery, if any, arising from the cessation of the harvesting of salmon and any stock rehabilitation works undertaken.

In the future event that stocks recover in any of those rivers which are currently closed and it is established from the results of the Genetic Stock Identification Project that significant numbers of fish destined for other rivers are not intercepted within the river, it should be possible to harvest the identified surplus but within the constraints permitted by the Habitats Directive.

### Fisheries Protection.

201. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural Resources if the acceptance of the hardship funding by licensed holders disqualifies nominees for applying for a licence if fishing re-commences as nominees receive no compensation; and if he will make a statement on the matter. [29156/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I am advised that in order to obtain payment from the Salmon Hardship Scheme, eligible applicants are required to provide an undertaking that they will not apply for a commercial salmon fishing licence in the future. Persons who do not receive compensation are not precluded from applying for a licence in the future.

202. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural Resources if he will make a statement on a situation (details supplied). [29157/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Independent Group, set up to examine the implications for the commercial sector of aligning the management of the wild salmon fishery with scientific advice for 2007 and beyond, recommended that hardship payments should be based on the average verifiable (tag return) catch for each licence holder and on the average net income per salmon in the commercial fishery for the years (2001-2005) inclusive. This income calculation was based, by the Group, on the average price obtained per fish each year less the costs incurred by fishermen. The approach to determining the hardship payments recom-

mended by the Group and adopted by the Government is, I believe, robust, convincing and fair.

203. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural Resources the action that will be taken regarding the licence of fishermen who do not accept the hardship fund by 31 December 2007, which is the deadline for acceptance; and if he will make a statement on the matter. [29158/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Participation in the Salmon Hardship Scheme is voluntary. The scheme was established by the Government to address the likely hardship that would arise because of the necessary cessation of interceptory mixed stock fishing for wild salmon. The opportunities to fish for salmon, however, will be more limited in the future than in the past largely because of the unacceptability of the mixed stock fishery at sea. It will also be dependent on the recovery of stocks and the availability of a scientifically identified surplus for harvest.

Persons who do not avail of the compensation scheme are entitled to apply for a commercial salmon fishing licence. The number of commercial salmon fishing licences available and determination of priority in the allocation of such licences is governed by the Control of Fishing for Salmon Order. Salmon fishing licences are issued annually and there is no automatic entitlement to them. They cannot be transferred, traded or sold. No property right exists in them. It is illegal to fish for salmon without such a licence.

### Ministerial Travel.

204. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the cost and frequency of travel per month since the beginning of the new Government by him and his Ministers of State by means of bus, rail or air transport; the Minister involved in the travel in each case; and if he will make a statement on the matter. [29040/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I have travelled on two flights during the month of July costing €4,567.45 and one train journey costing approximately (allowing for exchange rates) €64. I have undertaken no other travel by bus, train or flight in my official capacity. The Minister of State (Mr. T. Killeen) took one flight in October 2007, which cost €81.54.

### EU Directives.

205. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources if he is the subject of enforcement proceedings for the non-transposition of EU directives into Irish law; if he has received any reasoned opinions from the EU Commission on the transposition of directives; if so, for which directives; and if he will make a statement on the matter. [29058/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I can advise the Deputy that there are at present two Directives with my Department that have had reasoned opinions issued by the EU Commission. Both reasoned opinions have been responded to and the deliberations of the Commission are awaited. The table shows details of the two cases.

Directive Number	Directive Title	Infringement Number	Stage of Infringement	Date Infringement Received
2004/55	Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC	2006/2074	Reasoned Opinion	12/12/2006
2003/54	Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC — Statements made with regard to decommissioning and waste management activities	2006/2073	Reasoned Opinion	12/12/2006

### Telecommunications Services.

206. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources when broadband is scheduled to be rolled out in settlements (details supplied) in County Cork; and if he will make a statement on the matter. [29098/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Com-

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mission for Communications Regulation, (ComReg).

There are a number of platforms for delivery of broadband, and service providers are now offering broadband by wireless, satellite, fibre or standard telephone cable in most areas of the country. Broadband access is currently available in many of the areas mentioned from numerous service providers. Further details are available on the Department's broadband website [www.broadband.gov.ie](http://www.broadband.gov.ie).

The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers. The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs).

There are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. Accordingly, the procurement process for a National Broadband Scheme (NBS) is under way. The NBS will provide broadband services to areas that are currently not served and will ensure that all reasonable requests for broadband in unserved areas are met.

The first phase of the procurement process, the Pre-Qualification Questionnaire (PQQ) phase, is now complete and four candidates have pre-qualified. As my Department indicated on 2 September 2007, the four candidates are, in alphabetical order, BT Communications Ireland Ltd Consortium, eircom Ltd, Hutchinson 3G Ireland Ltd and IFA/Motorola Consortium. The next phase of the procurement process involves inviting candidates to participate in a competitive dialogue process. My Department is anticipating that the award of the NBS contract will take place during Quarter 2 of 2008, with roll-out of the services due to begin as soon as possible thereafter. This timeline is subject to negotiations with candidates during the competitive dialogue phase of the procurement process.

#### **Broadcasting Services.**

207. **Deputy Deirdre Clune** asked the Minister for Communications, Energy and Natural Resources the progress made on the introduction of digital terrestrial television; the time frame for its introduction; and if he will make a statement on the matter. [29107/07]

208. **Deputy Deirdre Clune** asked the Minister for Communications, Energy and Natural Resources his plans to inform consumers of the

introduction of DTT; and if he will make a statement on the matter. [29108/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 207 and 208 together.

The Broadcasting (Amendment) Act, 2007 was enacted in May 2007 and puts in place a flexible framework for the licensing of Digital Terrestrial Television (DTT) into the future. The Act provides for the use of multiplexes by both public service and commercial broadcasters and for the transmission of both digital television services and digital sound broadcasting services. Under the Broadcasting Act, RTE, the Broadcasting Commission for Ireland (BCI) and the Communications Regulation (ComReg) have obligations to provide for the roll-out of DTT. Each of their roles is critical to ensuring the success of DTT in Ireland.

All three organisations are making progress in this regard. ComReg has made progress towards ensuring that spectrum is available for DTT and has consulted on the conditions to be attached to DTT licences. The BCI is consulting with parties interested in commercial DTT contracts and RTE has started to develop plans for rolling out national DTT services. It is anticipated that during 2008, RTE will start to build a network to provide a DTT multiplex capable of carrying RTE 1, RTE 2, TV3 and TG4 and the BCI will launch a competition for up to three additional DTT multiplexes. Consideration will be given to the public information campaign which will be required to inform consumers of DTT and analogue switch-off.

#### **Postal Services.**

209. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the Government policy for the future of the postal services, including the provision of a next day, five days per week, delivery service throughout the entire country; and if he will make a statement on the matter. [29182/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** An Post has a statutory obligation to provide a universal postal service, including the provision of a delivery to the home or premises of every natural or legal person not less than five days per week. This is set out in the European Communities (Postal Services) Regulations 2002 (Statutory Instrument 616 of 2002). The draft third postal directive proposes to maintain the universal service obligation at the current level, a position which Ireland has strongly supported during the negotiations. Maintenance of the universal service and the availability of a high quality postal service to Irish consumers are issues of key importance to Ireland, particularly in the context of liberalisation of the postal market.

### Telecommunications Services.

210. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he proposes to take initiatives to ensure the availability of high speed broadband in all areas throughout the country; and if he will make a statement on the matter. [29185/07]

211. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his plans for the development of broadband and the information and technology sector throughout the country; and if he will make a statement on the matter. [29186/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 210 and 211 together.

The provision of telecommunications services, including broadband, is a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg. The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services by competing private sector service providers.

The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs). There are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. Accordingly, the procurement process for a National Broadband Scheme (NBS) is under way. The NBS will provide broadband services to areas that are currently unserved and will ensure that all reasonable requests for broadband in unserved areas are met.

The NBS aims to provide basic broadband services to rural regions. The requirement is to provide a minimum 1MB service, which is currently a typical product on the Irish market. It is intended that product specifications will evolve during the contract period to reflect trends in the broadband market. Financial modelling has been undertaken to establish the estimated cost of the scheme. I am not making the figure public as to do so could influence the negotiation process with the candidates.

The first phase of the procurement process, the Pre-Qualification Questionnaire (PQQ) phase, is now complete and four candidates have pre-qualified. As my Department indicated on 2 September, the four candidates are, in alphabetical order, BT Communications Ireland Ltd Consortium, eircom Ltd, Hutchinson 3G Ireland Ltd

and IFA/Motorola Consortium. The next phase of the procurement process involves inviting candidates to participate in a competitive dialogue process. My Department is anticipating that the award of the NBS contract will be in the second quarter of 2008, with roll out of the services due to begin as soon as possible thereafter. This timeline is subject to negotiations with candidates during the competitive dialogue phase of the procurement process.

212. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when he expects the availability of broadband here to compare with its availability in other EU states; and if he will make a statement on the matter. [29187/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** There were 653,000 broadband subscribers (excluding mobile) in Ireland at end of quarter two of 2007 according to official figures from Commission for Communications Regulation ComReg. Additionally, there were 45,000 mobile broadband subscribers in Ireland at the end of June 2007 giving a total of 698,000 subscribers. The 698,000 figure represents a penetration rate of 15.4 subscribers per 100 of population.

Ireland's growth in broadband penetration is encouraging. Last week's report from the OECD shows that we have the strongest per capita subscriber growth in the OECD. Moreover, Ireland has narrowed the gap behind the EU average. At the end of Quarter 2 06 the EU-25 average was 14 subscribers per 100 of population and our rate was 8 subscribers. At the end of Quarter 2 07, the EU-25 Average was 18.2 subscribers per 100 of population and our rate was at 15.4. If the estimated 45,000 mobile broadband subscribers are included, then the penetration figure increases to 16.48 subscribers. It might be noted that the OECD assessment understates Ireland's competitive position as regards broadband access due to the larger size of households in Ireland.

*Question No. 213 answered with Question No. 18.*

### Electricity Generation.

214. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the degree to which alternative energy is contributing to electricity supplies; the extent to which he will expand or extend this in the future; and if he will make a statement on the matter. [29193/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The contribution by renewable energy resources to electricity consumed in 2006 was 8.6%, up from almost 7% in 2005. The Government's targets are



[Deputy Eamon Ryan.]

to increase this contribution further to a minimum of 15% by 2010 and at least 33% by 2020.

215. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the number of alternative energy projects contributing to the national electricity grid; the number of applications pending; the extent to which these are expected to be successful in the near future; and if he will make a statement on the matter. [29194/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** There are approximately 110 renewable energy projects connected to the electricity network based on criteria applied and data published by EirGrid on its website [www.eirgrid.com](http://www.eirgrid.com). I have no statutory function in relation to the award of connection offers by ESB or EirGrid.

#### Natural Gas Grid.

216. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when he anticipates supply from the Corrib gas field to become available; and if he will make a statement on the matter. [29195/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I understand from the developers, Shell E&P Ireland Ltd, that they expect that first gas will be available in 2009. I would add, however, that completion of the development works by the developers is clearly the principal factor that will determine the date for first gas.

#### Broadcasting Services.

217. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which he has had discussions with broadcasting service providers in the public and the private sector; the number of such discussions in the past six months; the nature of the discussions; and if he will make a statement on the matter. [29196/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In the

context of the development of broadcasting policy my officials and I have cause, on a regular basis, to meet with the various interests that comprise the broadcasting sector including but not limited to commercial broadcasters, public service broadcasters and independent producers.

#### Postal Services.

218. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if it is intended to introduce legislation governing the postal services and the post office; and if he will make a statement on the matter. [29197/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The principal piece of legislation governing the postal service in Ireland is the Postal and Telecommunications Services Act 1983. There are also two European Directives which have been transposed into Irish law. New legislation will be required to transpose the draft third postal directive once ratified.

#### Broadcasting Services.

219. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his preferred options for the development of the broadcasting sector, public and private, in the future; and if he will make a statement on the matter. [29198/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The draft general scheme of the Broadcasting Bill, submitted to the Joint Oireachtas Committee on Communications, Marine and Natural Resources in September 2006 for the purposes of public consultation under the eConsultation initiative, is intended to ensure the establishment of the appropriate regulatory and organisational structures for the growth and development of public service, commercial and community broadcasting in Ireland.

The Joint Oireachtas Committee published its conclusions on the draft general scheme in April 2007. It is proposed to publish the consequent Broadcasting Bill in early 2008 having considered the Joint Oireachtas Committee's conclusions on the outcome of the eConsultation process.