



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 13 December 2007.

Requests to Move Adjournment of Dáil under Standing Order 32	273
Order of Business	273
Estimates for Public Services 2007:	
Vote 25 — Environment, Heritage and Local Government (Supplementary)	288
Vote 26 — Education and Science (Supplementary)	289
Vote 27 — Department of Community, Rural and Gaeltacht Affairs (Supplementary)	289
Vote 31 — Agriculture, Fisheries and Food (Supplementary)	289
Vote 32 — Transport (Supplementary)	289
Vote 35 — Arts, Sport and Tourism (Supplementary)	289
Vote 37 — Army Pensions (Supplementary)	290
Vote 40 — Health Service Executive (Supplementary)	290
Parliamentary Committee: Motion	290
Appointment of Members to Committee: Motion	291
Message from Select Committee	291
Estimates for Public Services 2007: Message from Select Committee	291
Legal Practitioners (Irish Language) Bill 2007:	
Order for Second Stage	291
Second Stage	292
Referral to Select Committee	341
Ceisteanna — Questions	
Minister for Justice, Equality and Law Reform	
Priority Questions	342
Other Questions	355
Adjournment Debate Matters	369
Adjournment Debate	
Health Service Inquiries	370
Services for People with Disabilities	373
School Enrolments	376
Planning Issues	381
Questions: Written Answers	385

DÁIL ÉIREANN

*Déardaoin, 13 Nollaig 2007.
Thursday, 13 December 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 notice under Standing Order 32. Deputy James Bannon is not present to state his matter. Obviously, it is very urgent.

Deputy John Curran: Missing in action.

Order of Business.

The Tánaiste: It is proposed to take No. 7, Supplementary Estimates for Public Services [Votes 25, 26, 27, 31, 32, 35, 37 and 40] (back from committee); No. 7a, motion re establishment of joint committee on economic regulatory affairs; No. 7b, motion re appointment of Members to committee; and No. 3, Legal Practitioners (Irish Language) Bill 2007 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 7, 7a and 7b shall be decided without debate and in the case of No. 7 shall be moved together and shall be decided by one question which shall be put from the Chair and any division demanded thereon shall be taken forthwith.

An Leas-Cheann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with Nos. 7, 7a and 7b without debate agreed?

Deputy Richard Bruton: We do not agree to this. There was a debate in the committee on the Health Estimate and information was not forthcoming as to the detail of what was being proposed. Our spokesman and members of the committee were frustrated with the information available to them and feel there is a need for further debate this morning so that issue can be properly scrutinised by the Dáil.

On No. 7a, motion re establishment of joint committee on economic regulatory affairs, we are not happy with the terms of reference. We reluc-

tantly agreed to a review of the terms of reference within a year. However, I was surprised to read that the Taoiseach is setting up a parallel expert group to do the same task as he is proposing for this committee and that was not brought to the attention of those drafting the terms of reference. There are unresolved issues in the way this is being handled, but the issue on which we have the greatest concern is the handling of the Health Estimate where there is €250 million involved.

Deputy Liz McManus: We also oppose the taking of this Estimate. The Minister needs to be aware that it appears there is gross mismanagement in the funding of the health service and that questions raised legitimately by the Labour Party, and by Fine Gael, have simply not been answered by the Minister. For example, €9 million allocated to the southern health board was not spent and the Minister could not tell us why. That is unacceptable. There is a requirement for accountability on how the taxpayers' money is being spent. It is a matter of great concern.

The hidden sting in last week's budget, which was never in the Tánaiste and Minister for Finance's Budget Statement, was a range of charges that the unfortunate patient must bear. In only one area where the charges were increased, for example, access to an accident and emergency department now costs 333% more than it did ten years ago. That is the legacy of Fianna Fáil Government of the past ten years.

We must get answers as to what is happening in terms of the funding of the health service, where the charges are increasing and the services are being cut back. We have not got those answers and we oppose the taking of this Estimate.

The Tánaiste: Some issues were raised on the Supplementary Estimates in the Select Committee on Health and Children and I understand the Minister has undertaken to put forward that information during the course of the day. The real issue here is the question of the taking of Supplementary Estimates at the end of the financial year.

On the Health Estimate, we are seeking the approval of Dáil Éireann to a technical Supplementary Estimate of €1,000 in respect of Vote 40 for the Health Service Executive for the year ending 31 December 2007. The additional costs arising under certain subheads can be met from savings arising from other subheads on the Vote and what is being sought here is not further moneys, but a technical Supplementary Estimate. Obviously, the debate about health expenditures within those Estimate provisions is a matter that goes on all the time—

Deputy Liz McManus: It does not go on all the time.

The Tánaiste: —but today we are talking about whether further moneys were being voted in the Supplementary Estimate.

The second point I would make relates to matters raised by Deputy Bruton. There is a programme commitment about revising and seeing how we can improve the economic regulatory environment generally. That does not take away from the work of any parliamentary committee.

These are matters that are dealt with. Departments proceed with their agendas and in many cases the parliamentary committees augment some of that scrutiny and examination. One does not take away from the other. I do not see the problem.

Question put: “That the proposal for dealing with Nos. 7, 7a and 7b be agreed to.”

The Dáil divided: Tá, 57; Níl, 43.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Blaney, Niall.
Brady, Cyprian.
Brady, Johnny.
Byrne, Thomas.
Calleary, Dara.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cuffe, Ciarán.
Cullen, Martin.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Fitzpatrick, Michael.
Flynn, Beverley.
Gallagher, Pat The Cope.
Gogarty, Paul.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.

Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Kelleher, Billy.
Kelly, Peter.
Kenneally, Brendan.
Kennedy, Michael.
Killeen, Tony.
Kitt, Michael P.
Kitt, Tom.
McEllistrim, Thomas.
McGrath, Mattie.
McGrath, Michael.
Moloney, John.
Moynihan, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
O'Brien, Darragh.
O'Connor, Charlie.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Sullivan, Christy.
Power, Peter.
Ryan, Eamon.
Sargent, Trevor.
Smith, Brendan.
White, Mary Alexandra.

Níl

Bruton, Richard.
Burke, Ulick.
Byrne, Catherine.
Carey, Joe.
Clune, Deirdre.
Costello, Joe.
Crawford, Seymour.
Creed, Michael.
Deenihan, Jimmy.
Doyle, Andrew.
Durkan, Bernard J.
Enright, Olwyn.
Feighan, Frank.
Ferris, Martin.
Gilmore, Eamon.
Hayes, Brian.
Hayes, Tom.
Higgins, Michael D.
Hogan, Phil.
Lynch, Ciarán.
Lynch, Kathleen.
McCormack, Pádraic.

McGinley, Dinny.
McManus, Liz.
Neville, Dan.
Ó Snodaigh, Aengus.
O'Donnell, Kieran.
O'Dowd, Fergus.
O'Mahony, John.
O'Shea, Brian.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Reilly, James.
Ring, Michael.
Sheahan, Tom.
Sheehan, P. J.
Stagg, Emmet.
Stanton, David.
Tuffy, Joanna.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies David Stanton and Emmet Stagg.

Question declared carried.

Deputy Richard Bruton: I understand the Taoiseach will sign the Lisbon treaty this morning

and I wish him well. When will the Government make a decision on the timing of the referendum on the EU treaty? There is no doubt that winning this referendum will not be a pushover. It is

important that the Government and other parties who support this referendum have sufficient notice and time to prepare a strong campaign.

I read in the newspapers today that contrary to the impression given by the Taoiseach yesterday, it is open to the Government to introduce an exemption for schools on water charges. Now that we have obtained clarification from the European Commission Environment Directorate-General, will the Government introduce such an exemption for schools? Although it seems to be the intention of Government — to read from the manifesto — the results are not materialising on the ground, where bills are arriving at schools.

Although we passed legislation under the Health Acts to ensure proper inspection of institutions, particularly those in which vulnerable children are cared for, I read in the newspapers this week that there are no inspections in the case of homes providing care for children with serious intellectual disabilities. This is an indictment of Government's failure to——

An Leas-Cheann Comhairle: Is the Deputy referring to legislation?

Deputy Richard Bruton: It will be secondary legislation to introduce the necessary orders to have inspections in place. This is a matter of serious urgency and the consequences of continued delay undermine confidence in an area in which confidence and standards are crucial.

The Tánaiste: I join the Deputy in saying that the referendum proposal will require a full effort from everybody in the House who supports our membership of the EU and its development to make sure that the issue at stake is the one that dominates the campaign. It is clear that the reform treaty being signed this morning is in many respects a modernisation of the institutional arrangements, which is necessary for the enlarged Union. Bearing in mind the importance of our continued membership of the Union and our positive disposition towards the Union and its achievements, I hope we will be able to conduct the debate in a positive spirit for the benefit of all citizens. In the globalised world in which we live, we need to work with our partners in developing domestic policies and dealing with global challenges such as the environment. The European Union is a leader in all of these areas and we need to be part of that and of the policy formulation that emanates from it in the coming years.

The Cabinet will consider the timing of the referendum early in the new year. The Taoiseach has indicated that the referendum will take place during the course of next year. All parties can take it that they can make their respective preparations and institute cross-party efforts to put forward a positive view of the question being put to the people. I agree that it is important to avoid complacency.

In the matter of an exemption from water charges for schools, I am not *au fait* with the details of this issue. A question to the Minister for the Environment, Heritage and Local Government may produce a more accurate response in terms of the information provided by the Environment Directorate-General. I am not aware of the specifics.

I agree profoundly with the Deputy that the recent reports of abuse in an institution for children with intellectual disabilities are appalling. The abuse, which took place over a period of more than 30 years from 1965 to 1998 must be condemned outright. The Minister of State at the Department of Health and Children, Deputy Devins, has indicated that as a matter of priority he will work with HIQA, the newly established quality authority, to apply standards for and monitoring of health facilities throughout the country and implement basic service level agreements with providers. There is also the question of the introduction of rudimentary inspections such as spot-checks. We will do whatever is required to instil confidence in the public that this issue will be dealt with progressively and in a way that is consistent with the mandate given to HIQA. I share with other Members of the House the outrage at the appalling treatment of those children who were in care and the serious abuse of trust that took place.

Deputy Eamon Gilmore: Under the Standards in Public Office Act 2001, this House is required to pass a resolution appointing a former Member of the Houses of the Oireachtas to the Standards in Public Office Commission. When this arose six years ago there was agreement in the House and former Member and Minister Liam Kavanagh was appointed to the commission.

Yesterday, during Question Time, I asked the Taoiseach whether the Government planned to change the membership of the Standards in Public Office Commission. He told me that it was a matter for the Tánaiste and Minister for Finance, who would introduce proposals. Subsequently, I wrote to the Tánaiste asking him whether there would be consultation on the appointment, as occurred in 2001. He replied to me by telephone, for which I thank him. I accept his bona fides. He informed me that a decision had been made to replace former Member Liam Kavanagh with the former Fianna Fáil Deputy, Michael Smith.

I wish to raise a number of the matters arising from this decision with the Tánaiste. First, I object in the strongest terms to the misleading reply I received from the Taoiseach yesterday morning.

Deputy Ruairí Quinn: He must have forgotten.

Deputy Eamon Gilmore: Second, I object strongly to the fact that there has been no consultation on this matter. I want to make it clear that,

[Deputy Eamon Gilmore.]

when the resolution required to appoint former Deputy Michael Smith as a member of the commission is brought before the House, the Labour Party will oppose it in these circumstances. I say this with some regret because it is a matter on which there should be agreement in the House. It is wrong of the Government to seek to appoint one of its own to the Standards in Public Office Commission without consulting the Opposition parties and to have proceeded with the making of the appointment before a resolution was brought before the House.

An Leas-Cheann Comhairle: Strictly speaking, the resolution is required to be debated in the House.

The Tánaiste: My consideration of this matter is not a reflection on any outgoing member of the commission. The tenure of office is six years and the former Member, Mr. Liam Kavanagh, who was also a former Minister for the Environment, gave that service. There is a discretion to consider the appointment once the tenure is finished. I would not have been aware of the consultations in 2001, but I will accept Deputy Gilmore's statement that they occurred. If so, fine, but there is no suggestion that the discretion of the Minister for Finance is tempered in that way. Rather, it was a question of my not being aware. I thank the Deputy for accepting my bona fides in that regard.

Given developments and the requirements placed on Members through the Standards in Public Office Act, etc., a more recent former Member would be appropriate. No one would quibble with the suitability of former Deputy Michael Smith for such an appointment given his record in the House and the esteem in which he was held by Deputies present and past, as would have been the case with the former incumbent. The statutory requirement is for a former Member who is not also a Member of the European Parliament. I do not accept the contention that a former member of a Government party is less qualified than a former member of another party. There is no logic in that position. A number of former Members would be eminently suitable for such a position.

The letter I received from Deputy Gilmore at 3.15 p.m. was brought to my attention within one hour and I spoke with him about it by telephone as a matter of courtesy, as no discourtesy was intended. I took it upon myself to telephone Deputy Kenny as the leader of the main Opposition party to explain the situation to him. He accepted my comments in a conversation similar to the one between Deputy Gilmore and I.

As required by the Ethics in Public Office Act, a resolution seeking approval for the appointments — the other appointment being that of the chairman, Justice Matthew Smith — for a period of six years will be moved in both Houses of the

Oireachtas next week. Assuming the passage of the resolutions, the Government will advise the President to appoint the chairperson and the Government will appoint Mr. Smith as an ordinary member. While I understand Deputy Gilmore's disappointment following his statements and my conversations with him yesterday and this morning, I ask that he reflect on whether the resolution should be contested. Mr. Smith is eminently suitable for the position and should be appointed. I was not aware of a prior consultation process. The position having gone to a non-party person previously, it would not be remiss of me to suggest that a former member of a Government party would get it this time.

An Leas-Cheann Comhairle: We cannot debate the issue now, but Deputy Gilmore can make a brief comment. There will be an opportunity to discuss the resolution next week.

Deputy Eamon Gilmore: Is it intended to move the resolution next week?

The Tánaiste: Yes.

Deputy Eamon Gilmore: This is not about Deputy Michael Smith's personal suitability or otherwise for appointment. Actually, he is former Deputy Michael Smith. He was a recent Member of the House and I still refer to him as "Deputy Smith". I have the height of regard for him and I do not want to make an issue of him, but a number of elements are the wrong way around. First, the Act requires that the appointment be made following the resolution of the House, but the Government has decided who to appoint, which should not be the case. Once agreement has been secured on the resolution, the appointment is made.

Second, a number of issues reflect on the matters discussed previously rather than on the individual. Is it appropriate that someone who was recently a Member, let alone a Minister, should be appointed to this position? Liam Kavanagh was a number of years out of the House. Third, while it is not a matter of individuals, it is not appropriate for the Government to seek to take the position for one of its own given everything that is occurring. The matter should have been discussed with Opposition parties in advance. In the same spirit, I suggest that the Tánaiste should reflect on whether the resolution should be introduced by the Government in circumstances where my party is manifestly unhappy with the way in which the matter has been handled. If the resolution is introduced and an appointment will be made without agreement, we will have no option but to oppose the resolution.

An Leas-Cheann Comhairle: We will have a debate on the matter. I will allow Deputy Bruton to make a brief comment.

Deputy Richard Bruton: I was not privy to the conversation between the Tánaiste and the leader of Fine Gael, but we accept his good faith. I agree with Deputy Gilmore that we must apply the regulatory standards to this appointment. We must be careful, as it would be regrettable were the House to divide, but Deputy Gilmore feels strongly on this issue for good reason. The Tánaiste might take time to reflect on how to deal with the matter because dividing the House on an issue of this nature would be a bad way to start work. Some time and consultation would be worthwhile.

The Tánaiste: I will be brief. Were I aware of a previous procedure — there was no evidence of such in the file, but if it took place, it took place — I would have put the position I am now putting to the House, namely, that Mr. Smith be recommended for appointment. While Deputy Gilmore stated unequivocally that he was making a bona fide political point, which I accept, the former Deputy, Mr. Smith, is eminently capable of doing that job conscientiously and properly, as have former Members.

Deputy Michael Ring: We have an excellent candidate in the former Deputy, Paul McGrath.

The Tánaiste: I reject the suggestion that there is not a former member of my party who could do this job equally as well as his predecessors.

Deputy Eamon Gilmore: I did not say that.

The Tánaiste: That is the import of what is being said——

Deputy Phil Hogan: Stick to the issue.

The Tánaiste: ——and it is an unfair reflection because former Deputy, Mr. Smith, is either suitable or he is not and from what I hear this morning he is eminently suitable. It remains with the incumbent Minister for Finance to make the appointment.

Deputy Eamon Gilmore: No, it does not.

The Tánaiste: It does.

Deputy Eamon Gilmore: It is a resolution of the House.

The Tánaiste: To be correct, it is for the Minister for Finance to recommend him for appointment. I have asked the former Deputy, Mr. Smith, if he will be available to take up the position if the resolution is passed and he is available to take up the appointment. I intend putting that resolution to the House and I do not believe it will be necessary to divide the House. Deputy Gilmore may wish to raise a political point, which is a matter for him and his party to make, but

having explained the position frankly and openly, I do not believe it requires the House to divide.

An Leas-Cheann Comhairle: There will be an opportunity to debate the resolution again.

The Tánaiste: As I said, no discourtesy was intended to anybody.

Deputy James Reilly: Before we move on to the issue I want to raise——

An Leas-Cheann Comhairle: That matter is closed.

Deputy James Reilly: I hope there will be a debate.

Regarding standards in public office etc., and perhaps the Leas-Cheann Comhairle can direct me in this regard, how do we ensure that commitments given by the opposite side of the House are met? Two days ago I asked the Taoiseach about a briefing on the Supplementary Estimate in health.

An Leas-Cheann Comhairle: I suggest the Deputy tables a parliamentary question in the normal way.

Deputy James Reilly: At the Joint Committee on Health and Children yesterday, the Minister promised to give me all the information this morning. That is the reason we divided on that issue.

An Leas-Cheann Comhairle: Is there an issue you want to raise that is appropriate to the Order of Business?

Deputy James Reilly: On the Health Information and Quality Authority legislation——

An Leas-Cheann Comhairle: What legislation?

Deputy Richard Bruton: The Health Information and Quality Authority.

Deputy James Reilly: It is the amendment Bill. I ask the Tánaiste, and I hope it will be third time lucky, when we will get the Ann O'Doherty report, which is an integral part of the reviews being carried out along with the other HIQA report on Galway. It was promised by the Taoiseach and by the Minister on 6 and 7 November and it is now the second week in December.

An Leas-Cheann Comhairle: Is the publication of that report promised?

The Tánaiste: I understand it was promised and that the Minister made it clear that some legal issues have arisen regarding its publication in respect of certain parties involved. That is my rec-

[The Tánaiste.]

ollection of it. That being the case, they have to be——

Deputy James Reilly: Is that *sine die*?

The Tánaiste: No. They will be dealt with. There are parties who have certain rights in respect of this matter as well. I am not aware of the detail but these legal issues cannot be ignored, as the Deputy knows well.

Deputy Leo Varadkar: I refer once again to the programme for Government commitment to amend the planning laws to ensure that school sites and schools are delivered in a timely fashion where large new housing developments have been built. I asked this question on a previous Order of Business and was informed that the matter would be dealt with in the designated land (housing development) Bill, the heads of which had been agreed by Cabinet. Can the Tánaiste confirm if the matter is dealt with in that Bill? If the heads have been agreed by Cabinet, will they be published and when will the Bill come before the House?

On a non-partisan point, I am aware an announcement will be made today that the first two VEC national schools will be established by September, both of which will be in my constituency.

An Leas-Cheann Comhairle: I call the Tánaiste on the legislation.

The Tánaiste: I understand the designated land (housing development) Bill, the heads of which have been approved, is due for publication in early 2008. I suggest that tabling a parliamentary question on the specific detail he is inquiring about would be the best way for the Deputy to proceed.

Deputy Bernard J. Durkan: In the Government's published list of proposed legislation there are two sections. The first, section B, concerns ten Bills in respect of which heads have been agreed and texts are being drafted. Section C concerns Bills in respect of which heads have yet to be approved by the Government. In both cases publication is expected in 2008, as it is for the remaining 50 or 60 Bills. Given the expected rate of delivery of this Government, when will these Bills be published and brought before the House? Does the Tánaiste have any idea of the number that have been approved by Government? I presume some of them have been approved. Will the parliamentary draftsman be working over Christmas to try to get them ready for the Government nod of approval when the time comes? It is important——

An Leas-Cheann Comhairle: Thank you, Deputy. I will try to call a number of Deputies. We are already well over time.

Deputy Bernard J. Durkan: I am anxious to ascertain what progress has been made.

The Tánaiste: A number of Bills will be published before the resumption of the next term and will be taken in the next term. Others require further departmental and Government consideration and they give a general indication that they will be published next year. I cannot be any more specific than that.

Deputy Bernard J. Durkan: That is very vague, Tánaiste. Mañana once again. Santa Claus will come next year as well.

The Tánaiste: Deputy Durkan is always hungry for legislation.

(Interruptions).

The Tánaiste: He eats, drinks and sleeps drafting.

Deputy Seymour Crawford: I wish to raise three issues. First, the student support Bill has been promised for a long time. It was to come forward in this session but that has not happened. The second issue has been raised already but an answer was not given in respect of it. It concerns the lack of information from the health service.

An Leas-Cheann Comhairle: Do you have a question on legislation, Deputy? I am trying to accommodate a number of Deputies.

Deputy Seymour Crawford: This question is specific to legislation.

An Leas-Cheann Comhairle: What is the Bill?

Deputy Seymour Crawford: The health information Bill.

An Leas-Cheann Comhairle: We just had a question about that.

Deputy Seymour Crawford: We did not get an answer. It is a vitally important issue——

An Leas-Cheann Comhairle: The only answer you can get concerns when it will be taken.

Deputy Seymour Crawford: ——because we are not getting answers on health.

Deputy Bernard J. Durkan: Hear, hear.

An Leas-Cheann Comhairle: I call the Tánaiste on the two items of legislation.

Deputy Seymour Crawford: I said I wanted to raise three issues. On the issue of the EirGrid legislation, two weeks ago the Tánaiste told this House that the problems in the Cavan, Monaghan and Meath areas were being headlined by Fine Gael. I advise the Tánaiste that one of his party's

councillors was on radio encouraging people to discuss the issue.

An Leas-Cheann Comhairle: I call the Tánaiste on the two items of legislation.

Deputy Seymour Crawford: When can we have a debate on EirGrid in the Dáil? When will the decision be made as to whether the cable will be laid above or below ground?

An Leas-Cheann Comhairle: I want to call other Deputies.

The Tánaiste: Issues to be debated in the House are a matter for the Whips at any time and we try to get agreement on that. These are strategic infrastructures that are required. Deputies talk about the need for improving competitiveness, energy costs and so on and, consistent with dealing with public issues of concern, we wish to proceed with that as soon as possible. I am aware, however, that this issue has raised concerns and it is important that accurate and responsible information is available at all times to ensure we do not inflame a situation beyond a rational debate on these questions.

The student support Bill is due in January. On the health information Bill, work has only commenced on the drafting of a discussion document in preparation for a regular impact analysis and public consultation on the proposals. I do not believe that is imminent and as was said in earlier contributions, there are other issues that will take a slightly higher priority.

Deputy Ciarán Lynch: According to the programme for Government a Green Paper on local government was to come before the House this week. A commitment was given that within six months of the Government coming to power that Green Paper would be before us. In that regard, a commitment was also given by the Taoiseach that a commission on the boundaries for local elections would be established. Will the Tánaiste indicate if that commission has been established and, if not, when it will be established and when that report will come before the House to inform us on what will happen with regard to the local elections, which are just over a year away?

The Tánaiste: Plans are afoot to set up a commission to examine local authority boundaries in the context of the subsequent work done at national level by the constituency commission. While it takes away somewhat from being able to come forward with a Green Paper on local authority reform within the period set out in the programme for Government, it is expected the Minister will be able to introduce some proposals in that regard in the first half of next year.

Deputy Emmet Stagg: The information given to the House previously by the Taoiseach was

that a commission was to be set up forthwith and it would report in March of this year.

An Leas-Cheann Comhairle: Perhaps a parliamentary question to the appropriate Minister should be tabled.

The Tánaiste: It is a separate issue. I do not wish to contradict that but Deputy Ciarán Lynch raised a separate matter on a Green Paper on local authority structures and reform.

Deputy Emmet Stagg: The Tánaiste is getting good at confusing us.

Deputy Noel Dempsey: That is easy to do.

The Tánaiste: No, that is not the case. The Deputies can have a discussion on it between themselves as it might help. I always believed the Labour Whip ruled that side of the House with an iron hand.

(Interruptions).

Deputy Michael D. Higgins: Earlier this week, the Taoiseach undertook to communicate with me concerning whether it was the Government's intention to ratify the European convention on migrant workers and their families. I have not had a communication yet on this. Will the Tánaiste inform me what are the Government's intentions?

The Tánaiste: My apologies to the Deputy and I will ask the matter be dealt with immediately and that he is informed of the situation.

Deputy David Stanton: What are the positions on the ombudsman Bill and adoption Bill?

The Tánaiste: The ombudsman amendment Bill will be published before the start of the next session. The adoption Bill is due for this session.

Deputy Kieran O'Donnell: I put down two parliamentary questions which were replied to on Tuesday on the role of the Department of Finance, the Minister for Finance and his predecessors in the proposed casino in Dublin and any discussions that took place between the Sonas consortium and the Department.

An Leas-Cheann Comhairle: That is not a matter that can be raised on the Order of Business.

Deputy Kieran O'Donnell: I will put the questions down again today. I expect the Minister to give a proper reply on the role of his predecessors.

An Leas-Cheann Comhairle: This is not a matter for the Order of Business.

Deputy Kieran O'Donnell: If it is not properly answered, I will have to raise it again in the House.

Deputy P. J. Sheehan: Seeing that the Tánaiste and Minister for Finance is in the driving seat this morning, it is only once a week we have an opportunity to question him. In the Supplementary Estimates for Public Services, is the Tánaiste aware of the serious lack of funding for the Department of Agriculture, Fisheries and Food?

An Leas-Cheann Comhairle: I am fearful this might not be in order.

(Interruptions).

Deputy P. J. Sheehan: Farm improvement grants were not issued on 31 October.

An Leas-Cheann Comhairle: I advise the Deputy who has much experience that there may be another way to raise the matter. I call Deputy Kathleen Lynch.

Deputy P. J. Sheehan: There are thousands of farmers who wish to participate in the scheme. Their applications have been put on the backburner.

An Leas-Cheann Comhairle: I am sure the Deputy will find adequate ways of raising his concerns. The Deputy might give way to Deputy Kathleen Lynch.

Deputy P. J. Sheehan: There is a Supplementary Estimate giving €1,000 for salaries and expenses to the Department of Agriculture, Fisheries and Food—

An Leas-Cheann Comhairle: Please Deputy Sheehan.

Deputy P. J. Sheehan: —but €50 million is given to the Department of the Environment, Heritage and Local Government—

An Leas-Cheann Comhairle: I call Deputy Kathleen Lynch.

Deputy P. J. Sheehan: —and up to €100 million for the Department of Education and Science.

An Leas-Cheann Comhairle: Please, Deputy Sheehan.

A Deputy: This is all for the *Southern Star*.

Deputy P. J. Sheehan: Meanwhile the farmers grants are put on the backburner.

An Leas-Cheann Comhairle: I call on Deputy Kathleen Lynch.

Deputy Kathleen Lynch: I am loathe to cut across Deputy Sheehan.

Deputy P. J. Sheehan: Has the Tánaiste any answer for me?

The Tánaiste: We have given €5.7 billion in agricultural supports.

An Leas-Cheann Comhairle: Tánaiste, will you allow Deputy Kathleen Lynch to put her question?

Deputy P. J. Sheehan: The Tánaiste and Minister for Finance's budget has a lack of finance for the Department of Agriculture, Fisheries and Food.

Deputy Kathleen Lynch: I am loathe to cut Deputy Sheehan off as the Boundary Commission has decided 50% of the Cork North-Central constituency will be rural. I support Deputy Sheehan on his point.

Last year I raised an issue on a report from the Pensions Board. If a spouse dies and the remaining spouse remarries, be they male or female, they lose the deceased spouse's pension.

An Leas-Cheann Comhairle: That is not in order.

Deputy Kathleen Lynch: It was promised legislation. The Tánaiste and Minister for Finance stated that as soon as he read the report, he would consider legislation in the area.

The Tánaiste: These issues are taken up in the Green Paper on pensions which is up for discussion. The possibility of updating pensions legislation to deal with these issues might be more appropriate. We must await what comes back from the Green Paper discussions. Her issue should be part of these discussions.

Estimates for Public Services 2007.

Tánaiste and Minister for Finance (Deputy Brian Cowen): I move the following Supplementary Estimates:

Vote 25 — Environment, Heritage and Local Government (Supplementary).

That a supplementary sum not exceeding €50,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2007, for the salaries and expenses of the Office of the Minister for the Environment, Heritage and Local Government, including grants to Local Authorities, grants and other expenses in connection with housing, water, miscellaneous schemes, subsidies and grants.

**Vote 26 — Education and Science
(Supplementary).**

That a supplementary sum not exceeding €100,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2007, for the salaries and expenses of the Office of the Minister for Education and Science, for certain services administered by that Office, and for the payments of certain grants and grants-in-aid.

**Vote 27 — Department of Community, Rural
and Gaeltacht Affairs (Supplementary).**

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2007, for the salaries and expenses of the Office of the Minister for Community, Rural and Gaeltacht Affairs, for certain services administered by that Office, and for the payment of certain grants.

**Vote 31 — Agriculture, Fisheries and Food
(Supplementary).**

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2007, for the salaries and expenses of the Office of the Minister for Agriculture, Fisheries and Food, including certain services administered by that Office, and of the Irish Land Commission and for payment of certain grants, subsidies and sundry grants-in-aid and for the payment of certain grants under cash-limited schemes.

Vote 32 — Transport (Supplementary).

That a supplementary sum not exceeding €60,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2007, for the salaries and expenses of the Office of the Minister for Transport, including certain services administered by that Office, for payment of certain grants and certain other services.

**Vote 35 — Arts, Sport and Tourism
(Supplementary).**

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

Vote 37 — Army Pensions (Supplementary).

That a supplementary sum not exceeding €4,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2007, for retired pay, pensions, compensation, allowances and gratuities payable under sundry statutes to or in respect of members of the Defence Forces and certain other Military Organisations, etc., and for sundry contributions and expenses in connection therewith; for certain extrastatutory children's allowances and other payments and for sundry grants.

**Vote 40 — Health Service Executive
(Supplementary).**

That a sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2007, for the salaries and expenses of the Health Service Executive and certain other services administered by the Executive, including miscellaneous grants.

Deputy P. J. Sheehan: There is no money for the farmers.

Votes put and declared carried.

Parliamentary Committee: Motion.

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

(1) That a Select Committee, consisting of eleven members of Dáil Éireann, be joined with a Select Committee to be appointed by Seanad Éireann to form the Joint Committee on Economic Regulatory Affairs to consider:—

(a) the operational efficiency, value for money and the effectiveness of consultation and accountability procedures, and

(b) Statements of Strategy, Annual Output Statements, Public Interest Statements and such other reports as it may select, of regulatory bodies in the following sectors Communications, Energy, Financial Services, Health and Safety and Transport;

(c) common matters arising from consideration of the above;

(d) such other matters as may be jointly referred to it from time to time by both Houses of the Oireachtas; and to report thereon to both Houses of the Oireachtas.

(2) The Joint Committee shall have the powers defined in Standing Orders 83(1) to (4) and 83(7) to (9) inclusive.

(3) The Joint Committee shall not, at any time, consider any matter relating to such a body which is, which has been, or which is, at that time, proposed to be considered by the

[Deputy Tom Kitt.]

Committee of Public Accounts pursuant to the Orders of Reference of that Committee and/or the Comptroller and Auditor General (Amendment) Act 1993.

(4) The Committee shall further refrain from:—

(a) enquiring into in public session, or publishing confidential information regarding, any related matter if so requested either by the body or by the relevant Minister; and

(b) enquiring into the merits of specific sectoral policy or policies of the Government or the merits of the objectives of such policies.

(5) The quorum of the Joint Committee shall be five, of whom at least one shall be a Member of Dáil Éireann and one a Member of Seanad Éireann.

(6) The Chairperson of the Joint Committee shall be a Member of Dáil Éireann.

Question put and agreed to.

Appointment of Members to Committee: Motion.

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

That the following members be appointed to the Joint Committee on Economic Regulatory Affairs:

Deputies Seán Ardagh, Joe Behan, Ciaran Cuffe, Damien English, Peter Kelly, Séamus Kirk, Michael Moynihan, Kieran O'Donnell, Fergus O'Dowd, Sean Sherlock and Leo Varadkar.

Question put and agreed to.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Civil Law (Miscellaneous Provisions) Bill 2006 and has made amendments thereto.

Estimates for Public Services 2007: Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Health and Children has completed its consideration of Vote 40 for the year ending 31 December 2007.

Legal Practitioners (Irish Language) Bill 2007: Order for Second Stage.

Bill entitled an act to promote the better use of the Irish language by legal practitioners and the provision of legal services through Irish and

for that purpose to provide for courses of study and the establishment of registers by the Honorable Society of King's Inns and the Law Society of Ireland, to repeal the Legal Practitioners (Qualification) Act 1929, to amend the Solicitors Act 1954 and to provide for related matters.

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

I move: "That Second Stage be taken now."

Question put and agreed to.

Legal Practitioners (Irish Language) Bill 2007: Second Stage.

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

I move: "That the Bill be now read a Second Time."

Thar ceann an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, an Teachta Brian Ó Luineacháin, nach bhfuil ar fáil de dheasca báis gaol leis, molaim go léifear an Bille an dara huair.

Is é is cuspóir don Bhille seo na nithe seo a leanas a chur chun cinn, go mbainfeadh lucht cleachta dlí úsáid níos fearr as an nGaeilge agus go gcuirfí seirbhísí dlíthiúla ar fáil trí Ghaeilge. Foráiltear leis an mBille go mbunóidh Cumann Onórach Ostaí an Rí agus Dlí-Chumann na hÉireann ardchúrsaí staidéir sa Ghaeilge i gcomhair lucht dlí agus go gcuirfidh siad scrúduithe ar siúl ar na cúrsaí sin uair sa bhliain ar a laghad. Tá sé ceaptha go gcuirfidh na cúrsaí ar chumas abhcóidí agus aturnaetha a ngnó a sheoladh trí Ghaeilge. Foráiltear leis an mBille go ndéanfar cláir a chur ar fáil don phobal, ar cláir iad atá le bunú agus le cothabháil ag Ostaí an Rí agus ag an Dlí-Chumann, ina dtabharfar mionsonraí teagmhála na gcleachtóirí sin atá in ann seirbhísí dlí a chur ar fáil trí Ghaeilge. Beidh cúrsa teagaisc ann, chomh maith, ó Ostaí an Rí agus ón Dlí-Chumann, ar théarmaíocht dhlíthiúil na Gaeilge agus ar thuiscint téacsanna dlíthiúla sa Ghaeilge do gach duine a bheidh ag déanamh an chúrsa céime aturnaí dlí agus scrúduithe an Dlí-Chumann.

Foráiltear leis an Acht Lucht Cleachtuithe Dlí (Cáilíocht) 1929, nach bhféadfaidh an Príomh-Bhreitheamh a cheadú d'aon duine cleachtadh mar abhcóide dlí i gcúirteanna na hÉireann mura mbeidh an Príomh-Bhreitheamh sásta, ó cibé fianaise a ordóidh an Príomh-Bhreitheamh, go bhfuil leoreolas ag an duine sin ar an nGaeilge. Mínítear "leoreolas" mar an méid sin oilteachta i labhairt agus i scríobh na Gaeilge agus is leor chun a chur ar chumas cleachtóra dlí treoracha a ghlacadh, comhairle a thabhairt do chliaint, finníthe a cheistiú agus imeachtaí sa Ghaeilge a thuiscint go héifeachtúil.

Cé gur ar an bPríomh-Bhreitheamh atá an oibleagáid inniúlacht agus ábaltacht sa Ghaeilge a chinntiú i gcás aon abhcóide ar mian leis nó leis go ndéanfaí é no í a ghlaoch chun an Bharra, níl

aon cheanglas ann an Ghaeilge a áireamh mar ábhar roghnach no éigeantach i gcúrsa céime abhcóide dlí Óstaí an Rí. Déantar aon teagasc nó taifead ar inniúlacht atá ag teastáil a thabhairt lasmuigh den chúrsa céime agus déantar é a shocrú ionas gur féidir leis an bPríomh-Bhreitheamh a fheidhm nó a feidhm reachtúil a chomhlíonadh. Tá an Aire sásta go bhfuil sé aimhrialta go mbeadh feidhm den sórt sin ag an bPríomh-Bhreitheamh sa saol atá inniu ann agus go dtarraingíonn oibriú an Achta féin an iomarca aimhrialtachtaí. Déantar socrú leis an mBille chun Acht 1929 a aisghairm agus cuirtear roinnt mhaith de moltaí Óstaí an Rí i bhfeidhm.

Tá an Rialtas ar aon intinn leis an Aire gur féidir na socrúithe atá ann faoi láthair a fheabhsú leis an cuspóir seo a leanas a bhaint amach: a chinntiú go mbeidh daoine ar mian leo a gceart bunreachtúil a fheidhmiú chun Gaeilge a úsáid in imeachtaí os comhair na gcúirteanna in ann sin a dhéanamh. Creideann an tAire go gcuirfidh na rudaí atá leagtha amach sa Bhille feabhas ar an scéal trí chur leis an oiliúint sa Ghaeilge d'abhcóidí agus d'aturnaetha araon agus gur cheart go gcinnteoidís ábaltacht sa Ghaeilge do níos mó gairmithe dlí ná mar a dhéantar leis na socrúithe atá ann i láthair na huair.

Is eol don Teach go ndearnadh teanga oibre agus oifigiúil de chuid an Aontais Eorpaigh den Ghaeilge ar 1 Eanáir 2007. Ceanglaítear le nós-anna imeachta an Aontais Eorpaigh go bhforóidh dlí-theangeolaithe reachtaíocht sna teangacha oifigiúla go léir, an Ghaeilge san áireamh, sula féidir leis an gComhairle agus le Parlaimint na hEorpa téacsanna a ghlacadh. Tá áthas ar an Aire a thuairisciú go bhfuil a chomhghleacaí sa Rialtas, an tAire, an Teachta Ó Cuív, tar éis cúrsa oiliúna ar leith a fhorbairt, i gcomhar le hÓstaí an Rí, atá ceaptha chun a chur ar chumas rannpháirtithe bheith ina ndlí-theangeolaithe sa Ghaeilge. Tá an cúrsa faoi lánseol cheana féin agus táthar ag súil leis go mbeidh rannpháirtithe a n-éiríonn leo ar fáil chun dul faoi scrúduithe roghnúcháin an Aontais Eorpaigh ó dheireadh na bliana seo amach. Tuigtear don Aire, chomh maith, go bhfuil an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta ag obair le hÓstaí an Rí ar chúrsa abhcóide dlí a fhorbairt, ar cúrsa é a mhúinfear go hiomlán trí Ghaeilge.

Bhí feidhm ag Acht 1929, chomh maith, maidir le haturnaetha dlí go dtí gur tugadh socrúithe nua isteach san Acht Aturnaethe 1954. Le cáiliú chun a nglactha mar aturnaetha, ceanglaítear le hAcht 1954 ar mhic léinn dhá scrúdú sa Ghaeilge a dhéanamh. Baineann an chéad scrúdú le daoine atá ag iarraidh dul faoi cheangal dintiúirí printíseachta, agus baineann an dara ceann le daoine ar mian leo go ndeanfaí iad a ghlacadh mar aturnaetha. Is é is cuspóir don dara scrúdú a chinntiú “go bhfuil eolas inniúil ar an nGaeilge ag daoine a ghnóthós é, is é sin le rá, an inniúlacht sin ar labhairt agus ar scríobh na teangan is leor chun a chur ar chumas aturnaetha, le héifeacht, teagasc a ghlacadh, cliaint a chomhairliú, finnétithe a

cheistiú agus imeachta a thuiscint i nGaeilge”. Is ionann an tástáil ábaltacht seo agus an ceann a úsáidtear in Acht 1929 i gcomhair abhcóidí.

Faoi láthair, ní chuireann an Dlí-Chumann féin teagasc sa Ghaeilge ar fáil do phrintíseigh aturnaetha. Cuimsítear trialacha scríofa ar théacsanna forordaithe nach bhfuil aon bhaint acu leis an dlí, aistí ar ábhair laethúla agus trialacha béil ar inniúlacht sa Ghaeilge sa dá scrúdú. Tá sé ar intinn ag an Aire roinnt comhréireachta a chur i bhfeidhm maidir leis na ceanglais ábaltachta i gcomhair abhcóidí agus aturnaetha araon. Dá bhrí sin, leasófar leis an mBille, chomh maith, na ceanglais reachtúla i gcomhair ábaltacht sa Ghaeilge d'aturnaetha.

D'iarr an tAire orm an Bille Comhaltaí Príobháideacha atá os comhair an Tí in ainm an Teachta Brian Ó Sé a lua ag an pointe seo. Cé go n-aithníonn an Bille sin, dáiríre, uireasa sa dlí atá ann faoi láthair, ní dhéanann sé socrú ar bhealach ar bith maidir le rogha cheart, agus tá sé gann ar mhionsonraí. Is cinnte, dar leis an Aire, go dtagann forálacha an Bhille salach ar bheartas an Rialtais i dtaca le cur chun cinn na Gaeilge agus, go háirithe, aidhm an Rialtais — a chinntiú go mbeidh daoine ar mian leo leas a bhaint as seirbhís dlí trí Ghaeilge in ann sin a dhéanamh.

Tá príomh-mhionsonraí an Bhille in ailt 1 agus 2. Baineann alt 1 le forálacha i gcomhair abhcóidí dlí. Foráiltear leis an alt go dtabharfaidh comhairle Óstaí an Rí aird ar bheartas an Rialtais maidir leis an dátheangachas agus go ndéanfaidh sí gach beart réasúnach chun a chinntiú go mbeidh líon sásúil abhcóidí dlí in ann an dlí a chleachtadh trí Ghaeilge — fo-alt 2.

Creideann an tAire go bhfuil sé tábhachtach go mbeadh sainchúrsaí sa Ghaeilge ar fáil do gach gairmí dlí, cuma an mian leis nó leí an dlí a chleachtadh tríd an teanga nó nach mian. Ar an ábhar sin, tá socrú déanta aige i bhfo-alt 3 go gcuirfidh Óstaí an Rí cúrsa ar théarmaíocht dhlíthiúil na Gaeilge ar siúl do mhic léinn a bheidh ag dul i mbun cúrsa céime abhcóide dlí. Beidh an cúrsa ceaptha chun a chur ar chumas cleachtóirí cineál na seirbhíse a bheidh á lorg a shainaithe agus, más cuí, tarchur chuig cleachtóir a bheidh inniúil ar sheirbhís a chur ar fáil trí Ghaeilge a éascú — fo-alt 3(a). Is eol don Aire go mbeidh roinnt daoine ann a bheidh i mbun staidéir i gcomhair céime abhcóide dlí agus a mbeidh, ar dháta aisghairthe an Achta Lucht Cleachtuithe Dlí (Cáilíocht) 1929, téarmaí alt 3 den Acht sin comhlíonta acu agus, sna cásanna sin, measfar go mbeidh na daoine sin tar éis freastal ar an gcúrsa ar an téarmaíocht dhlíthiúil — fo-alt 3(b).

I gcomhair na ndaoine ar mian leo an dlí a chleachtadh trí mheán na Gaeilge, foráiltear ina dhiaidh sin san alt go gcinnteoidh Comhairle Óstaí an Rí go n-áireofar ardchúrsa ar chleachtadh an dlí trí Ghaeilge mar ábhar roghnach sa chúrsa abhcóide dlí — fo-alt 4. Beidh an t-ardchúrsa sin ar oscailt do dhaoine eile nach mic léinn iad ach ar mian leo inniúlacht a bhaint amach a chuirfidh ar a gcumas an dlí a chleacht-

[Deputy Pat The Cope Gallagher.]

adh trí Ghaeilge — fo-alt 5. Creideann an tAire go bhfuil ciall lena chinntiú go mbeadh leibhéal réasúnach inniúlachta sa Ghaeilge ag daoine a bheidh ag déanamh iarratais chun fáil isteach ar an ardchúrsa sa Ghaeilge. Ar an ábhar sin, foráiltear le fo-alt 6 go bhféadfaidh sé go gceanglófar ar na daoine sin a léiriú d’Óstaí an Rí go bhfuil leibhéal inniúlachta acu sa Ghaeilge cheana féin. Ar ndóigh, caithfidh meicníocht éigin a bheith ann trínar féidir cumas daoine a bheidh ag freastal ar an ardchúrsa sa Ghaeilge a thomhas. Chuige sin, foráiltear le fo-alt 7 go gcuirfidh Óstaí an Rí scrúdú ar siúl i gcleachtadh an dlí trí Ghaeilge uair sa bhliain ar a laghad. Ní cheadófar ach do na daoine sin a mbeidh an t-ardchúrsa déanta acu an scrúdú a dhéanamh — fo-alt 8. Creideann an tAire go bhfuil sé den riachtanas go gcuirfear in iúl don phobal go bhfuil ar chumas cleachtóirí dlí áirithe seirbhísí dlí a chur ar fáil trí Ghaeilge. Mar sin, tá sé foráilte aige i bhfo-alt 9 go ndéanfaidh Óstaí an Rí clár, ar a dtabharfar clár na Gaeilge (Óstaí an Rí), a bhunú agus a chothabháil.

Foráiltear thairis sin san alt go ndéanfaidh comhairle Óstaí an Rí ainm agus mionsonraí teagmhála abhcóidí dlí a mbeidh éirithe leo sa scrúdú a thaifeadadh sa chláir — fo-alt 10. Foráiltear leis an alt go gcaithfear an clár a choimeád cothrom le dáta agus go gcaithfear cóip den chláir a chur ar fáil don Dlí-Chumann — fo-alt 11. Ní mór an clár a bheith ar oscailt don phobal, chomh maith, agus a bheith foilsithe ar láithreán gréasáin Óstaí an Rí — fo-alt 12. Cinnteoidh na forálacha seo go gcrabhscaoilfear ábhar an chláir, agus go dtuigfear é a bheith ann chomh forleathan agus is féidir. Ar deireadh, foráiltear leis an alt go ndéanfar tuarascáil a chur faoi bhráid an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí ar bhonn bliantúil i dtaca le hoibriú an ailt sa bhliain roimhe sin — fo-alt 13.

Baineann alt 2 den Bhille le ábaltacht Ghaeilge d’aturnaetha. Déantar fo-alt nua — 2A — a chur isteach in alt 40 den Acht Aturnaethe 1954. Teastaíonn ón Aire go mbeadh na forálacha a bhaineann le haturnaetha ar aon dul, tríd is tríd, leis na forálacha a bhaineann le abhcóidí. Go búnúsach, déanann alt 2 na forálacha atá in alt 1 den Bhille a scáthánú. Foráiltear leis an alt go dtabharfaidh an Dlí-Chumann aird ar bheartas an Rialtais maidir leis an dátheangachas agus go ndéanfaidh sé gach beart réasúnach chun a chinntiú go mbeidh líon sásúil aturnaetha in ann an dlí a chleachtadh trí Ghaeilge. Ina theannta sin, cuirfidh an Dlí-Chumann cúrsa ar fáil ar théarmaíocht dhlíthiúil trí Ghaeilge ionas go mbeidh cleachtóirí in ann cineál na seirbhíse a bheidh á lorg a aithint agus, mas gá, daoine a sheoladh ar aghaidh chun déanamh cinnte go bhfuil an Ghaeilge go líofa ag cleachtóirí.

Maidir le daoine a bheidh ag gabháil don chúrsa cleachtais ghairmiúil agus a mbeidh, ar dháta thosach feidhme an ailt, éirithe leo sa dá scrúdú sa Ghaeilge dá bhforáiltear le rialacháin

arna ndéanamh faoi alt 40(3) den Acht Aturnaethe 1954, measfar go mbeidh siad tar éis freastal ar an gcúrsa ar an téarmaíocht dhlíthiúil. I gcomhair na ndaoine sin ar mian leo seirbhís dlí a chur ar fáil trí Ghaeilge, foráiltear leis an alt go gcinnteoidh an Dlí-Chumann go n-áireofar ardchúrsa ar chleachtadh an dlí trí Ghaeilge mar ábhar roghnach i gcomhair daoine a bheidh ag gabháil don chúrsa cleachtais ghairmiúil. Beidh an t-ardchúrsa seo ar oscailt do dhaoine eile nach mic léinn iad ach ar mian leo inniúlacht a bhaint amach a chuirfidh ar a gcumas an dlí a chleachtadh trí Ghaeilge. Féadfaidh sé go n-iarrfar ar dhaoine a bheidh ag déanamh iarratais chun fáil isteach ar an ardchúrsa sa Ghaeilge a léiriú don chumann go bhfuil leibhéal inniúlachta acu sa Ghaeilge cheana féin.

Tá sé i gceist go gcuirfidh an Dlí-Chumann scrúdú ar siúl i gcleachtadh an dlí trí Ghaeilge uair sa bhliain ar a laghad. Ní cheadófar ach do daoine a mbeidh an t-ardchúrsa déanta acu an scrúdú a dhéanamh. Foráiltear ina dhiaidh sin san alt go ndéanfaidh an Dlí-Chumann clár, ar a dtabharfar clár na Gaeilge (An Dlí-Chumann), a bhunú agus a chothabháil. Déanfaidh an cumann ainm agus mionsonraí teagmhála aturnaetha a mbeidh éirithe leo sa scrúdú a thaifeadadh sa chláir agus cinnteoidh sé go gcaithfear an clár a choimeád cothrom le dáta agus cóip den chláir a chur ar fáil d’Óstaí an Rí. Ní mór don chláir a bheith ar oscailt don phobal, chomh maith, agus a bheith foilsithe ar láithreán gréasáin an Dlí-Chumann. Déanfar tuarascáil a chur faoi bhráid an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí ar bhonn bliantúil i dtaca le hoibriú an ailt sa bhliain roimhe sin. Déantar fo-alt 40(3) den Acht Aturnaethe 1954 a scriosadh. Foráiltear le halt 3 den Bhille go n-aisghairtear an tAcht Lucht Cleachtuithe Dlí (Cáilíocht) 1929. Is rud caighdeánach atá in alt 4 atá ag déileáil le gearrtheideal an Bhille, le forálacha maidir le tosach feidhme agus leis an gcomhlua.

Tá an Rialtas dáiríre sa Bhille seo ar an nGaeilge a éascú agus a chur chun cinn inár gcóras dlí. Tá an tAire cinnte de go dtiocfaidh feabhas suntasach ar mhúineadh na Gaeilge ag Ostaí an Rí agus ag an Dlí-Chumann de na forálacha atá sa Bhille seo. Tá sé cinnte gur fearr a chinnteoidh an Bille go mbeidh go leor aturnaetha agus abhcóidí ar fáil chun seirbhísí dlí i nGaeilge a chur ar fáil d’aon chliant a mbeidh na seirbhísí sin ag teastáil uathu. Thar ceann an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, molaim an Bille don Teach.

Deputy Charles Flanagan: Ba mhaith liom mo chuid ama a roinnt leis an Teachta Ring.

An Leas-Cheann Comhairle: Tá sé sin aontaithe.

Deputy Charles Flanagan: Ar son Fine Gael cuirim fáilte roimh an mBille seo. Tá súil agam go rachaidh sé tríd an Dáil gan mórán moille. Tá

sé tábhachtach go bhfuil cearta ionadaíochta ag an saoránach trí Ghaeilge sna cúirteanna. Le blianta fada, bhí sé de dhualgas ar abhchóidí caighdeán áirithe a bhaint amach sa Ghaeilge chun cead a fháil an dlí a chleachtadh sa Stát seo. Mar sin féin, tá dá cúis go bhfuil an Bille seo tráthúil agus oiriúnach. Ar dtús, níl líofacht Gaeilge acu siúd go léir a bhfuil sé ar a gcumas acu an dlí a chleachtadh. Chomh maith le sin, is annamh a éistear cásanna trí Ghaeilge i gcúirteanna na tíre. Mar sin, níl sé praiticiúil go mbeadh sé de dhualgas ar gach duine a chleachtann an dlí a bheith líofa sa Ghaeilge.

Ní féidir a rá nach bhfuil meas agus urraim don teanga ag éinne a thacaíonn leis an mBille seo. Mar sin féin, ní ionann a bheith báúil leis an teanga agus brú a chur ar gach éinne i bproifisiúin áirithe teanga a bheith acu nach n-úsáidtear ach go hannamh. Tugann an Bille seo deis dóibh siúd ar mian leo an dlí a chleachtadh trí Ghaeilge ár dteanga náisiúnta a úsáid, a chothú agus a mhisiú. Beidh mé ag iarraidh ar oifigigh Óstáí an Rí agus Dlí-Chumann na hÉireann gach spreagadh a thabhairt dóibh siúd a bhfuil an Ghaeilge acu í a úsáid ina ghnáth-oibre dleathach go laethúil sna cúirteanna. Ba cheart dóibh bheith in ann an teanga a labhairt leis na chlárathóirí contae, na oifigigh chlárann talamh agus na dlíodóirí Stáit, mar shampla. Ba mhaith an rud é an Ghaeilge a chloisteáil sna cúirteanna dúiche agus cuarda, agus i rannóga dlí na n-údaráis áitiúla. Tá sé tábhachtach go ndéanfaí an teanga a chothú go deonach in ionad brú agus éiginnteacht.

The 1929 Act that the Bill proposes to amend is a fine example of the many targeted initiatives in the early years of the State to foster and promote the every day use of the Irish language. The electoral success of Sinn Féin in 1918 produced a generation of politicians who had been active in Conradh na Gaeilge and were passionate about the national language. This commitment to the language was evident in the titles chosen when a separate Parliament was established by Sinn Féin MPs. The new Parliament was to be called Dáil Éireann, the head of Government was to be the Príomh Aire and the Cabinet, the Aireacht. When Sinn Féin broke up in the aftermath of the Treaty, the new parties which emerged in succeeding decades almost all adopted Irish names — Cumann na nGaedhael, Fianna Fáil, Clann na Poblachta and Clann na Tamhain. The exception was the Leas-Cheann Comhairle's party which was formed before any of these.

The policy of successive Governments was to make Irish the official spoken language. This was a high and noble idea but somewhat practical. Politicians such as Eamon de Valera and Ernest Blythe were strong Irish language enthusiasts. Many such persons believed an Irish-speaking country could be achieved within a generation. To facilitate this and illustrate its commitment, the State imposed Irish language requirements on service providers, most notably the Civil Service, teachers and the legal profession. The aim was

to make the Civil Service, education and the law bilingual initially and all-Irish speaking eventually. Irish was to become the national language and thus demonstrate its superiority over the English language.

The policy of achieving an Irish-speaking Ireland was unworkable and never more than a pious aspiration. The consequence of a rather fundamentalist approach, as evidenced during the years by the Department of Education and Science, was counterproductive and damaging to the language. So much emphasis was placed on making Irish the spoken language of the country that a certain resentment was created. This resentment against the language was manifest among the majority who had no interest in speaking the language full-time but who might have been interested in accepting Irish as a secondary language in their own lives.

When forced into an all or nothing approach to Irish, many chose nothing, never speaking a word of Irish once they had left school. While Áras an Uachtaráin under Presidents Hyde, O'Kelly, de Valera and Ó Dálaigh became a mini-Gaeltacht, as did some Departments, all around them English was spoken, with the number of native speakers and gaeltachtaí collapsing on a progressive basis. Presidents felt it necessary to recite their declaration of office in Irish, even if they had not a word of the language. When Ms Mary Robinson became President, a civil servant was aghast when she said she would sign her name as she always did, in English.

Recent Governments have realised that the idea of creating an Irish-speaking Ireland is a mirage that will never happen. Instead, they have focused on achievable goals and more practicable initiatives with the objective of keeping the language alive and ensuring Irish language speakers are supported rather than discriminated against. They abandoned plans to force Ireland to become an Irish-speaking country in favour of a policy of bilingualism. Irish would be encouraged, not forced, on people, and services would be provided in a way that treated Irish speakers and English speakers equally.

The Taoiseach summed up the change of policy in 2006 when he stated: "The aim of 20th century Government policies was to reinstate Irish as the main language spoken by the people, but the Government now plans to focus firmly on the practical development of a bilingual society where as many people as possible use both Irish and English with equal ease." The Official Languages Bill, enacted in 2003, replaced the concept of the superiority of Irish over English with the equality of Irish and English. Services were to be equally available in both languages and Acts of the Oireachtas were to be published simultaneously in both languages. Correspondence from Government agencies and Departments was to be in the language in which the original correspondence was written. State documents were to be available in Irish and English.

[Deputy Charles Flanagan.]

The provisions of the Act mean that State agencies must have a core number of Irish language speakers available to provide services through the medium of Irish. The Legal Practitioners (Irish Language) Bill flows from this. Irish is a mandatory requirement for all lawyers. Having passed their examinations, however, many lawyers never used the language again and were unable to deal with court cases where the Irish language was used. This was all too typical of the somewhat naive policy of trying to make the country Irish-speaking. For many, the requirement to be proficient in Irish did not open the door to the greater use of the language but simply represented a hurdle to be crossed once and then forgotten. That was the attitude of many of those taking the examinations for the King's Inns and the Law Society. My own experience some years ago of sitting the Irish examinations to qualify as a practising member of the Law Society confirmed this. The standard was low and the examinations had a low failure rate. For many, the Irish language requirement was regarded simply as a nuisance and burden. It did not facilitate proficiency in the language because once the exam was passed, there was nothing further in terms of courses or stimulants to ensure the language was used.

The proposal in the Bill makes sense and meets modern requirements. Instead of producing lawyers who, in theory, can speak Irish but, in practice, have long since forgotten how, it aims to ensure there will be a group of genuine Irish speakers available for court work. Irish language proficiency thus becomes a choice that lawyers can opt into rather than a requirement that is forced upon them. The Bill does not represent a threat to the Irish language but rather an opportunity to develop and enhance the language within the legal system.

By setting realistic goals, there is a realistic chance of ensuring the language will survive and that Irish language services will be available to Irish language speakers. Forcing everyone to learn a language that few would need and use diluted the quality of Irish available in the legal profession and worked against the language. This proposed new approach allows those who wish to do so to pursue an advanced course and thus give Irish language users in court the service they deserve. It will mean a higher standard of Irish in the legal profession. Is it better that we have a profession where everyone knows a little but few remember enough to do the job through the language or a group of highly trained experts in the language, available by way of a panel in both arms of the profession, to provide the best service for Irish language speakers? It is important that both the King's Inns and the Law Society offer more than just courses. They must also devise standards of proficiency and offer examinations. Those who reach a certain level by passing those examinations should be placed on a panel of per-

sons proficient to offer legal expertise through the medium of Irish.

Special provision must be made in Gaeltacht areas. The Bill should include a requirement that persons applying for State jobs in Gaeltacht areas, including the Minister of State's constituency, parts of Deputy O'Shea's constituency in west Waterford and parts of Deputy Ring's constituency, must be proficient in Irish. District Court judges, State solicitors and other employees of full-time law centres must demonstrate a working knowledge of the language before being appointed. Legal services should be provided in Irish in Gaeltacht areas and those engaged in the administration of justice should not have to rely on interpreters. I will return to this issue on Committee Stage.

A report by the Competition Authority some years ago stated the Irish language represented a barrier to entry to the professions. It recommended a change such as that proposed in the Bill. An eminent academic and historian, Dr. Art Cosgrove, was successful in recent years in completing the examinations for the Bar but refused to take the Irish examination. It was not that he did not have proficiency in Irish but he felt it was a barrier to entry and that he should not be required to engage in such an exam in order to practise at the Bar. He did not take it and never practised because he was not allowed to do so. He has now issued High Court proceedings, although I have no doubt this Bill will be passed before proceedings are reached. Perhaps the High Court case had a bearing on the speed with which this legislation was brought before the House and there may be no need for the High Court to deliver a judgment on the matter when the Bill is passed.

As the Minister of State indicated, it is important we consider the practical manifestation of the mandatory requirement for the Irish language. In effect, it is little more than lip-service towards the language and does not have a great bearing on the daily work of the legal profession. A survey was published by the free legal advice centres some years ago when a number of the centres offered legal services through the native tongue. The survey, from 2005, showed that in a total of 1,250 cases, only five representations required Irish. That indicates there is no significant need outside Gaeltacht areas for a level of Irish proficiency among those within the legal profession and that compulsory Irish is not the way forward.

Fine Gael has long championed choice in Irish. We believe the language would be stronger if it was advocated through choice rather than compulsion. When people choose to learn the language, they are, in effect, making a positive commitment to it rather than if they were mandated to do it. Forcing everyone to learn Irish only creates resentment and damages the language. Supporting the right of those who wish to avail of services

12 o'clock

in the language, those who wish to learn the language and communities to speak Irish if they so wish will make the language stronger.

Eighty years of decline in the number of Gaeltacht areas shows the old policies did not work and that a method involving choice would be better and would work. The Bill will ensure a high quality service in Irish for those requiring and wanting it. It will turn Irish from being something of a burden or a nuisance for lawyers into a positive additional skill. It will be an extra diploma or certificate on a CV for young lawyers entering the labour force and allow some to specialise in providing a legal service for Irish speakers who are entitled to and deserve such a service.

Fine Gael supports the Bill and will revert to a detailed analysis on Committee Stage.

Deputy Michael Ring: I will make a very short contribution. While I am pleased to see the Bill before the Dáil, I am amazed we do not have more important Bills to regulate the legal profession when we see what is happening. I would have preferred to see legislation to regulate barristers and solicitors, in particular. The days of self-regulation should be over. Regulation is badly wanted when we see what is happening with a small percentage of solicitors. It is time for action on the matter, as there is a need to protect people. As that is not the way it is, we must deal with the legislation before us.

I compliment my colleague, Deputy Flanagan, on outlining the Fine Gael position, with which I am pleased. We had a number of meetings with various groups about the matter. They were not completely happy with the proposals and would like to see a few amendments to the Bill to ensure protection in a number of matters, on one of which my colleague spoke, the provision of court services in Gaeltacht areas. There is a problem in some Gaeltacht areas in that judges cannot speak the Irish language. Such judges should not be appointed. If we are to promote Gaeltacht areas and expect people to speak Irish in them, the State must provide services for them. One such service would be providing a judge who is able to speak Irish. It is wrong if that is not the case, as in the Gaeltacht areas with which I am familiar a certain percentage cannot speak English. Such persons can conduct business through Irish but believe they are being let down and that their rights are being violated, as they are not allowed use the native language in doing business through the courts. Some believe certain judges would take it that the people speaking Irish were seeking to delay the courts. Therefore, the language affects the manner in which they are treated in court. I hope this matter can be resolved.

There are some excellent courses in Irish for the legal profession such as the one in UCC to enable solicitors and barristers to be trained and receive a qualification in Irish. Some graduates go on to become interpreters in the State and

elsewhere in Europe. If people make the effort, they should be rewarded. A provision should be inserted on Committee Stage, whereby if people want to join the legal profession through Irish, they should be rewarded. There should be an appropriate exam. This would be particularly appropriate if there was going to be an appointment as a State solicitor or judge in a Gaeltacht area. There should be a list of persons who have undertaken an appropriate exam through Irish who could be seen as candidates to become a judge or State solicitor in Gaeltacht areas. As Deputy Flanagan stated, if people want to use Irish in the courts, there should be a strong panel of individuals able to speak Irish. The same number of judges should be in place who can deal with court procedures through the medium of Irish. That would be good for the language but must be included in legislation.

We should compliment those running the excellent course in UCC, but when graduates come to the King's Inns or the Law Society, there is no further course or examination in Irish to deal with. A provision should be included in legislation to make it possible for people to practise through Irish, should they choose to do so.

Deputy O'Shea mooted a Bill at an earlier stage and the Government has now brought forward its own proposals. I am sure many elements of the Bill will have to be dealt with on Committee Stage. A number of people believe what is happening is wrong, as Irish is meant to be our native language. Deputy Flanagan, a solicitor, has admitted that the standard expected in the examination was not the highest. Nevertheless, it debarred certain persons who were not able to manage the Irish language but wanted to be solicitors. They were probably badly affected by this. Deputy Flanagan has spoken about the man who has qualified as a barrister who has not completed the Irish exam. He is going to the High Court, which has helped to push on the Bill. Those promoting the Irish language believe that if the proposed amendments can be dealt with on Committee Stage and the individuals who want to practise through the medium of Irish can be protected and rewarded, they will not have a problem in with the Bill. I have a problem with the hypocrisy regarding the Irish language. There is an Irish exam, although it really only makes a mockery of the Irish language. We can insert a provision in order that those who want to join the legal profession through the medium of Irish can pass an exam in Irish and be rewarded at a later stage. At least that they could be considered for State Solicitor or as judges in the Gaeltacht area and that will be a good day for the Irish language.

I hope the Government will introduce the necessary legislation. Approximately one year ago I spoke here about an ombudsman for the legal profession. However, suddenly the Bill was withdrawn. If that Bill had been processed at least we would have had an ombudsman in place by now who could have addressed some of the

[Deputy Michael Ring.]

current issues. While the Law Society is dealing with those issues, it is not able to cope and it is not dealing with the people who should be dealt with. I hope we will see the necessary legislation as quickly as this legislation came in. I hope that by early in the new year we will see a legal ombudsman Bill to regulate the legal profession so that it will not need to regulate itself. No professional organisation should regulate itself. There should independent regulation of all such bodies.

People are not happy that the Irish examination is being moved. However, as Deputy Charles Flanagan has mentioned, if the amendments these people have proposed can be adopted on Committee Stage, they will accept it.

Deputy Brian O'Shea: Cuirim fáilte roimh an Aire Stáit, an Teachta Ó Gallachóir, go dtí an Teach. Tá sé tar éis an Bhille seo a mholadh go dtí an Teach thar ceann an Rialtais. Déanaim chomh-bhrón leis an Aire, an Teachta Brian Ó Luineacháin, ar bhás a mháthair chéile — go ndéana Dia trócaire uirthi.

Tá áthas orm labhairt sa díospóireacht seo ar Bille na nDlí-Chleachtaóirí (An Ghaeilge) 2007. Foilsíodh Bille de chuid an Lucht Oibre — an Bille Lucht Cleachta Dlí (Cáilíocht) (Leasú) 2007 — i mí Meán Fhómhair seo caite. Tá an dá Bille dírithe ar an bhfadhb céanna — seirbhísí dlí a sholáthar trí Ghaeilge. Tá Bille an Lucht Oibre i bhfad níos fearr ó thaobh an dlí agus an Ghaeilge de. Tá Bille an rialtas lochtach. Beidh níos mó le rá agam faoi sin amach anseo.

I was amazed at what the Minister of State, Deputy Gallagher, said on behalf of the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, about the Labour Party Bill. He said that it does not provide a proper alternative and is short on detail. I reject that assertion. The Government's Bill is vague and sloppily drafted. I find it extraordinary that the Minister considers the provisions of the Labour Party Bill are in conflict with the Government's policy on the promotion of Irish. What policy? Last December, we had the publication of the long-promised statement on the Irish language, which promised, as had been promised before, a 20-year strategy for the Irish language. Last week, I managed to extract an undertaking from the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, that the 20-year strategy would definitely be available by the end of 2008. What exactly was this statement? It was a collection of clichés, a list of legislation and a list of Irish language organisations and contacts. Somebody should let us all in on the secret of what is the Government's policy for the promotion of the Irish language. I am certainly not aware of any such policy.

In the Competition Authority report, Competition in Professional Services, Solicitors and Barristers, published in December 2006, the issue of the Irish competency requirement of solicitors

and barristers was addressed. The recommendation of the Competition Authority was that the existing basic Irish competency requirement should be abolished and replaced by a voluntary system of high level Irish language training. In the details of the recommendation the report stated: "The Minister for Justice, Equality and Law Reform should introduce legislation to repeal sections 3 and 4 of the Legal Practitioners Qualifications Act 1929 by June 2008." The report further stated:

The Law Society and the Honourable Society of King's Inns should publish criteria for a voluntary system whereby solicitors and barristers who wish to represent clients in Irish or who have a particular interest in Irish could be trained and examined to a high and consistent standard. Institutions other than the Law Society and King's Inns should be permitted to provide such courses and examinations.

It was recommended that this be actioned by December 2007. I note that the Bill does not refer to other institutions providing the courses mentioned in the legislation.

On 25 October, the Dáil ordered the Legal Practitioners (Qualifications) (Amendment) Bill 2007 be printed. I had introduced this Bill on behalf of the Labour Party. The purpose of the Bill as laid out in the explanatory memorandum is "to remove the compulsory Irish examination for Legal Practitioners and replace it with a voluntary system of recognising competency in the Irish language as recommended by the Competition Authority Report, Competition in Professional Services, Solicitors and Barristers (December 2006)".

On 28 November 2007, the Minister for Justice, Equality and Law Reform presented the Bill now before the House, the purpose of which as laid out in the explanatory memorandum is to promote the better use of the Irish language by legal practitioners and the provision of legal services through Irish. For that purpose, the Bill provides that the Honourable Society of the King's Inns and the Law Society shall establish courses of study in the Irish language and provide registers, which will be made available to the public, showing details of those practitioners who are able to provide legal services through the Irish language.

The Government Bill is significantly inferior to the Labour Party Bill for a number of reasons. It is an attempt to be all things to all men. The Competition Authority report is not mentioned and the competition issue is not alluded to. The existing legislation is the Legal Practitioners (Qualifications) Act 1929. Section 3 of this Act provides that a person cannot be admitted by the Chief Justice to practise as a barrister-at-law in Irish courts unless he or she has previously satisfied the Chief Justice that he or she possesses a competent knowledge of the Irish language, while section 4 of the Act provides that no person can become a solicitor unless he or she has passed an

examination designed to show that he or she has a competent knowledge of the Irish language.

The Competition Authority described the effect of these restraints as follows:

The Irish Examinations constitute a barrier for non-Irish speaking persons who have obtained their law degree in Ireland and wish to become a solicitor or barrister. Such persons have increased education costs, as they must take pre-examination Irish courses. This may even reduce the number of qualifying lawyers in Ireland [I believe that is the case]. Lawyers who have qualified in other jurisdictions do not have to take this examination.

The Competition Authority describes the rationale offered by the restraint as follows:

Irish citizens have a constitutional right to be represented in Irish in legal proceedings. Irish is also a recognised language of the European Union. The objective of the Irish examination is to ensure that Irish solicitors and barristers can represent clients in Irish.

In their submissions to the Competition Authority, both the Law Society and King's Inns addressed the issue of the restraint. This extract from the Competition Authority report summarises their positions:

The Law Society agrees with the proposal that legislation be amended to abolish the Irish language competency requirement and favoured the establishment of a voluntary system.

“This is a better means of ensuring that Irish-speaking clients can be effectively represented through the Irish language and the Society would be pleased to be involved in the introduction of such a voluntary system and would urge the State to assist in its establishment.”

King's Inns notes that it currently offers an optional course in Advanced advocacy and Legal Drafting through the medium of the Irish language and is open to the idea of a course to replace the existing Irish competency requirement.

“King's Inns considers the development of such a course is important in order to have available legal practitioners who are qualified to conduct cases in Irish. It is willing to consider the further development of such courses and the granting of a qualification to those who reach an agreed standard.”

King's Inns has informed the Competition Authority that it has made proposals to the Department of Justice, Equality and Law Reform proposing a basic Irish course for all trainees and an advanced course for those who wish to undertake it, leading to a recognised qualification.

The analysis of the Competition Authority was as follows:

While the objective of ensuring that those who wish can be represented through the medium of Irish is valid, it cannot be achieved unless the Irish examination is of a sufficiently high standard to ensure that those who pass it are competent to conduct litigation in Irish.

It is not necessary to require all lawyers to be proficient in Irish in order to ensure that those who wish to avail of their constitutional right to be represented in Irish can do so. The objective would be better achieved by a system that encouraged, but did not compel, students to attain a level of competency in Irish sufficient for full legal practice. This competency could be tested by examination, and those holding the ensuing qualification could hold themselves out as practitioners willing and able to practise in Irish and English.

The Competition Authority has outlined a solution.

In its Preliminary Report, the Competition Authority proposed that the Irish language competency requirement be abolished and replaced by a voluntary system for lawyers who wish to represent their clients in Irish. Following consideration of the submissions received in response to the Preliminary Report, the Authority reiterates its earlier recommendation.

Such a voluntary system would encourage those who wish to do so to achieve a significant level of competency in Irish. Those who have achieved this level of competency, which would be verified by an examination, could advertise themselves as being qualified and willing to provide legal services through the medium of the Irish language.

This would ensure that, instead of the current situation where nominally all legal practitioners are competent in Irish but few are actually able, or willing, to provide legal services through Irish, there would be a pool of legal practitioners who have the ability to provide full legal services through Irish to those clients who wish to receive them.

The Labour Party decided to address this issue. There is no doubt that the existing system is faulty. No one could argue that a large percentage of the lawyers in Ireland are capable of properly representing their clients in Irish. When one considers that only 68% of lawyers who responded to the question in the 2006 Census of Population answered “Yes” to the question, “Can you speak Irish?”, it gives some measure of how successful the implementation of the 1929 Act has been. It should be borne in mind that lawyers answering the census question were subjective in their replies and that no level of competency is stated relative to any subjective measure.

[Deputy Brian O'Shea.]

The Labour Party, instead of negatively attacking the Government for what it was not doing, came up with its own Bill as a responsible Opposition party. The Bill was designed to promote excellence in the Irish language rather than seeking to set basic minimum standards. Our Bill would serve to enhance the status of the Irish language in the legal system. The Bill would also enable those who had been refused recognition previously, as a result of failing or not taking the Irish language test, to re-apply and be readmitted without taking the test.

There are many capable barristers and solicitors with fluent Irish, many of them Irish language enthusiasts, and litigants have never experienced any problem in securing legal representation if they wish to pursue legal action through the medium of Irish. I presented our Bill as meeting the needs of an inclusive, pluralist Ireland and also meeting the needs of a modern and competitive legal system. The Legal Practitioners (Irish Language) Bill 2007 is a fudge. It is very vague. It does not, for example, have any provision stopping an examination in relation to the proposed course on Irish language terminology and the understanding of legal texts in the Irish language for all students undertaking the barrister-at-law course other than a statutory examination. A similar type course is proposed to be held by the Law Society. Both courses are also to enable practitioners to identify the nature of the service being sought and, where appropriate, to facilitate a referral to a practitioner competent to provide a service through Irish.

This rationale for these courses beggars belief. Surely the Minister is not seriously suggesting that without the courses lawyers would be unable to identify the nature of the service being sought and make a referral to a practitioner competent to provide a service through Irish. Bringing this ludicrous explanation to an extreme, surely the Irish language registers to be established and maintained by the King's Inns and the Law Society of those who have passed the proposed advanced courses in the practise of law through Irish and to be available to the public will be of assistance to clients wishing to bring their cases before the courts through Irish. How the results of such possible examinations by the King's Inns and by the Law Society might be used must give cause for concern.

The legislation talks of all students undertaking the course in legal terminology. This is vague. What does "undertaking" mean in regard to fulfilling the statutory requirement in regard to being deemed to have attended the course? How many lectures must be attended? Must students attend the whole lecture in each instance to qualify as attending? Who will police the statutory requirement? Must the lectures be conducted solely through Irish? These are issues which need to be clarified in the legislation so that this is not open to subjective interpretation of legislation

which would allow the Irish language's legal terminology courses to be used in an oppressive way.

There is a further piece of sloppy drafting in section 1(2) where it is provided: "The Council [of King's Inns] shall have regard to Government policy on bilingualism." Government policy is only that until it becomes law. I referred already to Government policy and I do not intend to return to that issue. Surely this section should refer to public policy. Government policy may change with the coming into power of a new Government, but public policy remains public policy until it is changed by the Oireachtas. Clarity here will be absolutely necessary. Only last night I heard of someone who qualified as a lawyer 40 years ago here but who does not have the Irish language competency. The Labour Party Bill would have allowed him to practise. Under the Fianna Fáil Bill, such people do not appear to be covered at all, as the Bill provides for all students undertaking the barrister-at-law degree but in regard to the Law Society it refers to enabling practitioners. I ask the Minister in his reply to clarify the apparent different approach in regard to the proposed Irish legal terminology courses to be provided by the King's Inns and the Law Society.

It is clear that Fianna Fáil cannot bring itself to desist from the fundamentalist addiction to compulsion as regards the Irish language whatever the context or however inappropriate is compulsion in that context. This is the mind set which maintains that compulsion always comes before the Irish language in the order of things. This flawed perception has led the Minister to this legislative fudge but like all such fudges, trying to please everybody often pleases nobody. The right action is to remove the compulsion and by all means have both courses, but only for those who want to do them. This is best both for the law and for the Irish language. The 1929 Act established a system which has been in place for nearly 80 years but however well-intentioned were its parliamentary advocates, essentially the Act has failed.

In preparation for this debate I looked up the meaning of the word "attend" in the *Oxford English Dictionary* as its meaning needs to be well clarified in the legislation. It is described as, "to present oneself for the purpose of taking some part in the proceedings at a meeting for business, worship, instruction, entertainment".

Why move from a pointless compulsory test to an even more pointless compulsory course? If only the physical presence of students is required, pity the instructor who has to face the sullen ranks of the bored, the uninterested, the uncaring and the jokers, who have no reason to learn. Such a scheme only serves to confirm the view that some advocates of compulsory Irish are more in favour of compulsion than of Irish. If people profess to love the Irish language why do they wish to alienate the majority of students by forcing

them to present at a course which they and their instructors know to be pointless?

It is long since time to move on, not least in these rapidly changing times in Ireland.

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I wish to share time with Deputy Power.

I was interested in the points made by Deputy O'Shea and I will return to them presently.

This Bill is to allow for the provision of services in a bilingual State in which there are two constitutional languages which are the two official languages. We should not lose sight of the fact that if we have a State with two official languages and if the various arms of the State, including the courts, are to operate in those two languages, it is reasonable to make provision that there will be people competent to provide services in either of the official languages. It is taken as given that anybody practising within the State would have to be competent in one of those official languages at least to be effective. For instance, a monoglot French or German speaker, no matter what knowledge they had of Irish law, would not be perceived as being competent to operate within the Irish courts system. However, it is also taken as given that the majority of people who seek to practise at the Irish Bar, or who operate as solicitors within this jurisdiction, would have knowledge of the English language. What is not equally obvious is that there is also a need to ensure that there are people competent to conduct court cases in the first official language and who will be readily available to the public. The nub of the issue is to provide for that service.

I have held an opinion for many years — people in the Irish language movement disagree with me on this point — that shadow rather than substance should be done away with. I have no major difficulty in saying that the current examination in ordinary Irish, which to my knowledge, served no purpose and was of such a low standard that it did not mean anything in terms of competency should be done away with. This is what is being proposed in this Bill.

On the other hand, if I as an Irish speaker wish to do my business with a solicitor or if my case requires a barrister, I should be able to access a list of accredited practitioners who are genuinely competent to conduct business through the Irish language and this is what the Bill sets out to provide. The first challenge is to ensure that those who pass the examination at the end of that voluntary course are competent to do business through the Irish language.

It must be ensured that anybody on that register is of sufficient standard as in the similar system applied in the accreditation of translators by Foras na Gaeilge. The register is meaningless, just as the current register which shows every qualified barrister and solicitor as being qualified in Irish is completely meaningless, unless the standard is high enough to deliver on the reality.

As Deputy O'Shea said, a large number of solicitors are competent to do business through the Irish language. Some of them acquired the language through the education system while others had Irish as their home language. I know solicitors and barristers with whom I never speak English. It is reasonable that those people and others qualified like them, would be on a register and easily accessible to the public. Many other things could then flow from this arrangement. For example, the courts service could in the future decide as part of its language plan to ensure that people with this level of competency would be appointed as District Court justices in areas which include Gaeltacht areas.

For the first time there would be an objective measure at a reasonable standard by which one could make that judgment and be fair, independent and objective. As the situation currently stands if one wishes to appoint a District Court justice with a competency in Irish there is no ready and objective measure as to whether the person has Irish to satisfy the requirement.

The accreditation issue is very important as is the idea of having a high standard of Irish and having a real measure of that standard. It is important to do away with an examination that from all the reports both from the King's Inns and the Law Society does not test the competency to do anything in Irish.

Deputy O'Shea raised the issue as to why one would have to sit a course in legal terminology and he also referred to students being bored. When I was studying science years ago in UCD, a requirement for doing an honours degree in science was to study some French or German and learn enough of those languages to be able to read scientific texts. That may not be very important in the modern world but that is the way it was. Nobody ever said it was compulsory to know German or French to become a scientist in UCD. The standard was not very high but it was a mandatory requirement and one could not get the degree without it.

Terminology is a valid issue. Solicitors in particular are people of first instance. In other words, a solicitor in one practice can send a document in Irish to another solicitor with a heading "Urghaire Cúirte", or better still, "Urghaire Ard-Chúirte". It would be fairly basic legal and customer service that one would immediately know that an urghaire is an injunction and the Ard-Chúirt is the High Court, and that one had better get somebody fast to read the document and find out what the hell was going on and who was coming at one on behalf of one's client.

It is a reasonable premise for a legal practitioner to have a knowledge of basic legal terminology in Irish, especially in the case of solicitors because that is where notification goes in the first instance. Barristers are slightly different because I understand solicitors usually choose barristers. It is appropriate that part of the course of becoming a solicitor in the State would involve

[Deputy Éamon Ó Cuív.]

learning basic terminology in Irish so that documentation would trigger certain warnings, or a solicitor would be aware that a certain document was simply a notice of information. It is important that solicitors would be able to get the gist of what the correspondence concerned before looking for somebody to translate it. It will not be necessary for a solicitor to deal with a case in Irish. One will not have to solve the problem but be capable of knowing the gravity of the issue confronting one. A solicitor has no choice over the official language in which a document will arrive at his or her office.

I do not buy the argument about compulsion in the manner outlined by Deputy O'Shea. I have been clear about this. I see no point in a compulsory exam that is meaningless and provides no practical end. However, I see merit in saying that an intrinsic part of a course within this State provides for many different things. As far as I know, if one does a course in law, it includes mandatory areas of study such as financial law, corporate law, tort etc. My colleague opposite, Deputy Charlie Flanagan, would know more about what one has to study. There are parts of the course one might never use in a day-to-day family practice. Likewise, if one specialises in an area of corporate law, one might never use the information about family courts. People learn many different things on university courses and in other third level institutions that are mandatory parts of courses even though they may never have recourse to this information in their working lives.

It is reasonable that a course in basic terminology in the Irish language would be mandatory because it would serve a useful purpose. A knowledge of basic legal terminology would be more pertinent than Jimin Mháire Thaidhg or Peig Sayers bhocht. What has been examined by my colleague, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, and what has been discussed with my Department is what would serve our purpose within the construction of this State as a bilingual one in which people have two official languages, the first official language being Irish and the second official language being English, and what would provide the maximum service to the public. It is as simple as that.

Deputy O'Shea has raised many technical issues. No doubt there will be a comprehensive and detailed Committee Stage on this Bill and my colleague Minister, Deputy Brian Lenihan, will listen to all the suggestions made. If there are drafting flaws in the Bill they will be addressed. All Ministers are open to improving legislation by clarifying issues that are brought to their attention. Let us trash out any problems on Committee Stage and examine the fine print. It is easy to make mistakes in drafting legislation, which is complex at the best of times. I cannot give a judgment as I am not a barrister or solicitor but

if issues arise in terms of the transition period or any other matter, they can be addressed on Committee Stage.

Is dóigh liom go mbeadh sé chomh maith dom cúpla rud a rá i nGaeilge. Tá mé cinnte go mbeidh an-spéis ag na meáin Ghaeilge sa cheist seo. Sílim go bhfuil sé fíor-thábhachtach, agus muid ag dul ar aghaidh anseo, go bhfaighmis réidh le rud nach bhfuil ciall leis. Tá mé ag caint mar gheall ar rud a chuireann olc ar dhaoine, rud nach bhfuil feidhm mór leis ó thaobh seirbhísí de. Ba cheart dúinn rud eile a chuir ina áit as a mbeadh feidhm agus tairbhe, agus a chiallódh go mbeadh deis ag níos mó daoine úsáid a bhaint as an Ghaeilge i seirbhís na cúirte.

Ar ndóigh, aon uair a ndéanaim athrú bíonn daoine i mo dhiaidh. Níl aon amhras sa gcás seo go mbeidh daoine a rá go bhfuilimid ag fáil réidh le sean-dualgas a bhí ar dhaoine le fada — bhí ar gach abhcóid agus gach atur nae sa tír Gaeilge a bheith acu. B'fhéidir go bhfuil fírinne éigin sa scéal sin ar pháipéar, ach níl fírinne dá laghad ann go praiticiúil. Is é mo thuiscint ná nach gcaithfidh na daoine a dhéanann na scrúdaithe seo mórán Ghaeilge a bheith acu go minic chun pass a fháil. Chuala mé é sin ó dhaoine a rinne na scrúdaithe. Bhí an ceart ag an Teachta Ó Sé nuair a dúirt sé go bhfuil sé thar a bheith spésiúil nach dúirt ach 68% de na abhcóidí agus aturnaetha go bhfuil Gaeilge acu sa daonáireamh a bhí ann le gairid. Taispeánann sé sin nach bhfuil mórán céille leis an leagan amach atá ann i láthair na huair.

Ar an dtaobh eile den scéal, dá mbeadh mise maidin amárach ag iarraidh abhcóide nó atur nae le Gaeilge a fháil le ionadaíocht a dhéanamh ar mo shon, ní bheadh aon áit oifigiúil ann ina bhféadfainn dul ar tóraíocht lena a leithéid sin a fháil. Is laige uafásach é sin. Mar is eol do na Teachtaí, dá mbéinn ag iarraidh aistritheoir Gaeilge a fháil, de réir an socrú a rinneamar le Fhoras na Gaeilge, bhéinn in ann fhéachaint ar liosta na n-aistritheoirí cáilithe. D'fhéadfainn a bheith cinnte go bhfuil chuile dhuine acu siúd in ann an obair a dhéanamh ar ard-chaighdeán. Níl a leithéid de liosta ann sa chás seo. Níl aon chóras ann i láthair na huair chun liosta de abhcóidí agus aturnaetha le Gaeilge a chruthú. Ar ndóigh, soláthróidh an Bille seo a leithéid de liosta agus cinnteoidh sé go mbeidh aturnaetha agus abhcóidí ar an liosta a bhfuil in ann, i ndáiríre, obair a dhéanamh trí Ghaeilge.

Tá a fhios agam go bhfuil cúpla atur nae i mo dháilcheantar fhéin a bhfuil cáilíochtaí Ghaeilge acu. Bíonn a lán daoine, go mórmhór pobal na Gaeltachta, ar tóir na dlíodóirí úd. Ní hé nach bhfuil Béarla ag pobal na Gaeltachta, ach go bhfuileadar níos compórdaí ag plé le daoine ina dteanga dúchais. Tá sé sin faighte amach agam fhéin, mar Theachta Dála don dúiche. Creideann daoine gur chóir go mbeidís in ann idirghabháil a dhéanamh leis an atur nae agus leis an Stáit trína rogha de theanga oifigiúil. Mar sin, dá mhéad de na daoine seo a bheidh cáilithe — dá mhéad caighdeán a bhainfidh leo — is fearr a mbeimid.

Tá an saol ag éirí níos casta, ar ndóigh, ach tá saol na Gaeilge ag éirí níos foirfe freisin, buíochas le Dia.

Bíonn comhairle dlí á lorg go minic ag Raidió na Gaeltachta, TG4, Údarás na Gaeltachta agus dreamanna eile nach iad. Tá go leor eagraíochtaí, ar nós corparáidí, na chomharchumainn agus Meitheal Forbartha na Gaeltachta Teoranta, ag feidhmiú trí Ghaeilge faoi láthair. Tá cuid acu taobh amuigh den Ghaeltacht. Bíonn siad ag lorg comhairle maidir le cúrsaí corparáideach nó dlí airgid, mar shampla. Tá siad ar bior chun go mbeidh daoine ar nós saineolaithe ar fáil trí Ghaeilge. Táimid ag trácht faoi na réimsí sin dlí, fiú. Nuair a bheidh na liostaí seo againn, beidh na eagraíochtaí ar fad in ann tarraingt ar na liostaí seo chun a dhéanamh cinnte go bhfuil siad in ann teacht ar na saineolaithe is fearr le Ghaeilge.

Tá mé thar a bheith muiníneach go mbeidh dóthain abhcóidí agus aturnaetha, le togha na gcáilíochtaí agus togha na Gaeilge, ar fháil chun seirbhís oiriúnach a chuir ar fáil. Mar a dúirt mé i mBéarla, creidim gur cheart go mbeadh ar chuide aturnae, go mórmhór, ach abhcóidí freisin, buntuisicint a bheith acu ar bunthearmaí dlí i nGaeilge. Ligfidh mé le mo chomhghleacaithe, an Teachta Peadar de Paor, cúpla focal a rá.

Deputy Peter Power: I thank the Minister for sharing time.

The context of this debate, as we all know, is the constitutional right to have one's case dealt with and to obtain legal advice through Irish. At all times the debate should be about how we enable citizens, clients and solicitors, to vindicate that right. While I commend Deputy O'Shea for his interest and the manner in which he has promoted this matter, I suggest to him that compulsion is not the way to do it. Competency is the issue. The ability of solicitors to discharge their obligations to their clients and allow citizens to vindicate their right in a competent way should be the issue.

Deputy Brian O'Shea: That was provided for in the Labour Party's Bill.

Deputy Peter Power: I accept that we share a common objective, but how do we go about achieving it? As we all know, the existing legislative framework fails citizens dismally in that respect in that it places the obligation on the Chief Justice to make the judgment call as to who is competent to discharge their functions in court. That is wholly unsatisfactory. Effectively, what we had for many years was a fiction where thousands of solicitors were admitted to the roll seemingly competent to discharge their functions as Gaeilge in such a way as to allow people to vindicate their rights. Obviously, that did not work. We must recognise the failings of the current framework and see how best we can solve the problem. The framework set out in the Bill which provides for a smaller number but with enhanced

capability is the way to proceed in this respect. That is why I say the issue is competency, not compulsion. It is about vindicating one's constitutional rights rather than whether it should be compulsory to have Irish. It is inconsistent to have a constitutional right and not to provide for an element of compulsion. The logical conclusion is that, ultimately, possibly many years down the line, there will be few, if any, who will be competent to discharge their functions. Therefore, there must be a provision to safeguards the rights of citizens.

While there are many points I would like to make on the Bill, I highlight one matter on which I agree with Deputy O'Shea and the Minister, Deputy Ó Cuív. It is vital that information on access to persons who are competent in this area is openly accessible. There should be a provision in the Bill, whereby the societies involved, whether it be the King's Inns or the Law Society, would have an obligation to promote the list and make it readily accessible to members of the public.

I will make one final point. I have not gone through the Bill in detail, but I wonder what oversight or audit there would be of the relevant institutions to ensure they are discharging their obligations under the Bill. I do not know whether this would amount to a statutory duty or merely a requirement on societies to provide such courses, but who would state they are run to a satisfactory standard?

Those are the issues we should be discussing. No doubt we will have plenty of opportunities to discuss them on Committee Stage. I commend the Bill to the House.

Deputy Aengus Ó Snodaigh: Tá spéis agam sa cheist deiridh a d'ardaigh an Teachta de Paor. An mbeidh ar na dlíodóirí atá ann faoi láthair, agus atá ag cleachtadh go líofa trí Ghaeilge, scrúdú a dhéanamh chun áit a bhaint amach ar an liosta Óstaí an Rí nó a leithéid? B'fhéidir go mbeimid in ann freagra a fháil ar ceisteanna den chineál sin ar Chéim an Choiste. Is trua liom go bhfuil an Bille os comhair an Tí sa bealach seo. Cé nach raibh mé sásta leis an mBille a chuir an Teachta Ó Sé chun cinn — dúirt mé é sin ag an am — measaim nach bhfuil sa reachtaíocht seo ach an Bille sin ar ais arís agus beagáinín scamall caite timpeall air. Is é atá i gceist ná deireadh a chuir leis an riachtanais Ghaeilge go huile is go hiomlán, ach amháin go mbeidh cúrsa áit éigin ann, ar a mbeidh ar gach éinne freastal gan aon scrúdú ag an deireadh. Cad is fiú cúrsa riachtanach a bhunú, muna mbeidh ar na daoine a freastalóidh ar an gcúrsa aon rud a dhéanamh? Beidh siad in ann dul a chodladh ar chúl an ranga. Ní bheidh siad ar a thástáil sa chúrsa úd. Ní gá dóibh siúd a mbeidh i mbun staidéir ó thaobh céime abhcóide no dlí de freastal ar an gcúrsa teagaisc i dtéarmaíocht dlíthiúil. Ní fiú an chóras atá luaite sa Bhille seo muna bhfuil riachtanas den shórt sin ann.

[Deputy Aengus Ó Snodaigh.]

Measaim gur chóir dúinn déanamh cinnte de go rachfaimid ar a mhalaire de threo. Tá an ceart ag mórán de na Teachtaí a labhair romhain. Ní raibh mé anseo mar go raibh mé i gcruinnithe don chuid is mó den am. Aontaím nach bhfuil ag éirí leis an gcóras atá ann faoi láthair. Ní éiríodh leis an gcóras nua, áfach, muna bhfuil riachtanas ann. B'fhéidir go gcuirfí duine nó dhó atá báúil don teanga ar an liosta gach bliain. Tá seans ann go ndéanfaidh daoine áirithe cinneadh gur féidir leo slí beatha a dhéanamh trí díriú isteach ar píosa beag éigin den dlí agus a ghnó a dhéanamh sa chaoi sin. Ba cuma sa tsioc leis an gcuid is mó de na dlíodóirí eile. In ionad fáil réidh leis an riachtanas, ba chóir dúinn an córas atá ann faoi láthair a feabhsú ionas gur féidir leis na mic léinn dlí, in Óstaí an Rí agus sa Dlí-Chumann, tairbhe níos fearr a bhaint amach. Ba cheart go mbeadh orthu cúrsa a dhéanamh, bunaithe ar an méid atá sa Bhille seo, chun a léiriú go bhfuil líofacht éigin acu maidir le téarmaí dlíthiúil Ghaeilge, go dtuigeann siad an córas agus go n-athníonn siad an seasamh ceart atá ag an teanga oifigiúil sa Stáit. Ba chóir go mbeadh sé soiléir go tuigeann siad cúrsaí dlí i nGaeilge.

Os rud é go bhfuil sé sin i gceist agam, cuirfidh mé leasuithe chun cinn ar Chéim an Choiste chun a dhéanamh cinnte de go mbeidh níos mó tairbhe agus cumhacht ag baint leis an chóras atá ann faoi láthair. Ba cheart dúinn mion-athruithe a dhéanamh ar an scrúdú atá ann. Mar shampla, bheadh sé níos fearr an scrúdú a eagrú ag deireadh an cúrsa dlí ná ag an dtosach. Ba chóir go mbeadh mac léinn in ann an scrúdú a ath-shuí arís agus arís eile — ní bheadh sé ina dlíodóir idir an dá linn. B'fhéidir go gcuireadh an riachtanas seo leis an méid ama a chaitheann daoine ar an gcúrsa dlí. Tá sé tábhachtach go mbeidh stádas éigin, maidir le líofacht na Gaeilge agus tuiscint úsáid na teanga sa chóras dlí, sroichte acu. Chomh maith le sin, smaoiniamh maith é go mbeadh caighdeán agus líofacht ar leith bainte amach ag dream den chóras dlí agus go mbeadh an caighdeán sin ar an leibhéal atá leagtha amach sa Bhille seo. Ba chóir go mbeadh an ceart acusan an Bille a chur chun cinn agus go mbeadh siad gafa le cúrsaí agus cásanna dlí trí Ghaeilge timpeall na tíre. Bheadh aitheantas sa mhéid sin don fhás ar an mhéid cásanna a thógtar trí Ghaeilge le blianta beaga anuas. Sa slí sin, bheadh muid in ann aitheantas cuí a thabhairt don Ghaeilge. Ní do thairbhe an Ghaeilge an Bille seo, mar níl aon rud ann a léiríonn dúinn conas a cuirfear chun cinn an Ghaeilge nó conas a bheidh níos mó Gaeilge sna cúirteanna agus sna tribunals amach anseo. Ní léir dom go mbeidh níos mó Gaeilge iontu. Dá mb'fhéidir le duine sin a thuiscint ón mBille, bheadh muid in ann a rá gur do thairbhe na Gaeilge an Bille.

Is trua go bhfuil an creimeadh seo ag tarlú arís. Diaidh ar ndiaidh, tá an Stáit ag ligint don riachtanas i leith na Gaeilge imeacht ó ghach áit ina

raibh sé. Tá an ceart ag daoine a deireann nach fiú riachtanas a bheith ann. Ní fiú tráithnín é an riachtanas sin. An fáth a raibh an riachtanas ann sa gcéad dul síos ná go raibh fíis acu siúd a bhunaigh an Stáit agus acusan a bhí ann roimhe sin. Chomh maith le sin, shíl siad go mbeadh an Ghaeilge curtha chun cinn chomh mór sin nach mbeadh gá ann a thuilleadh riachtanas a bheith againn. Is de bharr sin atá an riachtanas ann. Is dóigh liomsa go bhfuil gá fós leis, mar níl leibhéal labhartha na teanga againn ná leibhéal flúirse teanga sroichte againn. Is a mhalaire de threo atá muid imithe. Tá muid ag dul sa treo mícheart, agus sin an teachtaireacht a scaipfear leis na moltaí sa Bhille seo. An teachtaireacht a gheobhaidh daoine ná gur cuma sa tsioc leis an Stáit faoi stadás na teanga.

Caithfidh cuimhne a bheith againn gur Stáit dhátheangach muid. Tá, ar ndoigh, níos mó teangacha sa Stáit ná mar a bhí riamh. Ó thaobh an Bhunreacht de, is ag an Ghaeilge agus an leagan Gaeilge de reachtaíocht atá tús áite, in ainneoin gur i mBéarla a scríobhadh an reachtaíocht sa chéad dul síos cuid mhór den am. Tioctaidh mé ar ais chuige sin ar ball, mar is trua go mbíonn muid de gnáth ag déileáil le reachtaíocht i mBéarla. Inniu, áfach, tá reachtaíocht dhátheangach ós ár gcomhair. Is maith an rud é sin.

An cuspóir atá ag an Stáit — tá seo luaite sa Bhille — ná go mbeidh aitheantas sa reachtaíocht do pholasáí dhátheangach an Stáit. Cad is brí leis an bhfocal “aitheantas”? Is féidir linn ar fad “aitheantas” a bheith againn do polasáí an Stáit, ach ní chiallaíonn sin gur gá don Stáit aon rud a dhéanamh. Níl aon airgead breise curtha ar fáil le haghaidh breis oibre ar son na Gaeilge. Dá bhrí sin, ní fiú tráithnín í an abairt sin a bheith sa reachtaíocht. Conas is féidir linn an stadás bunreachtúil a chosaint muna bhfuil breithimh, abhcóidí agus dlíodóirí againn a bhfuil ar a gcumas déileáil leis an mBunreacht trí Ghaeilge agus muna bhfuil tuiscint ceart acu do chéard atá ann agus sa reachtaíocht agus cibé áit eile dá shórt?

Níl mé míréasúnta sa mhéid atá á lorg agam. Tá mé sásta bogadh agus bím i gcónaí sásta sin a dhéanamh. Is gá infheistíocht níos mó a dhéanamh i gcúrsaí teanga, ionas gur féidir linn áiseanna cuí a chur ar fáil dóibh siúd atá ag gabháil leis an dlí sa chaoi go mbeidh líofacht nach beag acu. Ba chóir go mbeadh an meon céanna againn maidir leis an chóras Stáit ina iomlán. Bheadh sin ag luí leis an méid lena raibh muid ag tnúth de bharr Acht na dTeangacha Oifigiúla.

De réir an Bhunreacht, tá dualgas ar an Stáit Achtanna an Oireachtais a fhoilsiú sa dhá theangacha oifigiúla. Freisin, i ndiaidh achtú Acht na dTeangacha Oifigiúla 2003 foilsítear reachtaíocht go comhuaineach sa teanga oifigiúil. Mar sin féin, is ag deireadh an phróisis a tharlaíonn sin seachas tús an phróisis, mar a dúirt mé cheana. Dá bhrí sin, d'fhéadfá leas a bhain as leagan Gaeilge d'Acht, mar a tharlaíonn anois is arís sna cúirteanna. Is féidir sin a dhéanamh fiú i gcás ina bhfuil

gach páirtí ag feidhmiú go huile agus go hiomlán trí mheán an Bhéarla, mar go bhfuil seasamh níos airde ag an leagan Gaeilge. Is gnáth cleachtas é sin in aon áit ina bhfuil reachtaíocht nó cáipéisí dlíthiúil dhátheangach ar fáil. Ní gá ach féachaint ar Ceanada nó an Aontas Eorpach le tuiscint conas mar a tharlaíonn a leithéid iontusan.

De thoradh gur ainmníodh Rialachán CE 920 2005 an Ghaeilge mar theanga oifigiúil oibre de chuid an Aontas Eorpach ar 1 Eanáir 2007, tá níos mó reachtaíocht Eorpach á fhoilsiú i nGaeilge faoi láthair. Dá bhrí sin, beidh gá níos géire go mbeidh níos mó daoine i measc siúd atá ag gabháil leis an chóras dlí in ann iad sin a thuiscint agus an Ghaeilge a úsáid.

Le blianta beaga anuas tá fás suntasach i líon na gcásanna dlí a dhéantar trí Ghaeilge sna cúirteanna. Is maith an rud é sin. Tharla sin agus an riachtanas againn. Tá athrú ag tarlú. B'fhéidir gur cóir dúinn fanacht go ceann cúpla blian eile, féachaint an bhfuil an athrú sin ag dul i méid agus go bhfuil níos mó spéise á léiriú ag abhcóidí, dlíodóirí agus an pobal i gcoitinne cásanna a thógaint trí Ghaeilge agus a cearta teanga a bheith acu sula n-athraíonn muid an riachtanas tríd an Bille seo.

De bharr an athrú agus an éileamh seo, bhunaigh Conradh na Gaeilge agus FLAC ionaid saor a thugann comhairle dlí i mBaile Átha Cliath agus i nGaillimh chun déileáil leis na cásanna seo. Ba chóir go mbeadh dlíodóirí anseo in ann téarmaí dlí ar nós ráiteas éilimh, fógra iarratais, mionscríbhinn, gearánaí, achomharc agus araile a thuiscint. Tá seo luaite sa Bille ós ár gcomhair. Is cóir go mbeadh muid cinnte de go dtuigeann gach dlíodóir agus abhcóide na téarmaí seo agus nach gceapódh muid breitheamh amach anseo nach mbeadh tuiscint ar bith aige nó aici ar na téarmaí sin ná ar conas a reachtaítear cásanna dlí trí Ghaeilge.

Tarlaíonn sé cheana féin go gceaptar breithimh don Chúirt Dúiche sna ceantacha Gaeltachta nach bhfuil Gaeilge acu. Is scannal mór é sin. In áit a bheith ag déileáil leis an Bhille seo, ba chóir go mbeadh muid ag déileáil leis an fhadhb sin, is é sin, nach bhfuil cearta Gaeilge acu siúd a bhfuil cónaí orthu i gceantacha Gaeltachta, mar shampla, i dTír Chonaill. Bíonn an breitheamh ansin ag braith ar aistriitheoir. Ní leor sin, mar i gcásanna mar seo ní oibríonn seirbhís aistriúcháin chomh maith agus is féidir. B'fhéarr i bhfad dá mbeadh duine líofa ann le déileáil le cásanna mar seo. Maidir le héisteacht a bhaineann le rún idirbheithreach, mar shampla rún le haghaidh breithiúnas i réamhshocrú cosanta, ar cheart go mbeadh ar an Stát íoc as aistriitheoir chun a bheith ag cosaint ré i gceann seachtaine ós comhair bhreithimh ar a chás dlí? Anuraidh, mar shampla, rinne dlíodóir Stáit gearán le breitheamh Cúirt Dúiche toisc gur labhair abhcóide le lucht na cúirte as Gaeilge. An gcreidfeá sin, go mbeadh dlíodóir Stáit ag gearán faoi dlíodóir eile ag úsáid Gaeilge? Ach thug an chúirt le fios go tapaidh go raibh ceart ag an dlíodóir an Ghaeilge

a úsáid. Is trua gur tharla sin. Léiríonn an cás sin aineolas an dlíodóra Stáit, duine a chuaigh tríd an chóras. Is léir mar sin go bhfuil ag teip ar an chóras fé láthair. Tá gá le athrú, ach ní sa tslí atá á moladh ag an mBille seo.

Uair eile, bhagair breitheamh an príosún ar dlíodóir de bharr gur labhair sé leis an bhreitheamh i nGaeilge agus gur dhiúltaigh sé Béarla a labhairt sa chúirt. Níor réitíodh an fhadhb sin go dtí gur tháinig an dlíodóir ar ais le abhcóide sinsearach agus gur cuireadh an cás ar athló le ligint don breitheamh tarraingt siar mar nach raibh sé in ann déileáil trí Ghaeilge. Tá cás spéis-iúil eile ar siúl faoi láthair agus siúl againn le breithiúnas air ón Chúirt Uachtarach i mí Eanáir. Baineann an cás sin le duine a dúirt nach raibh an córas aistriúcháin sásúil agus go raibh sé ag lorg aistriúchán comhuaineach. Táim ag tnúth le toradh spéis-iúil ar an chinneadh sin. Bhí tuairisc i *Foinse* na seachtaine seo caite ar an chás sin agus beidh impleachtaí amach anseo uaidh.

Sa chúrsa agus scrúdú Gaeilge atá faoi láthair in Ostaí an Rí, foghlaimíonn mic léinn téarmaí dlí nach raibh ar eolas acu cheana agus féachann siad ar cháipéisí áirithe don chéad uair, mar shampla, Billí sibhialta nó mionscríbhinní. Cuireann an scrúdu in iúl nach córas aonteangach é dlí-chóras na hÉireann. Tá sé i gceist go mbeidh scrúdú le caighdeán níos airde ann anois, ach rachaidh na mic léinn faoi scrúdú ar bhonn deonach. Ní aontaím le sin. Ní cóir go mbeadh rogha ann, seachas rogha scrúdú ard-chaighdeánach dóibh siúd atá sé i gceist acu amach anseo gabháil le dlí go huile agus go hiomlán trí Ghaeilge.

Má thógann muid san áireamh daoine atá cáilithe le tamall anuas, feiceann muid nach as Éirinn amháin dóibh. D'éirigh le duine ó Malaysia, duine ón Mheán-Oirthear, duine ó Shasana agus le roinnt daoine ó na Stáit Aontaithe sa scrúdú agus tá cuid acu ag obair trí Ghaeilge sa chóras dlí. Is léir uathu san gur féidir le daoine tabhairt faoi an choinníol atá ann fé láthair, ach an deis a thabhairt dóibh. Más gá, ba chóir infheistíocht breise a dhéanamh ann. Táim i gcoinne an Bhille seo agus iarraim ar Theachtaí eile tacú liom. A mhalairt de threo ba chóir go mbeadh muid ag dul.

Ba chóir go dtapódh muid an deis cúirteanna sa Ghaeltacht a reachtú go huile agus go hiomlán trí Ghaeilge. Táthar ag tarraingt siar fé láthair ar theorainneacha na Cúirte Dúiche, ach ba chóir go mbeadh na cúirteanna sin eagraithe trí Ghaeilge. Daoine atá ag lorg cúirte le Béarla, ba cheart dóibh dul go dtí an Gaillimh, Trá Lí nó áit éigin eile. Is ceart go mbeadh an Chúirt Dúiche i gceantacha Gaeltachta in ann feidhmiú go hiomlán trí Ghaeilge. Tá an deis ag an Aire é sin a chur i bhfeidhm agus é a phlé leis an reachtaíocht seo.

Deputy Finian McGrath: I welcome the opportunity to speak on the Legal Practitioners (Irish Language) Bill 2007. This is an important Bill as it allows us to discuss the broader issues of our native language, the legal profession, competen-

[Deputy Finian McGrath.]

cies, and the new changing Ireland with its many new languages and cultures. Respect for difference and diversity should be at the core of our discussions, but we also need to ensure that the Irish language and culture are protected and respected at all costs. There is no time for fudging on this issue. In the debate today I intend to focus on the legislation and the current Irish language requirements for barristers and solicitors.

Before we go into a detailed breakdown of the Bill, it is important to deal with the background. The Legal Practitioners (Irish Language) Bill 2007 repeals and replaces the existing statutory provisions of Irish language competence for barristers and solicitors. The Bill promotes better use of the Irish language by legal practitioners and the provision of legal services through Irish. I welcome this as it is a positive and constructive development. The Bill requires that King's Inns and the Law Society have regard to Government policy on bilingualism and take reasonable steps to ensure that an adequate number of barristers and solicitors are able to practice the law through the Irish language. The Bill also provides that these institutions should hold courses on Irish legal terminology and the understanding of legal texts in the Irish language to enable practitioners to identify the nature of the service being sought and, where appropriate, to facilitate a referral to a practitioner competent to provide the service through Irish. This is an important measure.

We spoke earlier about the development of the Irish language. It is important that we ensure that the opportunity is provided for people to learn the language in the community. There are some excellent examples of good practice around the country, in places such as Galway, Donegal and Kerry, which are making a massive contribution both to the Irish language and to the development of the tourism industry. I have visited Donegal a number of times and I found it interesting to see people from different countries learning the Irish language. I was amazed at what I saw at Oideas Gael in Glencolmcille. I commend the people directly involved in this, including Liam Ó Cuinneagáin, who are doing much valuable work for the development of the language.

Both King's Inns and the Law Society will also establish an advanced course on the practice of law through the Irish language as an optional subject in their professional training courses. These advanced courses will open doors to those who are not students but wish to obtain a competence enabling them to practise law through Irish. We must support people who want to ensure that Irish citizens and Irish language speakers are respected and their rights are protected. Examinations in the practice of law through Irish will be held at least once a year and only those persons who have undertaken the advanced course will be permitted to sit these exams. The names and contact details of the barristers and solicitors who

pass the examinations will be entered on to a register published by King's Inns and the Law Society. Both bodies will be required to submit a report to the Minister for Justice, Equality and Law Reform on an annual basis on the operation of the new arrangements. This is important in terms of ensuring accountability and transparency.

The current Irish language requirements for barristers under the Legal Practitioners (Qualification) Act 1929 are as follows: "No person shall be admitted by the Chief Justice to practise as a barrister-at-law in [Irish courts] unless he satisfies the Chief Justice, by such evidence as the Chief Justice shall prescribe, that he possesses a competent knowledge of the Irish language". "Competent knowledge" is defined as "such a degree of oral and written proficiency in the use of the language as is sufficient to enable a legal practitioner efficiently to receive instructions, to advise clients, to examine witnesses and to follow proceedings in the Irish language". This is the basis of a complaint I receive regularly from constituents who are Irish language speakers. They need to be confident that they can meet legal people who can advise them in their native language. The obligation to ensure proficiency in Irish in the case of any barrister who wishes to be called to the Bar lies with the Chief Justice, but there is no requirement to include Irish as an optional or obligatory subject in the King's Inns barrister-at-law degree course. Any tuition or record of proficiency required is given outside the degree course and arranged so that the Chief Justice can fulfil his or her statutory function.

The 1929 Act applied to solicitors until 1954 when new arrangements were introduced in the Solicitors Act. To qualify for admission as a solicitor, the Law Society requires students under the 1954 Act to undertake two examinations in Irish. The first examination applies to persons seeking apprenticeships and the second applies to persons wishing to be admitted as solicitors. The important purpose of the second examination is to ensure that the persons who pass it have competent knowledge of the Irish language, that is, such a degree of oral and written proficiency in the use of the language as to enable a solicitor efficiently to receive instructions, advise clients, examine witnesses and follow proceedings in the Irish language. It is the same competency test used in the 1929 Act for barristers. It is important that we understand these issues in respect of this debate.

People have concerns and a number of organisations have raised issues. Many Deputies have received the two amendments submitted by Conradh na Gaeilge. The first amendment is to clarify whether the proposed terminology course will be accompanied by an examination. It states:

If no examination accompanies the subject, it shall command neither respect nor attention in the context of other subjects which shall

require study and which it shall be necessary to pass. Furthermore, there is no provision in the Bill as it stands for persons who have passed the other examinations in King's Inns or the Law Society, but who have not as yet complied with the statutory Irish language requirement.

The second amendment relates to the provisions in respect of courts in the Gaeltacht. As should be the case, I have listened closely to friends and colleagues living in Gaeltacht areas. The amendment states:

At present, for the most part, English is the language of the courts in the Gaeltacht, which impacts negatively on the use of Irish in general there. Judges sitting in districts and on circuits containing Gaeltacht areas are usually not competent in Irish. At the same time, judges competent in Irish are in other districts and circuits. Gaeltacht cases are conducted at locations in the Gaeltacht or through English in the Gaeltacht itself, except in south Connemara. This situation does not accord with Government policy in relation to the fostering of Irish as the community language in the Gaeltacht. Much better that the Gaeltacht be an administrative unit administered through Irish by people interested in doing so. The District Courts are being restructured at present, in any event.

I support Conradh na Gaeilge in its concerns because we must accept that people who need a service delivered through Irish deserve such as a right. If we are discussing the protection of rights, this is an essential element. Everyone should consider the second amendment carefully because it is a sensible option. We must ensure that people who want to deal with court cases through Irish have their rights protected. This matter is an important part of the debate.

A number of constituents have contacted me with their concerns regarding the legislation's interpretation of, for example, sections 1(3)(a) and 1(3)(b) for students on the current degree course and in general. They are required to pay for and sit a statutory Irish language course run by King's Inns before they sit Irish exams. If they sit the course and not the exam, do they fall within section 1(3)(a)? What would occur if they did not do the exam or course after the Bill has been passed? The Bill does not make that clear. Does it mean that, despite paying €12,500, sitting approximately 20 exams, attending in excess of 200 lectures and completing the countless hours of work already required, they will not be entitled to the degree of barrister-at-law? Does it mean that, despite being otherwise fully qualified and competent in the practice of law having completed the degree, they will not be entitled to be called to the Bar? My constituents deserve to be listened to in the broader debate. Sections 1(3)(a) and 1(3)(b) as drafted are unclear to some and add further complication for those trying to qualify into the profession. I would ask that this

unnecessary barrier be examined by the insertion of section 2 of the Labour Party's legal qualifications Bill, an interesting submission.

I am not 100% certain regarding the details of the issues, but I encourage people to listen to all of the concerns I have raised in today's debate. It is important to have them dealt with in a positive and constructive manner. I want to protect the integrity of the legal profession and to ensure the maximum support for Irish speakers. Due to certain cases, the legal profession has taken a hammering in recent weeks, but it is important that its members understand the questions of respect and trust involved in this issue. The majority provide an excellent service and get on with their lives, but we need strict regulations and supervisory authorities to ensure that trust between clients and solicitors or barristers is not damaged. Constituents, particularly brokers and those involved in the mortgage industry, have approached me with significant concerns about what is occurring in this sector of society. After the problems, it is important that the legal profession gets its act together to win back the public's trust. One cannot demand trust and expect people to give it. It must be earned.

As we are discussing the protection of people's rights, it is important to respect the rights of people with disabilities. In the past 24 hours, the Galway abuse report was published. Initiated seven years ago, it examined the standards in residential centres where young people with intellectual disabilities were abused, which was unacceptable because their rights must be protected. I raise this matter because there has been silence from many quarters. Considerable abuse took place in institutions, but the rights of the young children and adults with intellectual disabilities in question were not protected. It is important to speak out on this issue because the silence in recent days is sad.

I encourage people to consider raising national standards and the introduction of inspections of residential centres and community homes for children and adults with intellectual disabilities. I want to ensure the protection of the almost 400 children with disabilities in residential units and that what occurred in Galway will never recur. It was a horrific nightmare. It is difficult enough for the families of children and adults with intellectual disabilities to deal with the major issue itself, but we must speak out and action must be taken when cases of abuse show how vulnerable those young people are. I raise this matter in the context of the legal profession because it is important in today's debate on barristers and solicitors. I referred to civic responsibility and trust of the legal profession.

The Bill is to facilitate and promote the Irish language in our legal system. I am convinced that the Bill's provisions will lead to significant improvements in the teaching of Irish by King's Inns and the Law Society. I am hopeful that the Bill will better ensure that an adequate number

[Deputy Finian McGrath.]

of solicitors and barristers are available to provide legal services in Irish to any clients who require them. Supply and demand is the key issue we must address. If a different section of society demands barristers and solicitors who can use the language, we must be able to deal with it. This is the responsibility of all Members of the Oireachtas because we must ensure that the rights of people who want to speak Irish as their first language everyday are protected. They have a right to have their cases held in Irish, particularly in Gaeltacht areas where it is unacceptable that judges are not proficient in Irish and cannot deal with the cases locally. We must deal with that to ensure an adequate number of solicitors and barristers is available.

This is important legislation. The purpose of the Legal Practitioners (Irish Language) Bill is about promoting better use of the Irish language by legal practitioners and the provision of legal services through Irish. It is important that we deal with this issue and follow it up in a positive and constructive manner.

I welcome the idea of having an advanced course on the practise of law through the Irish language as an optional subject in professional training courses. That advanced course will be open to those who are not students but who wish to obtain a competence to enable them practise law through Irish. I am delighted there are people who want to get directly involved in these courses because they are important, particularly for those who have an interest in the issue and who want to serve their country in that way. That is important in respect of the legislation before the House.

We talk about people's rights in respect of the legal profession. There is a shift in society, and in this regard I commend the human rights lawyers, against those who raise human rights issues. It is important we are vigilant in terms of our legal standards, protecting human rights and justice issues generally because we must ensure all our citizens are protected and treated with respect. I link that to this debate because the Bill deals with legal practitioners. As I said earlier, we cannot allow particular people involved in the legal field to either rip off people or not respect other cultures and languages.

That leads me to the broader debate, which is important also. We have many foreign nationals living here and all the languages that involves is another area we should explore. If we are talking about respecting diversity and celebrating difference, we must respect that difference and if a person's first language is Irish or another language, we should explore that also.

I am aware there are people in minority communities in the State who have an interest in developing these services, including people from Poland, Nigeria, Latin America, Spain and Italy. They would be effective in advising those people and they should be supported. We should think

outside the box in developing these services. We are debating the Irish language in the legal profession but we must be more creative when it comes to respecting minority religions in our own country. That is the way forward for a country such as ours. We must accept that we are a rapidly changing country. There has been a massive change even in the past nine or ten years but we must also manage that and be positive about it. If people break the law we should treat them the same way as we would treat others and let them suffer the full rigours of the law. Equally, we must ensure that people's rights are respected, particularly the rights of those from minority communities.

I raise these issues because there are many people doing valuable work in this area. Those of us not directly involved with the Irish language or Conradh na Gaeilge but who have many friends and colleagues in this area are aware of the magnificent work they do in developing the language. I commend them and take this opportunity to welcome the valuable work they do.

Our language and our culture is a key resource, both for us as a nation and also internationally. People come to Ireland because they want to see what Ireland is like. They do not come here and expect to see somewhere like Lanzarote. They come here for our language, our culture, our new way of life, the rain, our love of beautiful scenery in Kerry, Cork and particularly the very scenic spots in Dublin North Central, Clontarf and around the bay. I hope that bay will be protected for the next 20 years in the interests of tourism.

On the legislation, it is important that those in the legal profession listen to the people who are demanding their rights as citizens of this State. As legislators, we must ensure that we listen and respect the people who want to avail of the services of the courts and justice system through Irish. Solicitors and barristers should be able to advise people through Irish if that is their choice. It is about respecting choice. There is massive potential also with all the gael scoilleanna being developed in Dublin and urban areas throughout the country. There is a future in that area for the professions involved.

I welcome some of the positive contributions to the debate. I hope some of the ideas I put forward will be accepted and I look forward to future debate.

Deputy Dinny McGinley: Tá lúcháir orm deis a bheith agam cúpla focal a rá faoin mBille seo. Nílím chun a rá go bhfuil mé chun fáilte a chur roimhe, mar measaim go bhfuil sé easnamhach muna gcuirtear roinnt leasaithe leis ar Chéim an Choiste.

Is é an rud atá á dhéanamh i mBille na nDlí-Chleachtóirí (An Ghaeilge) 2007, ná go bhfuiltear ag tarraingt siar ar an rial a bhí ann i leith na Gaeilge ón bhliain 1929, Acht Lucht Chleachtui-Dlí (Cáilfocht) 1929. Am an-thábhachtach i stair na tíre a bhí ann sna fichidí, mar is san am

sin a leagadh síos an rud ar a dtugaimid polasaí athbheochana na Gaeilge nó polasaí caomhnú na Gaeilge. Leagadh síos an polasaí ansin agus sna fichidí agus na tríochaidí bhí an Ghaeilge i gcónaí i gceartlár aon pholasaí, mar shampla an polasaí dlí ar a bhfuilimid ag caint inniu, polasaí oideachais agus polasaí slándála. Bhí an Ghaeilge i gceartlár gach polasaí a leagadh síos ar mhaithe leis an Ghaeilge a chur chun cinn.

Táim mar Bhall den Teach seo le tamall fada, le ceathrú céid, agus le linn an ama sin tá an chuid is mó de na hAchtanna a tugadh isteach ag leagan nó ag cur deireadh leis na polasaithe a leagadh síos. Mar shampla, roinnt blianta ó shoin tugadh isteach polasaí nach mbeadh sé riachtanach go mbeadh Gaeilge ag duine le dul isteach sa Státseirbhís. Go dtí sin, bhí sé riachtanach go mbeadh cumas agus eolas ar an Ghaeilge ag duine. Cuirteadh deireadh leis an riail agus dúradh linn go mbeadh an Ghaeilge le fáil go forleathan ag éinne a raibh fonn air nó uirthi a ngnó a dhéanamh trí Ghaeilge leis an Státseirbhís, ach ní mar sin a tharla.

Nuair a chuaigh mise i mbun múinteoireachta cúpla scór blian ó shoin, bhí na ciorcláin go léir a tháinig ón Roinn Oideachais agus Eolaíochta, is cuma cén pháirt den tír a raibh siad ag dul, i nGaeilge. Anois, tá mórchuid na gcioclán a thagann amach i mBéarla. Is cinnte mar sin go bhfuil cúlú siar mór i leith na Gaeilge chomh fada agus a bhaineann sé le oideachas. Arú anuraidh bhí mé sa Teach agus plé á dhéanamh ar cheann de na polasaithe a bhí i bhéim ós na fichidí, is é sin, go mbeadh ar ghach duine a raibh post lán-aimseartha buan aige nó aici i gColáiste na hOllscoile, Gaillimh, an Ghaeilge agus scrúdú Gaeilge a bheith acu. Tá deireadh curtha le sin fosta.

Sampla eile, ó bhunaíodh An Garda Síochána sna fichidí, bhí sé de dhualgas ar ghach duine a rachadh isteach ann cumas agus eolas a bheith acu ar an Ghaeilge. Tá deireadh le sin freisin. D'fhéadfainn dul ar aghaidh, bliain i ndiaidh bliana agus Bille i ndiaidh Bhille le feiceáil go bhfuil na polasaithe seo a leagadh síos sna fichidí agus sna tríochaidí ar mhaithe le tacaíocht, cuidiú agus míneach a thabhairt do lucht na Gaeilge ag imeacht ceann i ndiaidh an chinn eile.

Ní féidir linn an locht a chur ar an Eoraip. Is muid féin atá á dhéanamh. Teastaíonn seo uainn féin. Chomh fada agus a bhaineann sé leis an Eoraip tá cinneadh againn le haghaidh bean, múinteoir a tháinig ó thír éigin san Eoraip a bhí i mbun múinteoireachta anseo — sílim gur múinteoir ealaíne a bhí inti. De bharr riachtanas na Gaeilge, ní raibh sí ábalta post buan a fháil mar nach raibh cumas Gaeilge aici. Chuaigh an cás sin go dtí an Ard Chúirt agus an Chúirt Uachtarach agus Cúirt na hEorpa, the Groener case. Dúirt Cúirt na hEorpa go raibh sé de lán-cheart ag an Stáit anseo éileamh go mbeadh Gaeilge ag daoine a bhfuil postanna acu sa Státseirbhís. Ní shílím gur tháinig aon athrú ar sin ó shin. Níl an Bille seo á thabhairt isteach de bharr brú on Eoraip nó aon áit eile. Táimid á dhéanamh muid fhéin. Tá

an Ghaeilge tábhachtach chomh fada agus a bhaineann sé le cúrsaí dlí. Tá nasc an-láidir agus andocht idir cúrsaí dlí agus Bunreacht na tíre. Tá a fhios againn go n-úsáidtear dhá theanga go hoifigiúil sa Bhunreacht — an Ghaeilge agus an Béarla — agus go bhfuil tosaíocht ag an Ghaeilge ar an Bhéarla. Táimid ag súil go mbeadh eolas agus tuiscint ar an Ghaeilge ag daoine atá ag plé le cúrsaí dlí, ar nós abhcóidí, dlíodóirí agus breithimh. Baineann cúrsaí bunreachtúla leis an Ghaeilge go minic.

Ba mhaith liom breathnú siar beagáinín. I 1954, nuair a athraíodh an scrúdú a cuireadh in áit i 1929, bhí ar gach éinne é a dhéanamh agus tugadh aitheantas don Ghaeilge sa chaoi sin. Tá na Achtanna éagsúla á n-aisghairm anois sa reachtaíocht atá á phlé againn inniu. Ní aontaím go hoimlín leis an bplean seo. Caithfidimid rud éigin a dhéanamh chun a bheith cinnte de go mbeidh daoine i ngach leibhéal den chóras dlí — dlíodóirí, abhcóidí, abhcóidí sinsearach agus breithimh — in ann a chuid gnó a dhéanamh trí Ghaeilge. Is iad na Gaeltachtaí na ceantair sa tír seo ina bhfuil an Ghaeilge an phríomh-teanga. Tá suim san ábhar seo ag daoine taobh amuigh de na Gaeltachtaí freisin. Tá cumas Ghaeilge ag daoine a fhreastal ar na gaelscoileanna ar fud na tíre, mar shampla. Cé go bhfuil muintir na Gaeltachta speisialta, caithfidimid smaoineamh ar na daoine taobh amuigh de na Gaeltachtaí fosta. Ba chóir dúinn deis a thabhairt do dhaoine a gcearta a chosaint, a gcás a dhéanamh trí Ghaeilge agus plé le dlíodóirí, abhcóidí agus breithimh a bhfuil an Ghaeilge acu.

Níl éinne sa tír, fiú amháin sa Ghaeltacht, nach dtuigeann Béarla. Tá an Ghaeltacht dhátheangach anois. Is féidir le muintir na Gaeltachta ar a bhfuil eolas agam an Béarla a labhairt go maith. É sin ráite, tá go leor daoine sna Gaeltachtaí, agus sa tír go ghinearálta, atá ábalta a gcás a dhéanamh níos líofa agus níos foirfe sa Ghaeilge ná sa Bhéarla. Bíonn muinín níos mó acu iontu fhéin nuair a bhíonn siad ag caint Ghaeilge. Má cuirtear brú ar dhaoine mar sin a gcás a dhéanamh trí Bhéarla, ní bheidh siad ag fáil cothrom na féinne. Ba chóir go mbeadh deis ag gach éinne a chás a dhéanamh sa teanga gur mian leo agus ina bhfuil siad compordach. Ní leor aistritheoirí a úsáid — caithfidh daoine a bheith abálta an Ghaeilge a úsáid.

Ba cheart dúinn breathnú go géar ar Chéim an Choiste ar cuid de na leasuithe atá molta le tamall anuas ag cuid de na heagraíochtaí Ghaeilge ar nós Conradh na Ghaeilge, a luaigh an Teachta MacCraith. Dúirt mo chomhleacaithe, na Teachtaí Ó Flannagáin agus Ó Rinn, gur chóir go mbeadh an cáilíocht Ghaeilge, ar a laghad, ag daoine ar nós dlíodóirí Stáit, breithimh agus cláraritheoirí contae, a bhfuil postanna údarásach agus dlíthiúil acu sa Ghaeltacht. Bheadh sé tábhachtach nuair atá oifigigh ag plé le daoine atá níos compordaí ag labhairt sa teanga atá acu — an Ghaeilge. Tuigim go n-eagróidh Cumann Onórach Ostaí an Rí an scrúdú nua — is mar sin a

[Deputy Dinny McGinley.]

bheidh sé. Tá sé iontach tábhachtach go mbeidh caighdeán agus scrúdú ceart i gceist. Ba chóir go mbeidh sé ar a chumas ag éinne a gheobhaidh an scrúdú obair a dhéanamh ar son saoránaigh na tíre seo tríd an chéad teanga oifigiúil.

Mar a dúirt mé níos luaithe, tá mé imníoch faoin mBille mar a sheasann sé i láthair na huaire. Sílim go bhfuil sé easnamhach. Tá súil agam go mbeidh pé Aire a bheidh anseo ar Chéim an Choiste in ann dearcadh go fábharch ar na leasuithe a cuirfear chun tosaigh ón taobh seo den Teach. Tuigim go dtarlaíonn imeachtaí an chuid is mó de na cúirteanna i mo cheantar Ghaeltachta fhéin i mBéarla. Dar le formhór muintir na háite, ní bhfaighidh siad éisteacht ceart i nGaeilge — ní chóir go mbeadh sé mar sin. Ba chóir go mbeidís dóchasach gur féidir leo éisteacht ceart agus cothrom na féinne a fháil ina dteanga fhéin, cé mar a bhfaighdís in aon teanga eile. Ní tharlóidh sé sin muna bhfuil muinín acu go bhfuil daoine sásta agus ábalta éisteacht leo nuair a gcuireann siad a gcás go líofa ina dteanga fhéin.

Tá mé idir dhá chomhairle faoin mBille seo. Is dócha go bhfuilimid ag déileáil le prionsabail úr anois, chomh fada is a bhaineann sé leis an Ghaeilge — táimid ag iarraidh an Ghaeilge a dhéanamh deonach, in ionad éigeantach. Ní dhéanfaimid aon dul chun cinn muna bhfuilimid dáiríre. Más mian linn bheith dáiríre, caithfidh caighdeán áirithe a chuir i bhfeidhm. Caithfidh an scrúdú a bheith neamhspleách. Tá súil agam, sna cúpla bliain amach romhainn, go mbeidh toradh níos fearr le feiceáil ar cuid de na rudaí eile atá tarlaithe. Tá an Ghaeilge mar theanga oifigiúil ar leibhéal na hEorpa i láthair na huaire. Tá Acht na dTeangacha Oifigiúla i bhfeidhm le roinnt bliana anuas. Níl aon maitheas ann na cearta sin a bheith againn muna bhfuil daoine ann chun freastal orainn agus na cearta a chuir ar fáil dúinn. Cé go bhfuil mé amhrasach faoin reachtaíocht seo, tá súil agam go nglacfaidh an Rialtas le cuid de na leasuithe a bheidh á moladh ar Chéim an Choiste, nuair a déanfaimid breathnú ar an mBille arís.

Deputy Thomas Byrne: I wish to share time with Deputy Fitzpatrick.

Acting Chairman (Deputy Seán Ardagh): Is that agreed? Agreed.

Deputy Thomas Byrne: I am glad to debate this important Bill and I will speak in English, if that is okay.

I went through the Law Society's two Irish examinations, one of which was preliminary and the other advanced. In both, I wrote a half-page essay on my summer's holidays and translated a half-page from *Fiche Bliain ag Fás*, one of ten passages repeatedly used in the examinations. The Law Society's Irish examination has been a mockery of the language and its use within the legal system. It bears no relationship to the pro-

vision of legal services or defending or prosecuting cases in court.

We may argue that Irish is now a language of the EU but it has been the first and official language of the State in the Constitution. It is time action was taken in several spheres, particularly for legal practitioners. This Bill will have a practical effect in improving the lot of the Irish language and help those who wish to get legal advice through the medium of Irish.

There has been some debate about the merits of the similar Bill from the Labour Party. There have been many representations on both Bills. I have raised some of my concerns about the drafting of the Bill with the Minister. As Deputy McGinley said, there will be much to be discussed on Committee Stage. I will be glad to examine the amendments offered by Conradh na Gaeilge.

There is much pressure on us to rush this Bill through but it would be wrong to rush it, and I do not believe it will happen before the King's Inns examinations in January. Drafting issues arise, and I cannot see how there can be statutory requirements on people to have regard to Government policy when people really should have regard to the provisions of the Constitution, which makes Irish the first and official language of the State. The difference between the Government Bill and the Labour Party Bill is that the Government Bill promotes the Irish language and seeks to ensure it is available in courts, solicitors' offices and barristers' chambers. The Labour Party gives people the option of studying Irish but does not impose any obligations on the Law Society or the King's Inns to ensure that legal services can be provided in Irish.

Deputy McGinley's point about standards is important, especially when we consider what has passed as an Irish exam. The King's Inns and the Law Society should expect a high standard of practitioners who offer their services through Gaeilge. I am not aware of any facilities for the translation of terminology. These should be available. That so many documents are now translated into Irish is a great help and store of knowledge for anyone wishing to practise in Irish.

Many barristers and solicitors are competent in Irish whereas other barristers may be more competent in the Queen's English. People say that this is an arcane requirement but the Government and other parties are keen to promote the language. It is a matter of pride for the State to have its own language to invest in it and provide a legislative framework within which it can progress.

I wish to digress somewhat because I have been appointed to the board of management of Gaelscoil an Bhradáin Feasa. Several solicitors are involved with it and we seek to promote the Irish language in our communities in East Meath which the school will serve as well as some south of Drogheda. Unfortunately, however, there is no planning permission for the Gaelscoil to place temporary accommodation on the site provided.

An Bord Pleanála has postponed the decision but I will write asking it to speed that up.

Acting Chairman: Is this in the interests of educating the barristers and solicitors of the future?

Deputy Dinny McGinley: This is very relevant.

Deputy Thomas Byrne: Yes. It is important to promote the language at all levels of society. Several Members have mentioned the Gaelscoileanna because in non-Gaeltacht areas they are the future of the language. In my constituency there is also Baile Ghib, a small Gaeltacht community where several people are committed to the language. They do not have much choice among the solicitors in the county if they want their business transacted in Irish. As long as proper standards are maintained and the Law Society and the King's Inns take the language seriously the Bill will help people like those in Baile Ghib.

It is about time the King's Inns changed its name because this is an independent republic with a president and a parliamentary democracy. This may be a matter for Government if the King's Inns has a charter for its name. The name is old-fashioned and not suitable to a modern republic.

I support the thrust of the Bill but think that we need to discuss its individual provisions on Committee Stage. Meanwhile, I will make some suggestions on this to the Minister.

Deputy Michael Fitzpatrick: It is nice to follow Deputy Byrne who is well-qualified to speak on this issue because of his background in the legal profession.

The Bill requires that the King's Inns and the Law Society shall have regard to Government policy on bilingualism. These new arrangements will involve a significant improvement in the teaching of Irish by King's Inns and the Law Society and a much more effective way of achieving the Government's Irish language objectives. This Bill will provide for a significantly higher standard of proficiency in Irish in the legal profession than is delivered under existing statutory provisions, thereby ensuring that all persons wishing to exercise their constitutional right to use Irish in proceedings before the courts can do so.

The Bill requires the King's Inns and the Law Society to take reasonable steps to ensure that an adequate number of barristers and solicitors are able to practise the law through the Irish language and that they hold courses on Irish legal terminology and the understanding of legal texts in the Irish language to enable practitioners to identify the nature of the service being sought and, where appropriate, to facilitate a referral to a practitioner competent to provide a service through Irish. The King's Inns and the Law Society will also establish advanced courses on the practice of law through the Irish language as optional subjects in their professional training

courses. This advanced course would be open to others who are not students but who wish to obtain competence enabling them to practice law through Irish.

Examinations in the practice of law through Irish will be held at least once a year and only those persons who have undertaken the advanced course will be permitted to sit the examinations. There will be an Irish language register of those solicitors who have chosen to undertake the additional new advanced course, passed a new examination in the practice of law through Irish and have been recognised as a solicitor competent to advise clients, prepare documents and conduct court proceedings in Irish. There will also be a register of competent barristers who have taken the new advanced course, in the practice of law through Irish, and are able to provide their services in Irish. Both bodies will be required to submit annual reports to the Minister for Justice, Equality and Law Reform on the operation of the new arrangements.

Commenting on the publication of the Bill, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív said that "for many years, the passing of the tests specified in either the 1929 or 1954 Solicitors Acts did not signify an ability to carry out business through Irish". A member of the public will be able to consult any solicitor and barrister who has undertaken the new courses in legal terminology and the understanding of legal texts in the Irish language.

The two exams in place were in the Irish language generally and courses to prepare for exams were a private matter for the trainee solicitor. In future the solicitor with the basic level of competence in legal terminology in Irish will be able to recognise the type of services required and to refer his or her client to a solicitor registered as competent to provide legal services in Irish. The reality was that for many years, the passing of the tests specified in either the 1929 or 1954 Solicitors Acts did not signify an ability to carry out business through Irish. With the proposed changes in education and qualification, a number of practitioners will now be available who will be competent to conduct business in the courts through Irish. The keeping of a register of such qualified practitioners will facilitate ease of access by the practitioners and public alike to services through Irish, thus assisting implementation in practice of the provisions of the Official Languages Act 2003.

The Government published its statement on the Irish language in December 2006. The statement provides for the development of a 20 year strategy for the Irish language based on the objectives set out in it. It is intended that the Government's policy statement will be the foundation for practical action for supporting and promoting the Irish language, based on a modern approach and an integrated strategy.

[Deputy Michael Fitzpatrick.]

The Government's policy is to increase awareness and use of the Irish language as a community language on a phased basis. Its specific aim is to ensure that as many of our citizens as possible are bilingual in Irish and English. The intention is not to displace the English language but to strengthen the Irish language. In many European countries, it is normal that people are bilingual and the vision for Ireland is similar, with both English and Irish being widely used on a daily basis throughout the country.

During the course of 2007, the Department of Community, Rural and Gaeltacht Affairs has engaged in a public procurement process regarding the appointment of consultants to advise in respect of the strategy. This process is nearing completion and it is expected that consultants will be appointed by the end of the year. It is envisaged that the strategy will be completed by December 2008.

It is important to remember that much has been achieved with regard to the Irish language and in Gaeltacht areas in recent years. The Official Languages Act 2003 was passed by this Government to ensure Irish speakers are not compelled to abandon use of the language when availing of public services. Irish is now one of the official working languages of the EU and the number of Údarás na Gaeltachta supported jobs increased again in 2006.

A fund of €1 million was set up to support specialised third level courses through Irish and according to the Department of Community, Rural and Gaeltacht affairs the number of students involved in such courses in 2006 was the largest ever.

Mná tí provide accommodation for Irish language students in the Gaeltacht and the grant for them was increased greatly. Tax relief was given on the income they receive for providing this accommodation and for the first time a larger grant was provided for students with disabilities.

Deputy Noel Treacy: Is cúis áthais dom an deis a bheith agam labhairt sa díospóireacht seo. Is onóir mór dúinn é a bheith anseo mar ionadaithe agus is pribhléid í a bheith tofa agus a bheith ina Bhall den Oireachtas, mar atá mé anois le cúig bliana fichead.

Tá spéis agam inár teanga náisiúnta oifigiúil, an Ghaeilge, mar is í an tseoid is luachmhaire atá againn. Teanga speisialta, phearsanta í an Ghaeilge don tír. Is cuid de mhór-roinn na hEorpa muid agus tá spéis mhór againn san Eoraip, ach is í ár dteanga agus ár gcultúr a léiríonn an difríocht idir muidne agus na tíortha eile san Eoraip.

Táimid anseo le plé a dhéanamh ar Bhille na nDlí-Chleachtóirí (An Ghaeilge) 2007. Ní maith an rud é gur gá dúinn Bille mar seo a phlé ná gur gá dúinn leasú a thabhairt isteach le haghaidh daoine proifisiúnta a bhíonn ag plé le dlí go lán-aimseartha ar fud na tíre. Cén fáth an bhfuil muid

anseo nuair is féidir cáilíocht a bhaint amach sa Ghaeilge tríd an cúrsa oideachais nó tríd an scéim traenála don dlí? Cén fáth gur gá leasú a dhéanamh? Níl a fhios agamsa. B'fhéidir nach bhfuil spéis sa teanga ag na daoine seo. Más ea, ní maith sin don tír.

Tá dualgas orainn níos mó spéise a bheith againn sa teanga náisiúnta. Tá ár dlíodóirí ag plé le gnáth muintir na tíre lá i ndiaidh lae, seachtain i ndiaidh seachtaine inár gcúirteanna, ach tá sé soiléir anois nach bhfuil cáilíocht nó taithí sa Ghaeilge acu go léir. Tá fadhbanna ag baint leis na cúrsaí atá ar fáil faoi láthair agus níl mic léinn dlí in ann an caighdeán cúí a bhaint amach. Dá bhrí sin, tá orainn teacht isteach anseo agus athrú a dhéanamh sa reachtaíocht. Tá súil agam go dtiocfaidh leas agus maitheas as na hathruithe atá á dhéanamh againn. Iarraim ar an Rialtas liosta oifigiúil a fhoilsiú de dhlíodóirí agus abhcóidí ag a bhfuil taithí acu sa Ghaeilge agus a bhfuil in ann gnó a dhéanamh tríthi. Ba chóir go mbeadh an liosta sin ar fáil an bhliain seo chugainn do dhaoine a bhfuil fonn orthu gnó dlí a dhéanamh trí Ghaeilge.

Ba chóir dúinn béim níos láidre a chur ar an teanga sna Gaeltachtaí, inár gcoláistí agus inár scoileanna. Ba cheart dúinn freisin staidéar cruinn, beacht a dhéanamh ar ár chóras oideachais agus ar an scéim pointí. Ba mhaith an rud é dá mbeadh níos mó pointí le fáil chun daltaí a mhealladh a mbeadh suim láidir acu sa Ghaeilge agus fonn orthu staidéar a dhéanamh san oideachas, sa dlí nó in ábhar eile. Tá go leor airgead caite le blianta fada anuas ag an Rialtas ar chothú na Gaeilge. Níl sé ró-mhaith go bhfuil dualgas orainn teacht isteach anseo chun an athrú seo a dhéanamh ar an chaoi ina oibríonn dlíodóirí agus abhcóidí laistigh de scéim dleathach na tíre. Tá locht sa reachtaíocht nach bhfuil baint amach á dhéanamh go hiomlán. Is trua nach bhfuil daoine óga atá in ann an Ghaeilge a labhairt ag teacht isteach sa chóras dlí. Tá daoine óga le pearsanacht láidir, a úsáideann an Ghaeilge gach lá ina gcuid staidéir, a gcuid cainte agus a gcuid oibre, de dhíth orainn. Tá súil agam go ndéanfaidh an athrú seo an-mhaitheas don teanga. Cabhróidh sé linn an Ghaeilge a leathnú ar fud na tíre, go mórmhór sna háiteanna ina bhfuil seans ag daoine í a labhairt, mar shampla na ollscoileanna, na coláistí agus na cúirteanna. Tá dualgas ar pholaitheoirí agus daoine eile atá ag obair go lán-aimsirthe sna seirbhísí phoiblí, go háirithe sna cúirteanna, an Ghaeilge a úsáid. Mar shampla, nuair atá an cúirt as tosnú gach maidin, ba cheart don breitheamh atá i gceannas ar an gcúirt é a oscailt go hoifigiúil trí Ghaeilge. Ní mór dó ach cúpla abairt a úsáid. Is féidir leis an rud céanna a dhéanamh sa tráthnóna, nó pé uair a chríochníonn an cúirt don lá. Cuireadh abairt oifigiúil den sórt sin le leas na teanga. Taispeánfadh sé go bhfuil an Rialtas, an Oireachtas agus na seirbhísí phoiblí ag comhoibriú chun béim a chuir ar an gá atá ann tacaíocht níos mó a thabhairt don teanga.

Cé nach bhfuil formhór na ndaoine in ann an teanga a labhairt, tá spéis acu inti. Dá mbeadh seans acu í a labhairt, b'fhéidir go labhróidís í. Tá a lán gaelscoileanna ar fud na tíre. Sna laethanta maithe eacnamaíochta atá againn faoi láthair, tá an-spéis ag cuid mhaith tuismitheoirí i n-oidreachais a gclann. Tugann siad seans dá páistí dul go dtí gaelscoileanna chun staidéar a dhéanamh ar an Ghaeilge. Tá a lán eagrais Ghaeilge sa tír, eagrais chultúrtha ina measc. Cé go bhfuil a lán daoine ag obair le chéile ar son an teanga, tá fadhbanna againn le labhairt na teanga. Níl sé sin go maith don tír, don teanga nó don chultúr. Iarraim ar gach éinne — an Aire, an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta, na hAíre uilig, an Roinn Oideachais agus Eolaíochta agus an Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí — comhoibriú chun níos mó béim a chuir ar an teanga ionas nach mbeidh ar Baill na Tithe seo teacht anseo arís sna blianta atá romhainn chun leasuithe eile den sórt seo a dhéanamh ar dlíthe na tíre.

Deputy Ulick Burke: Tá áthas orm cúpla focal a rá sa díospóireacht seo ar úsáid na Gaeilge sna cúirteanna. Caithfidh an Oireachtas iarracht níos mó a dhéanamh chun an Ghaeilge a úsáid. Ba chóir dúinn an teanga a labhairt i bhfad níos minicí sa Teach seo ná mar a dhéanfaimid faoi láthair. Tugaim tacaíocht don Bhille seo, a chinnteoidh go n-úsáidfidh dlíodóirí agus breithimh ar fud na tíre an Ghaeilge i bhfad níos mó, go mórmhór sa Ghaeltacht. It is important that we support the Bill not only because of its implications for the use of the Irish language but also in view of a recent court case where a translation from English into Irish was queried and tested. In that instance, the interpretation of the translation by fíor gaelgóirí was successful and the case was withdrawn. There must be confidence in the courts process in terms of the use of Irish and associated translation services. It is important that judges, solicitors and others in the legal profession have no concerns in this regard.

We should not allow a situation such as that to develop again. When one reads the details, i nGaeilge agus i mBéarla, den toradh a bhí ar an gcás úd, it is a cause for concern that a case might be lost merely on the basis of one person's interpretation. There must be certainty about the proficiency of those working through the medium of Irish in the courts system. In counties Donegal, Kerry, Waterford and Meath, significant numbers may wish to deal with the courts through Irish. Most do so not because translation of transcripts might lead to confusion in terms of the interpretation or application of the law but because Irish is their spoken language. It is important that every facility is made available within the legal profession and through the education system to ensure court services can be delivered proficiently through the Irish language.

Many of us argue repeatedly that we should make greater use of Irish in the House. The

services available to Members, if only we would avail of them, are first class in terms of assistance with terminology and so on. We would all have to put our hand on heart and say that unless we are cleachtaithe sa Ghaeilge, ní bheimid in ann í a labhairt go flúirseach sa Teach seo nó sa Seanad. It is important that every encouragement is given to modifying the rigidity of Irish language training at both primary and secondary level. Far greater emphasis should be placed on the spoken word. I am delighted the Minister for Education and Science has made some progress by allowing a greater proportion of marks in both junior and leaving certificate Irish for the oral component. There should be less emphasis on the strict presentation of the written word and the complicated grammar that most of us can recall learning.

In recent years there has been support at European level for the idea that ours should be a spoken, living language. Gaelscoileanna have played an enormous part in improving the accessibility of the language. Raidió na Gaeltachta and TG4 have done tremendous work. It is to be expected that both would facilitate the reportage of court proceedings through Irish. If there was a noted presence of Raidió na Gaeltachta and TG4, as well as *Foinse, An Lá* agus mar sin de, and they reported court cases more extensively, as they are done in local and national papers, it would be made more obvious to the courts that it is important we have greater emphasis on and certainty of Irish usage.

It is regrettable that despite our language being recognised as an official language of the EU, we do not have translators. It has been quite clearly stated there is a crisis in that regard in Brussels. That must be rectified if we are serious about the matter. If complaints can be made on that level and despite the fight taken on to get the language recognised as an official language in Europe, we must respond by making available personnel and support resources.

The legislation we are talking about today will not have a major cost, either within the Department of Education and Science or the Department of Justice, Equality and Law Reform, but if we are serious about the language we must be seen to have a supportive and balanced response where needed. I welcome the provisions of the Bill and hope the courses made available will be successful.

We must overcome a problem regarding lawyers trained outside Ireland, such as those from Britain. It will be difficult for such people to gain proficiency in the Irish language but there should be a support mechanism for them to avoid positions where any part of the court procedures would take place trí Ghaeilge.

There should be standardised interpretation and translation of all phrases and terminology of the court system. On reading such a guide, one could wonder how there has been so much variation. I hope this Bill will eliminate such issues from any future court proceedings, and a court

[Deputy Ulick Burke.]

case will never again be thrown out because of variation in interpretation.

Deputy Charlie O'Connor: I am happy to make a brief contribution on this important Bill, the Legal Practitioners (Irish Language) Bill 2007. I am sensitive to a group of young people in the Gallery who are still attending school and very much involved in learning Irish. I absolutely enjoyed Irish at school but as I have aged, my Irish vocabulary has become rusty. I have tried to correct this recently, as other colleagues have, by going to the Irish language classes here. We are speaking about legal practitioners being encouraged so it would be good if the others were also encouraged. I would promote that idea as I am as rusty as anybody. It is important we make an effort in that regard.

I was impressed by Deputy Thomas Byrne speaking from a legal background. He pointed out that a good time to start with the Irish language is at a very young age, and he spoke about efforts in his constituency. I could talk about efforts in Dublin South-West and Tallaght, and in particular the Irish schools there. These include Scoil Santain, where my son Niall attended and Scoil Chaitlín Maude, which are doing a tremendous job. Not only are they teaching the language but they are helping the cultural revolution that is required in these modern times. Coláiste de hÍde, the second level Irish school in Tymon north, is also promoting that idea. I agree with the point, made by several speakers along with Deputy Byrne that we should not give up the fight to the Irish language message across. I admit I am not a practitioner, unfortunately, but I want to prove commitment to the language. In the context of this Bill it is a relevant point to make.

I listened to the debate earlier, including fine contributions by colleagues, including Deputy Brian O'Shea. He did not agree with everything said on the Government benches. It is also beneficial that the public sees us dealing with this type of business, which could be seen as somewhat routine. It is right for us to take it very seriously.

I hope when the media covers the topic it will not be buried. I will watch "Oireachtas Report" tonight, as I often do, and I hope this debate will get the level of attention I believe is necessary. I know the Minister of State, Deputy Pat The Cope Gallagher, would appreciate the point. I do not mean to speak on Tallaght much, but my local parish priest, Fr. Frank Herron, is from Donegal.

It should be noted that the Bill replaces existing statutory provisions for Irish language competence for barristers and solicitors and promotes, as has been noted by several speakers, the provision of legal services through Irish, as well as better use of the Irish language by legal practitioners. We know that under present arrangements there is no obligation for either the King's Inns or the Law Society to provide compulsory or

optional courses in the Irish language for students undertaking either the barrister at law degree course or the professional practice course in the Law Society.

Deputy Thomas Byrne made the point that perhaps it is time, almost 100 years after we have gained independence, that the question of some of these phrases and names be considered. There may be traditionalists in the community who do not want this to happen but the Deputy made a fair point.

The Legal Practitioners (Qualification) Act 1929 provides that no person may be admitted by the Chief Justice to practise as a barrister at law in Irish courts unless he or she satisfies the Chief Justice by such evidence as the Chief Justice shall prescribe, that he or she possesses a competent knowledge of the Irish language. Competent knowledge is defined as such a degree of oral and written proficiency in the use of the language as is sufficient to enable a legal practitioner effectively receive instructions, advise clients or examine witnesses and follow proceedings in the Irish language.

The obligation to ensure proficiency in Irish in the case of any barrister who wishes to be called to the Bar lies with the Chief Justice but there is no requirement to include Irish as either an optional or obligatory subject to the King's Inns barrister at law degree course. Any tuition or record of proficiency required is given outside the degree course by King's Inns and arranged so that the Chief Justice can fulfil his or her statutory function.

The 1929 Act applied to solicitors until 1954, when new arrangements were introduced in the Solicitors Act of that year. To qualify for admission as a solicitor, the Act required that the Law Society compel students to undertake two examinations in the Irish language. The first examination applies to persons seeking an apprenticeship and the second applies to those who wish to be admitted as solicitors. The purpose of the second examination is to prove that persons who pass it have a competent knowledge of Irish. That is to say such a degree of oral and written proficiency in the use of the language as is sufficient to enable a solicitor to receive instructions efficiently and to advise clients, to examine witnesses and to follow proceedings in the Irish language. That is the same test as used in the 1929 Act for barristers.

I also share the view expressed by other colleagues about the new Ireland in which we find ourselves with the international community in our State. In my parish, the local school, St. Mark's, in my estate in Springfield has 1,000 pupils, 500 of whom come from 55 different states. Deputy Burke and others made the point that different challenges will come in the future. The Minister, Deputy Ó Cuív made that point strongly in his contribution. There will be challenges in the future where we are encouraging young people from Ireland but of international

origin regarding these provisions. It will be interesting to see how that develops in time. The Minister, Deputy Ó Cuív, was right to make that point and I am glad that somebody of his stature did so. I expect it will give the Government and future governments food for thought. I wish them well in that regard because it will be a particularly difficult nettle to grasp if that is what it is.

The Bill requires King's Inns and the Law Society to have regard to Government policy on bilingualism and to take reasonable steps to ensure that an adequate number of barristers and solicitors are able to practise the law through the Irish language. The Bill requires King's Inns and the Law Society to provide for courses of study and the establishment of registers by them recording details of practitioners who are able to provide legal services in Irish. This week I had intended to contact various solicitors' practices in my constituency to gauge their response to the Bill. However, because of other business, I found myself, as others do as we approach Christmas, snowed under. However, I intend to seek out all the solicitors in my constituency, all of whom I know, to ascertain how they feel about this provision. I intend to research what level of use of the Irish language is present in all those practices. I suspect it is not just in my constituency that the levels are low. I know in the Minister of State's county of Donegal there would be no problem in finding a solicitor able to deal as Gaeilge. However, I suspect in many other areas, including Waterford and certainly around the Dublin region, there may be challenges and gaps in that regard.

The Bill provides that King's Inns and the Law Society hold courses on Irish language terminology and the understanding of legal texts in the Irish language to enable practitioners to identify the nature of the service being sought and, where appropriate, to facilitate a referral to a practitioner competent to provide the service through Irish. All King's Inns students and the Law Society trainees will be required to complete these courses, which I welcome. King's Inns and the Law Society will also establish an advanced course on the practice of law through the Irish language as an optional subject in their professional training courses. This advanced course would be open to others who are not students but who wish to obtain a competence enabling them to practise law through the Irish language.

Examinations in the practice of law through Irish will be held at least once a year and only those persons who have undertaken the advanced course will be permitted to sit all those examinations. The name and contact details of barristers and solicitors who pass the examinations will be entered on registers established and published by King's Inns and the Law Society. Both bodies will be required to submit an annual report to the Minister for Justice, Equality and Law Reform on the operation of the new arrangements. In mentioning the Minister, I am sorry he is not here.

Like other colleagues, I was sorry to hear of his bereavement and I offer my condolences to his family.

The new arrangements will involve a significant improvement in the teaching of Irish by King's Inns and the Law Society, and will represent a much more effective way of achieving the Government's Irish language objectives. The Bill will provide for a level of proficiency in Irish in the legal profession of a significantly higher standard than is being delivered under existing statutory provisions. It is hoped that all persons wishing to avail of their constitutional right to use Irish in proceedings before the courts can of course do so, which will have considerable support across the House. For many years the passing of the test as specified in the 1929 Act or the 1954 Act did not signify an ability to carry out business through the Irish language. It is clear that the objectives of the existing statutory requirements are not being met. Not all solicitors and barristers are capable of conducting the full range of legal business through the Irish language.

Even those of us who admit to rustiness in the use of the Irish language understand the need for this legislation, which deserves good debate. I have listened to most of today's speeches and there is clearly considerable agreement across the House. It is good to hear that that agreement will be put into force. The Minister should note that many will feel that the Bill should pass as quickly as possible. In this case it will be referred to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights, under the chairmanship of Deputy Peter Power. I know colleagues will take the opportunity to go through the different sections of the Bill line by line, which will be good. I hope that process will be expedited and we will get the opportunity of passing it into law as quickly as possible.

The Minister of State will know that there will be a job to be done by many people, starting with the legal profession, to promote the provisions of this Bill. We need to get the message across that people can and will have the opportunity to conduct their business through Irish. It is important for that to be seen as a voluntary exercise. I recently heard young people saying that they are not happy to have it forced down their throats. It should be given as an option. It is right that we should have an understanding of our language as we approach 100 years after independence.

This would be true in urban areas. People who want to do their business through the Irish language should not be seen as unusual, which is sometimes the case. Even when we get correspondence on different cases as Teachtaí Dála, that may be the reaction. However, it should be the most natural thing in the world for people, if they are competent to do so, to conduct all business through Irish. The Bill not only deals with the Irish language needs of the legal profession, but also sends out a positive message generally, which

[Deputy Charlie O'Connor.]

I know the Minister of State, more than most of us, would strongly support. I am very happy to support the Bill, which I commend to the House.

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

Ba mhaith liom mo bhuíochas a chur in iúl do na Teachtaí go léir ó gach taobh a ghlac páirt sa díospóireacht fíor-thábhachtach seo ar Bille na nDlí-Chleachtóirí (An Ghaeilge) 2007. Labhair go leor acu i Ghaeilge agus cuirim fáilte roimhe sin.

Ardaíodh go leor pointí agus déanfaidh mé iarracht déileáil leo. Ar dtús, ba mhaith liom an deis seo a ghlacadh chun cur síos a dhéanamh ar bheartas an Rialtais i leith an dhátheangachais. Tá sé leagtha amach san ráiteas go n-ullmhófar stráitéis 20 blian, stráitéis meán-tréimhseach, don Gaeilge, bunaithe ar na spriocanna atá leagtha amach san ráiteas sin. Tá sé i gceist go mbeidh an ráiteas-beartas mar bunchloch le haghaidh obair phraiticiúil chun tacú le agus forbairt a dhéanamh ar an Ghaeilge, bunaithe ar chur chuige nua-aimseartha agus ar an stráitéis.

Is é beartas an Rialtas chomh maith, ná flúirseacht agus úsáid na Gaeilge mar theanga phobail a mhéadú ar bhonn céimithe. Is í an phríomh sprioc atá aige ná a cinntiú go mbeidh an oiread dár saoránaigh agus is féidir dhátheangach, le Gaeilge agus Béarla. Ó thaobh na Gaeilge de, tá go leor daoine a bhfuil Gaeilge acu, ach bíonn faitíos orthu uaireanta í a úsáid mar ceapann siad nach bhfuil caighdeán na Gaeilge atá acu maith go leor. Ní ceart go mbeadh an tuairim sin ag éinne. Ba cheart do duine ar bith a bhfuil Gaeilge aige nó aici, fiú amháin Gaeilge briste, í a úsáid.

Tá Éire mar chuid lárnach d'Aontas na hEorpa. Conas is féidir linn ár neamhspleáchas a thaispeáint san Eoraip? An t-aon dóigh gur féidir linn sin a dhéanamh ná trí an Ghaeilge agus ár gcultúr. Is deas an rud é go bhfuil daoine ag dul thar lear agus ag labhairt Gaeilge. Fiú muna bhfuil a fhios ag daoine eile céard atá á rá acu, faigheann siad teachtaireach gur daoine ó Éirinn iad, tír a bhfuil an Ghaeilge acu mar teanga labhartha. An difear idir muidne agus tíortha eile ná go bhfuil siadsan, na Francaigh, na Gearmánaigh agus daoine ó ghach tír eile san Eoraip iontach mórtasach ó thaobh na teanga de. Ba cheart go mbeadh muidne mar an gcéanna. Tá an Ghaeilge aitheanta anois san Eoraip agus is féidir úsáid a bhaint aisti sa Pharlaimint, i gComhairle na nAirí agus sa Choimisiún. Fiú roimhe seo, bhí go leor de na téacsanna le fáil i Ghaeilge. Dá bhrí sin, is ceart go mbeidh ráiteas againn i leith na Gaeilge do 20 blian ar aghaidh nó mar sin.

Le linn na bliana seo, tá an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta tar éis a bheith i mbun próisis poiblí le sain-chomhairleoirí a fhostú chun cuidiú leis an stráiteas seo a ullmhú. Tá an próiseas seo ag dul ar aghaidh agus ag teacht chun críche. Táthar ag súil go gceapfar na comh-

airleoirí faoi deireadh na bliana seo. Táimid ag súil go mbeidh an stráiteas ullmhaithe roimh deireadh na bliana seo chugainn.

Tá riachtanas bunreachtúil i leith na Gaeilge, Airteagal 8 de Bhunreacht na hÉireann. Cuireann sin dualgas ar an Stát a cinntiú gur féidir le saoránaigh a gcearta bunreachtúla a aidhmiú chun an Ghaeilge a úsáid in imeachtaí ós comhair na cúirteanna. Táimid ag iarraidh a dhéanamh cinnte de go mbeidh Gaeilge ag go leor dár abhcóidí agus aturnaetha agus go mbeidh cumas acu a gnó a dhéanamh sna cúirteanna. Ní amháin sin, ach go mbeidh siad in ann í a labhairt agus iad ag cur comhairle ar a gcliaint. De gnáth, bainneann na cásanna a ardaítear sa réimse dlí le heaspá cáipéis i nGaeilge.

Ní raibh aon chás go dtí seo inar theip ar duine ar mhian leis nó léi a chás a sheoladh trí Ghaeilge, cé go raibh easpa ionadaíochta agus daoine ann chun gnó a dhéanamh i nGaeilge sna cúirteanna. Anois tabharfar fealsúna agus casaoidí le thuiscint go ndeireann an Stát, na forleatha reachtúla reatha, teangairí a chur ar fáil. Beidh deiseanna i bhfad níos fearr ann do dhaoine anois. Is é atá á dhéanamh againn anseo, agus tá gach taobh den Teach ag tacaíocht leis, ná a cinntiú go mbeidh deiseanna ag daoine dul faoi na scrúduithe, tar éis páirt a ghlacadh sna cúrsaí a bheidh á chur ar fáil ag Ostaí an Rí.

D'ardaigh Teachtaí ceist faoi na cúirteanna sa Ghaeltacht. Tá foláireamh faoi alt 71 de Acht Cúirteanna Breithiúnais 1924, san méid gur féidir é gach ní a bhaineann leis an saol a chur san áireamh agus go mbeidh ar an bhreitheamh den Chúirt Dúiche, a ceapfar do dhúiche ina bhfuil Gaeilge á n-úsáid go ginearálta, oiread eolas ar an Ghaeilge a bheith aige nó aici chun bheith ar a chumas cás a threorú ó thaobh na teanga agus fianaise a thabairt as Ghaeilge.

Tá an Rialtas ar an eolas faoin gceangal sin agus tugann sé aird cuí air agus daoine á sheoladh chuig na dúichí sin. Más rud é, áfach, nach bhfuil breitheamh sách líofa sa Ghaeilge, d'fhéadfaidh uachtarán na cúirte dúiche breitheamh inaistrithe a ainmniú chun an chás a éisteacht i nGaeilge. Is nithe a bhaineann le uachtarán na cúirte iad socraithe dáta na breithiúna inaistrithe. Ní cheart dom aon tagairt a dhéanamh do sin. Más mian le duine go ndéanfaí a chás a éisteacht i nGaeilge áit ar bith sa Stáit, ní amháin sa Ghaeltacht, is féidir é sin a dhéanamh.

Ba mhaith liom labhairt faoi cheist ábaltacht na Gaeilge a bheith ag breithimh, srl., atá ag feidhmiú sa Ghaeltacht. Aontaím le mo chomhghleacaithe, an Aire, an Teachta Ó Cuív, gur féidir leis an Seirbhís Chúirteanna an cheist sin a chuir san áireamh ina phlean teangan. Tá mé sásta go gceanglófar an breitheamh, an cláráitheoir, an cléireach cúirte agus foireann an Seirbhís Chúirteanna le dúichí nó limistéir áirithe Gaeltachta, cosúil le mo cheantar fhéin nó An Rinn i gContae Phort Láirge, cheantar an Teachta Ó Sé. Beidh sé fíor-dheacair muna bhfuil an bhreitheamh a suíonn i ndúiche ceangailte leis

an áit sin. Ní bheidh an bhreitheamh in ann é sin a dhéanamh, sa mhéid gur féidir leis, muna bhfuil “pass” faighte sa scrúdú. D’fhéadfaí go mbeidh laghdú ar seirbhíse cúirte do lucht úsáidte. B’fhéidir go mbeidh moill ar iarradh cirt, mar thoradh ar sin. Ó thaobh bainistíocht achmhainní daonra de, beidh sé deacair oibleagáid reachtúil den sórt sin a chuir i bhfeidhm ar chláraitheoirí, cléirigh agus baill foirne eile de chuid an Seirbhís Chúirte-anna. Cuireadh sé isteach ar solúbthacht an gcóras dlí, nuair atá foirne cúirte á aimniú agus á aistriú. Tá contúirt ann go mbeidh droch-tionchar ag easpa foirne, mar aon le moill líonadh folúntas, ar lucht úsáidte na cúirte.

Tá súil agam go mbeidh an leasú seo mar dlí chomh luath agus an bhliain seo chugainn. Tá súil agam go mbeidh cumas na Gaeilge ag go leor de na daoine óga a rachfaidh isteach mar printíseacha. Gheobhaidh siad an-chuidiú ó thaobh na Ghaeilge de. Beidh cúrsaí ar fáil acu, daoine a thagann ón Ghaeltacht ina measc. Ní gá bheith ón Ghaeltacht chun a bheith cumasach ó thaobh na Gaeilge de. Tá níos mó daoine ag labhairt Gaeilge i mBaile Átha Cliath ná sna Gaeltachtaí. Bhí an Teachta O’Connor ag caint mar gheall ar áiteanna faoi leith ar fud na tíre. Tá aithne agam ar go leor acadaimh agus aturnaetha sa chathair seo, agus a bhfuil ag déanamh a chuid gnó trí Ghaeilge, a bhfuil scoth na Gaeilge acu.

Beidh deis eile ag na Teachtaí an reachtaíocht seo a phlé ar Chéim an Choiste. Mar a dúirt an Teachta Ó Flannagáin, beidh deis ag Teachtaí na mion-sonraí a scrúdú sa choiste. Cuirim fáilte roimh an dul chun cinn ata déanta anseo inniu. Ba mhaith liom a chur in iúl don Teach go bhfuil dhá cúrsa i gceist — an chúrsa téarmaíocht dhlíthiúil agus an ard-chúrsa. Ar ndóigh, beidh sé mar dhualgas ar gach éinne an chúrsa téarmaíocht dhlíthiúil a dhéanamh, muna bhfuil an ard-chúrsa á dhéanamh acu.

Gabhaim bhuíochas le gach Teachta a ghlac páirt sa díospóireacht seo. Gabhaim leithscéal arís thar ceann an Aire — sílim go glacann gach éinne leis nach raibh sé ar chumas an Aire bheith i láthair. Ba mhaith liom mo bhuíochas a chuir in iúl le oifigigh an Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, as ucht an méid a rinne siad ag ullmhú an mBille, ag chuir gach rud le chéile agus ag cuidiú liomsa.

Question put and agreed to.

Legal Practitioners (Irish Language) Bill 2007: Referral to Select Committee.

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

That the Bill be referred to the Select Committee on Justice, Equality, Defence and Women’s Rights, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Sitting suspended at 2.55 p.m. and resumed at 3.30 p.m.

Sitting suspended.

Ceisteanna — Questions.

Priority Questions.

Crime Prevention.

1. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to address the ever increasing availability of narcotics here. [34765/07]

2. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the steps he will take to restrict the supply of cocaine in view of evidence of its growing use in society here and the toll it is taking in terms of deaths of users and the role it plays in financing criminal gangs; and if he will make a statement on the matter. [34647/07]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Conor Lenihan): I propose to take Questions Nos. 1 and 2 together.

I apologise to Members for the absence of the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, whose mother-in-law died and is being buried today. For that reason, I am taking these questions in his stead.

Deputy Charles Flanagan: An adequate replacement.

Deputy Conor Lenihan: I thank the Deputy. I hope this will be the tenor in which the afternoon will proceed.

An Leas-Cheann Comhairle: “Adequate” is effusive praise.

Deputy Conor Lenihan: The tragic events in recent weeks have once again demonstrated the dangers associated with drug misuse in a stark and public way. The problem is a complex and difficult one for which there is no quick fix or easy solution. The changing nature of drug use, specifically the emergence of cocaine and polydrug use in recent years, presents significant challenges for everyone involved in trying to tackle the problem. We will continue to facilitate and support agreed international responses to the issue while pursuing our own goals through the policy framework of the national drugs strategy.

I acknowledge the considerable contribution made by my constituency colleague, Deputy Rabbitte, while he was a Minister of State

[Deputy Conor Lenihan.]

through his work with the ministerial task force on measures to reduce the demand for drugs, which laid the foundation for the development of our current strategy. As the House will appreciate, the Department of Community, Rural and Gaeltacht Affairs, under the stewardship of the Minister of State, Deputy Pat Carey, is the lead Department in co-ordinating the implementation of the strategy. The process of drawing up a new strategy to which my Department and the Garda will contribute fully is under way.

One of the Garda's primary functions is to reduce the supply of illegal drugs of all kinds. While much of the public attention in recent days has naturally centred on cocaine, the Garda must tackle illegal drugs of all kinds. The value of drugs seized demonstrates how active the Garda is in this regard. The most recent figures for this year show that more than €22 million worth of heroin, approximately €13 million worth of cannabis and nearly €3 million worth of ecstasy tablets have been seized. Including the cocaine at Dunlough Bay in Cork last July, more than €117 million worth of cocaine has been seized this year. While it may be argued that the find in Cork was to some extent fortuitous, nevertheless a substantial Garda operation was initiated to bring those involved to justice. These drugs seizures are evidence of the scale of the drug problem, but they are also an indication of the amount of work being done to try to reduce the supply of drugs.

Under the national strategy, the Garda Síochána will continue to pursue its strategies to restrict the supply of all illegal drugs in this jurisdiction vigorously. The Garda National Drugs Unit will continue to co-ordinate large-scale operations against drug dealing or trafficking, with unit personnel investigating cases and assisting local investigation teams as appropriate. Additional assistance will continue to be made available from other specialised Garda support units such as the National Bureau of Criminal Investigation, the Bureau of Fraud Investigation and the Criminal Assets Bureau. The new Garda Commissioner, Fachtna Murphy, has made clear the priority the Garda gives to the drugs problem and he is reviewing with his people on the ground their strategies for addressing this issue.

Of particular relevance in tackling the supply of cocaine to this jurisdiction is the recent establishment of the Maritime Analysis and Operations Centre in Lisbon. This centre, of which Ireland is a founding member, will focus on exchanging intelligence leading to the detection of large maritime and aviation drug shipments. It will focus particularly on the trafficking of cocaine from South and Latin America.

The Government will continue to ensure that the Garda has sufficient resources to tackle the problem and the policing priorities for the Garda Síochána, which the Minister set recently under the Garda Síochána Act, reflect the urgency with

which the Government continues to regard the issue of drug trafficking.

Additional information not given on the floor of the House

These priorities refer to specific enhanced activity by the force and the Garda National Drugs Unit in particular on places where the presence of drug dealing and the use of illicit drugs is likely. Of its nature, this would include particular pubs and clubs. The Garda has been targeting places of this kind and intends to intensify that activity. The Garda engages in undercover activity to try to bring those involved in the drugs trade to justice.

It is also important to acknowledge that the Garda needs co-operation from all sections of society in trying to tackle this problem. Anyone who has information about those supplying drugs, however small the scale, should give it to the Garda. The policing priorities refer to enhanced liaison arrangements between the Garda divisions and the Criminal Assets Bureau so that those engaging in drug dealing at all levels can be pursued. Profilers trained by CAB are now present in each division.

Deputies will agree that, while the State has clear responsibilities in these matters, the fact is that all citizens have choices to make and responsibilities to uphold with regard to drug use. With the attention of public opinion focused on this issue now more than ever, there is a particular onus on us all not to tolerate or accept any level of drug use in our society.

Deputy Charles Flanagan: I agree with the Minister of State that Ireland has had a bad time in terms of the use of cocaine and other illegal drugs, which has brought forward the stark reality of the Ireland of 2007.

Regarding the reduction of supply, it was revealed this week that customs officials charged with responsibility for coastline protection have one X-ray scanner for the entire country. The scanner is useful in detecting illegal drugs, particularly cocaine, along our coastline but if it is being used in Rosslare, the thousands of miles outside Rosslare are free. Criminals know when the scanner is located in a particular place. It is nothing short of a disgrace that an island nation has only one scanner. What steps does the Government propose to take to increase the number of such machines?

Deputy Conor Lenihan: The Government is doing everything in its power to increase the level of surveillance along the coastline, one of the largest in terms of this issue. Ireland has invested significantly in the foundation of the maritime surveillance operation in Lisbon, which will be effective. There are well known routes through which drugs are trafficked into this country, particularly from Latin and South America. If there is a further requirement for a customs scan-

ner, I do not doubt that the Minister will upgrade and provide the necessary facilities, but there has been no request for additional resources to date.

Deputy Charles Flanagan: One is enough.

Deputy Conor Lenihan: I am sure the Government will respond if there is a request for further facilities to assist in the detection of drug smuggling. There has been a considerable upsurge in the number of seizures and fines. It is not the case that the figures are going in the wrong direction. They are going in the right direction relative to the amount of drugs being smuggled in.

Deputy Pat Rabbitte: Does the Minister of State agree with the Taoiseach that the Garda ought to raid house parties or does he believe it to be entirely impractical?

Deputy Conor Lenihan: The Garda has indicated to the Department that it will be more vigilant concerning the presence of drugs generally, whether in pubs, clubs, nightclubs, night spots or private houses. However, there is an operational dimension to the issue. If the Garda is to begin raiding house parties of one kind or another, there will be a requirement for warrants so that the power is not open to abuse. Gardaí can routinely enter public houses or nightclubs with a view to investigating whether drug misuse is occurring. I am sure the Garda will consider the operational issue of getting warrants to raid private homes if it believes the matter should be pursued. The Government will not stand in the way should the Garda want procedures along the lines of the Taoiseach's suggestion.

Deputy Pat Rabbitte: From the reply, I gather that the Minister of State does not agree with the Taoiseach and believes the suggestion is impractical. As gardaí may enter public houses for the purposes of inspecting compliance with licensing laws, why would this provision not be extended to permit gardaí to enter such premises to inspect suspected offences under the Misuse of Drugs Act? Allow me to give the Minister of State another opportunity to say whether the Taoiseach was talking off the top of his head when he said gardaí should raid house parties. Perhaps they should, but would it be practical? I did not ask the Minister of State about whether gardaí should raid public houses or public places, I asked about private house parties.

Deputy Conor Lenihan: The Deputy is mischievously trying to bring me into conflict with the Taoiseach. He will find I am a loyal Minister of State in that regard. I emphasise clearly that gardaí already have the power to enter premises that we describe as public houses or night spots of one kind or another.

Deputy Pat Rabbitte: Not under the Misuse of Drugs Act.

Deputy Conor Lenihan: I understand gardaí have the power to inspect premises with regard to potential or actual drug misuse in a public house setting. There is a different issue, legally, in regard to private homes. The Minister is a lawyer but I am not. However, I understand the law on the matter is that if one were to specify a raid on a private home with regard to potential or actual drug misuse, there would be a requirement for a warrant. Powers may be available to the Garda under general public order legislation if a house party were being conducted in a way that was clearly a threat to public order in a neighbourhood. I hope that provides the clarity the Deputy seeks. I am sorry I cannot conflict with the Taoiseach on this vital matter.

Deputy Charles Flanagan: On 24 October, during a debate in the House on drugs, I called for 24-hour surveillance on known crime bosses, given that only a small number of them are involved in this illegal activity. What exactly has the Government done to facilitate this 24-hour surveillance?

Deputy Conor Lenihan: Operation Anvil has been up and running for some time and has been very successful. It concentrates Garda resources, including spending on overtime, in order that gardaí can focus their efforts on particular areas and gangs where they may be active. It is essentially the type of operation I hope the Deputy would welcome because it is entirely in tune with what he is calling for. At least 100 people have been charged with murder offences under the umbrella of Operation Anvil. I am glad the Deputy supports it.

Deputy Pat Rabbitte: Having regard to the tragedies of recent weeks and the fact that yesterday the newspapers reported on three coroner's inquests into cocaine deaths, what three additional top priority measures does the Department propose to take to deal with this phenomenon?

Deputy Conor Lenihan: I do not intend to reduce our priorities to a numerical basis. I merely point out that the expansion of cocaine usage is a very serious problem.

Deputy Pat Rabbitte: The Minister of State need not prioritise. He can just tell us what new measures the Department proposes to take.

Deputy Conor Lenihan: I said in my initial reply that there was no simple quick-fix solution to this problem. It requires sustained work by the Garda and the Department. I do not believe there is currently a requirement for additional legislation. We need to continue to reinvest in the existing resources deployed through the drug units in every Garda district. We also require leadership from parents, other citizens and even

[Deputy Conor Lenihan.]

the Members opposite to carry the anti-drug message to the public, given that in the past few years, because of affluence, many have become dilatory and complacent with regard to drug usage. There is an issue around prevention and challenging a culture that finds it acceptable and is tolerant of drug taking.

3. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the policy changes he proposes to introduce in view of the ever increasing use of illegal firearms and offensive weapons, particularly in the area of serious crime and homicide. [34766/07]

Deputy Conor Lenihan: The Minister for Justice, Equality and Law Reform and the Government attach the highest importance to tackling the use of illegal firearms and offensive weapons generally. The first of the priorities which the Minister has determined in accordance with the Garda Síochána Acts for the Garda Síochána for 2008 is targeting gun crime and the illegal activities most closely associated with such crime, organised crime and drug trafficking. The Minister has asked that, in pursuing this priority, particular emphasis be placed on the use of specialist units and targeted operations such as Operation Anvil; profiling, intelligence gathering and threat assessments in relation to individuals and groups involved; delivery of Garda commitments under the national drugs strategy; pursuit by the Criminal Assets Bureau of the proceeds of crime; and enhanced activities by the drugs units and the force generally.

I am informed by the Garda authorities that as of 9 December there were 18 murders this year where a firearm was used. While all of these deaths are completely unacceptable, the figure shows a reduction for the corresponding period last year, which was 22. With regard to serious or headline crime, the most recent figures available are for the period up to 30 September. They show that there had been no increase in such crime in the 12 month period to that date. There are no grounds for complacency, but there should be some recognition for what the Garda is achieving.

Our legislation in regard to firearms and other offensive weapons is properly severe. The mandatory sentence for murder is life imprisonment. The Criminal Justice Act 2006 provides for high mandatory minimum and maximum sentences for firearms offences, for example, a maximum of life imprisonment and a mandatory minimum sentence of ten years for the possession of firearms with intent to endanger life and the use of a firearm to resist arrest or aid escape. The Firearms and Offensive Weapons Act 1990 and the Offensive Weapons Order 1991, which control knives and offensive weapons, lay down prohibitions on such weapons and severe penalties for breaking the prohibitions. The Criminal Justice Acts 2006 and 2007 have updated and strengthened the law

in many areas important to the fight against gun crime. The Government will continue to bring forward proposals to strengthen the law, including the creation of a national DNA database.

Additional information not given on the floor of the House

Over the lifetime of this and the last Government we will have significantly increased the strength of the Garda Síochána. The current programme for Government reaffirms the commitment to a Garda strength of 15,000, with a target date of 2010, and commits us to increasing the strength of the force further to 16,000 by 2012.

Operation Anvil is central to the strategy of the Garda Síochána in combating serious crime and, in particular, murder. The operation which commenced in the Dublin metropolitan region in May 2005 and was subsequently extended nationwide at the Minister's request has proved to be very successful in disrupting the criminal activities of a number of key criminal gangs. It has resulted in a number of high profile arrests and the acquisition of intelligence on the movements of criminals. Notable improvements have been achieved in the recorded number of incidents of crime being targeted by the operation. The most recent figures available, up to 9 December, show that as a result of the operation there have been 816 firearms seized or recovered in the Dublin region alone. There have been 100 arrests for murder, 2,796 for burglary and 1,260 for robbery; more than 40,000 searches for drugs; more than 75,000 checkpoints and property to the value of more than €23.7 million recovered. Outside the Dublin region, there have been 569 firearms seized.

While, as the Minister indicated, the fight against those involved in these types of offences is going to be long and has to be relentless, the approach being taken by the Minister and the Garda Síochána and the unprecedented level of resources being made available to it are producing results which must be built on.

Deputy Charles Flanagan: The situation is escalating beyond the control of either the Garda or the Government. This week alone, on Monday night a man was stabbed to death in a Dublin laneway, on Saturday night a teenager received gunshot wounds to the hand in a shooting in Artane, on Friday night a man was found with a gunshot wound in a rural part of Rathcoole. This is a daily occurrence. Where are the criminals sourcing the weapons? What steps has the Government taken to track down the suppliers of weapons and stop the import of dangerous highly sophisticated weapons from eastern Europe and other parts of the world?

Deputy Conor Lenihan: I do not want to minimise the problem or sound complacent by quoting the figures I quoted in my initial reply, but the bottom line is that year on year — I am not saying one swallow makes a summer or that one

year's figures are evidence of a serious regression — there has been a welcome reduction in the number of murders and offences involving weapons. It is also the case that the majority of unsolved murders are typically the result of inter-necine fighting between criminal gangs. The situation is not as bad as depicted by the Member opposite. The overarching figures on crime are extremely positive. If one takes a ten-year view of the crime statistics, the number of crimes committed per thousand is well down from a high of 27 or 28 crimes per 1,000 ten years ago to between 23 and 25 per 1,000 today. That is against a background of a rising population——

Deputy Charles Flanagan: The Minister of State is massaging his figures.

Deputy Conor Lenihan: ——and extra pressure on the Garda Síochána because of that growing population.

Deputy Pat Rabbitte: The Minister is wasted in integration.

Deputy Charles Flanagan: The Minister is massaging the figures. It is easy to highlight one year. The fact is that last year we had the highest number of murders caused by illegal firearms in the history of the State.

On a specific matter, it appears many of these illegal weapons were used by the provisional IRA in Northern Ireland in the past. What steps is the Minister taking to intervene in terms of the illegal importation of weapons formerly used in Belfast, Northern Ireland, by members of the republican movement in particular?

Deputy Conor Lenihan: That is a detailed question which, perhaps more properly, should be directed to the Garda Commissioner. With regard to weapons becoming available because of the post-conflict situation on the island, it must be remembered that many of the guns that arrived here did so for many different reasons. A significant contributor to firearms becoming available to the criminal classes here is the theft of firearms from farmhouses. Farmers living in isolated settings are being deliberately targeted for their shotguns and weapons that are used in the farm setting.

Deputy Charles Flanagan: I hope the Minister is not blaming farmers for the escalation in gun crime.

Deputy Conor Lenihan: That is a serious issue. I do not have figures available to me on the percentage of weapons now available because of the post-conflict situation in the North only to say that is something the Garda monitors regularly.

Deputy Alan Shatter: Is the Minister seriously suggesting that farmers are responsible for gun drug crime in Dublin——

An Leas-Cheann Comhairle: This is a Priority Question.

Deputy Conor Lenihan: No. I am saying it is one of the contributory factors——

An Leas-Cheann Comhairle: The Minister will not ignore the Chair either.

Deputy Conor Lenihan: My apologies.

An Leas-Cheann Comhairle: This is a Priority Question. The only Deputy allowed ask a question is the Deputy in whose name the question is tabled.

Family Law.

4. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if he will introduce legislation in the area of fathers' rights. [34816/07]

Deputy Conor Lenihan: In all family law proceedings relating to the upbringing of a child, the court must always regard the child's welfare as the first and paramount consideration. Where appropriate and practicable, the court will take into account also the child's wishes in the matter having regard to the age and understanding of the child. In addition, the law now places an emphasis in terms of recognising the rights of the child to the society of both of his or her parent. Section 11D of the 1964 Act, inserted by the Children Act 1997, obliges the court in proceedings relating to the welfare of a child to consider whether the child's best interests would be served by maintaining personal relations and direct and regular contact with both his or her father and mother.

Under the law as it stands, married parents living together are joint guardians and custodians of their child. If they separate, the custody is normally with the parent with whom the child is intended to reside, but the other parent still remains a guardian.

An unmarried father may apply to the court to be appointed a guardian of his child. Alternatively, where there is agreement between the parents, they can make a statutory declaration under section 2(4) of the Guardianship of Infants Act 1964, as inserted by section 4 of the Children Act 1997, appointing the father as a guardian of his child and without having to go to court.

The 1997 Act also provides for an emphasis on counselling and mediation as alternatives to court proceedings concerning the custody of and access to children. It encourages couples who are in dispute to think in terms of agreeing to the custody of and access to their children without the need for court interventions. Before instituting proceedings for guardianship, custody or access, a solicitor must discuss with the parent the possibility of engaging in counselling and mediation to assist in effecting an agreement between the parties. The court may adjourn any proceedings

[Deputy Conor Lenihan.]

for the purpose of enabling attempts to be made by the parties to reach agreement, with or without the assistance of a third party, on some or all of the issues in dispute. An agreement in writing between parties relating to custody, access or maintenance can be made a rule of court and thus become enforceable in the same way as if it were a court order. Mediation on the various issues is by its nature a voluntary act to be undertaken by two persons who are in dispute.

The Family Support Agency, operating under the aegis of the Department of Social and Family Affairs, following the enactment of the Family Support Agency Act 2001, brings together programmes designed to support ongoing parenting relationships for children. Its functions include the provision of a family mediation service, both directly or through support for others providing these services, and the administering of grants for such purposes.

As regards the hearing of family law cases in general, the *in camera* rule has recently been relaxed in that the law now allows certain classes of persons to attend family law cases to draw up and publish reports, subject to certain safeguards including a requirement that the parties to a case or any relevant child would not be identifiable.

The Minister is aware of the concerns of fathers in the area of family law. Operation of the law in this area is being kept under review in his Department.

Deputy Charles Flanagan: Will the Minister expand on the last point he made about the nature of the review? I invite him to comment on a recent judgment of Mr. Justice McKechnie in the High Court wherein he called for a review of the law on fathers' rights. One child in three in this country is born to unmarried parents and it is timely that matters would be reviewed having regard to the fact that, in law, the father does not have any automatic rights.

Deputy Conor Lenihan: The Minister is cognisant of the issues arising in this question and these matters are under review in his Department. That is a commitment from the Minister.

Deputy Charles Flanagan: Does that mean legislation is envisaged?

Deputy Conor Lenihan: Wider issues arise involving the consistency of judgments as between courts, whether they be in an urban or rural setting. An issue has been raised directly by judges with the Department and its officials about the consistency across the courts system with regard to decisions and matters arising from the family courts. I understand there is a commitment from judges to provide more consistency in terms of the judgments in this area. That is to be welcomed.

The Minister also commissioned a report by Dr. Carol Coulter on the operation of the family courts. That report has been published and made available to the public. Many of the points made in the report are being absorbed into the system, either at official level or by the courts themselves.

5. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the consideration given by him to revise family law to create a new court family and assessment service to assist the courts in determining family law proceedings and in particular issues relating to the guardianship, custody and upbringing of children and in determining care proceedings relating to children. [34646/07]

Deputy Conor Lenihan: In all family law proceedings relating to the guardianship, custody and upbringing of a child, the court must always regard the child's welfare as the first and paramount consideration. Where appropriate and practicable, the court will also take into account the child's wishes in the matter having regard to his or her age and understanding. Similar statutory provisions apply in proceedings in respect of the care and protection of a child.

With regard to family assessments, section 47 of the Family Law Act 1995 provides that reports can be ordered by the courts dealing with questions affecting the welfare of any party to the proceedings. These reports deal mainly with child custody and access. In the past, they were provided by the probation and welfare service. However, because of the demands of the criminal courts, I understand the probation and welfare service has not been in a position to provide this service for some time.

Following a request from the Courts Service, the probation and welfare service agreed in 2003 to set up a pilot project for one year to provide these reports for the Dublin circuit family law courts. This initiative was of great assistance to judges but, owing to pressures from the probation and welfare service's core business in the criminal courts, the pilot was discontinued after one year. As a result, parties involved in family law disputes often engaged medical consultants, psychologists and others at considerable cost to provide evidence in court. Some judges dealing with family law expressed concern with the "over-medicalisation" of family law and the conflicting nature of the reports provided by these medical experts.

I am pleased to inform the Deputy that the Courts Service and the probation and welfare service reached agreement earlier this year that a system funded by the Courts Service would be established for the provision of reports to the family law courts and that the probation and welfare service would assist in the monitoring and quality control of this system.

Those providing this service will not be direct employees of the probation and welfare service

but contracted on a fee per report basis. Reports will be provided by a panel of external contractors, in the main social workers and retired probation officers. The panel will have a national geographic spread and reports will be carried out by persons for a fixed fee per report. It is intended that this system will commence initially in the Dublin circuit family law courts. The probation and welfare service is appointing a senior manager to supervise and assure quality in this contract arrangement.

The Minister welcomes this initiative and is appreciative of the constructive work involved on the part of both agencies in developing this service. While he has no direct responsibility in the matter, the Minister will do whatever he can to support the initiative and looks forward to the service being fully established and working effectively to provide a service to families who find themselves in difficulty.

Deputy Alan Shatter: When will the proposed service begin? If it is to start in Dublin, will it only apply to the three Circuit Courts dealing with family law in Dublin? Guardianship and custody disputes relating to children are dealt with in the District Court to a greater extent than in the Circuit Court.

Care proceedings relating to children are dealt with exclusively in the District Court. For years District Court judges have been crying out for a coherent and dedicated service to provide welfare assessments relating to children and family assessments to assist them in their decision-making. Such decisions are often made by High Court judges.

Why is it deemed this service should be provided for Dublin Circuit Court judges, and some outside Dublin, but to none of the Judiciary dealing with family cases in the District Courts or the High Court? Will the Minister of State acknowledge it is preferable to provide a dedicated family and welfare assessment service, available to all the Judiciary dealing with family cases?

Will the Minister of State explain why child psychiatrists, who frequently assist the courts in such cases through private payment, are excluded through the proposed scheme?

Deputy Conor Lenihan: I will attempt to answer some of the Deputy's questions as some are beyond me.

Deputy Alan Shatter: They seem to be beyond the Government in general.

Deputy Conor Lenihan: Deputy Shatter is an acknowledged expert in this area. This service is being provided on a pilot basis in the Dublin Circuit Court.

Deputy Alan Shatter: This is the second pilot project.

Deputy Conor Lenihan: It will be followed through on a phased basis in the Cork and Limerick Circuit Courts. The probation and welfare service is in the process of appointing a family law coordinator who will liaise with the Judiciary on the service it should access. Referrals will be processed through the Courts Service and accompanied with a sworn affidavit by the applicant and the respondent. Hopefully, the pilot project will result in a permanent standing service, which the Minister and his officials wish to happen.

Deputy Alan Shatter: The last project that lasted for one year crashed in 2003. Will the Minister of State admit that the new proposal is a half-baked grossly inadequate scheme thrown together in desperation to make a pretence of a response to Carol Coulter's report?

This area needs radical reform with the replacement of the current fragmented court structures with a dedicated system of family courts with proper family assessment and mediation services. Has the Government considered such radical change with the necessary constitutional referendum to put in place a separate court system to deal with family matters?

Deputy Conor Lenihan: I thought I alluded to the previous scheme in my initial reply but I will add it again for the benefit of Deputies opposite.

Deputy Alan Shatter: The Minister of State told us the previous scheme ran for a year and it collapsed.

Deputy Conor Lenihan: The previous scheme collapsed after one year because the Courts Service and the probation and welfare service were under pressure.

Deputy Alan Shatter: The welfare of children does not matter then.

Deputy Conor Lenihan: The purpose of this latest initiative is to contract panels of experts to conduct these assessments.

Deputy Alan Shatter: What about child psychiatrists?

An Leas-Cheann Comhairle: Allow the Minister of State to continue without interruption.

Deputy Alan Shatter: It is another half-baked and pathetic attempt to address the problem.

Deputy Conor Lenihan: It is intended not to put the Courts Service or the probation and welfare service under additional pressures, which would lead to another collapse of this scheme. There has been a significant issue with the costs of medical and other experts.

Deputy Alan Shatter: Why are the District Courts being left out?

Deputy Conor Lenihan: From a value for money perspective it makes much more sense to do it on a contract basis.

Other Questions.

Garda Operations.

6. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform his views on the fact that as of the end of November 2007 there were more than 111,000 outstanding warrants, including 36,000 bench warrants, and whether this indicates a serious problem with the enforcement of court warrants; the steps he will take to deal with this situation and to ensure those in respect of whom warrants are in existence will be called to account; and if he will make a statement on the matter. [34518/07]

Deputy Conor Lenihan: The figures were provided by the Minister for Justice, Equality and Law Reform in response to a parliamentary question. They refer to all warrants recorded on the PULSE system since the commencement of a new release of the system in November 2003, when all remaining outstanding warrants were transferred to the PULSE system.

It is inevitable in any criminal justice system that at any given time there are a significant number of warrants awaiting execution. The majority of the outstanding warrants relate to financial penalties, not to violent crime. The Garda Síochána continues to give priority to the enforcement of warrants arising in serious cases.

It is the case too that many individuals are subject to multiple warrants. Aside from the large volume of warrants being issued, there can also be unavoidable reasons that warrants take time to execute or prove ultimately unenforceable.

It is difficult to be precise as to what level of outstanding warrants at any time represents the optimal situation. The number of warrants outstanding has to be seen in the context of the constantly increasing strength of the Garda Síochána, now in the region of 14,000. Nevertheless, the Minister has sought from the Garda Commissioner a detailed report on the implementation of warrants in so far as the Garda Síochána is concerned.

In the interim, he has been advised that the Garda Commissioner has recognised that steps need to be taken to reduce the number of outstanding warrants as much as possible. Each regional assistant commissioner has been directed to give priority to this issue and to review procedures in their areas for the execution of warrants.

The Minister is also taking several steps to deal with this issue. A particular difficulty is that cases relating to the non-payment of fines clog up the courts system since the Garda have to seek warrants to enforce their payment. A pilot project has been introduced by the Department under which outstanding fines have in effect been pursued in terms of debt collection by an outside agency, rather than moving directly to the stage where the Garda seeks a warrant. This pilot project is proving successful and seems to offer good grounds for introducing it on a wider footing. The Department, in consultation with the Garda and the Courts Service, will take it forward.

Additional information not given on the floor of the House

There is also a Fines Bill before the House. Among other things, it provides for the payment of fines by instalment and an improved means of assessing the capacity of a person to pay a fine. These proposals, if implemented, will result in a smaller number of warrants being issued and so reduce pressure on the warrant system. The Minister is also looking at other legislative measures which might help in the whole area of collection of fines so as to improve the efficiency of the system, particularly by reducing the amount of Garda time dedicated to the warrants process.

The Law Reform Commission is at present finalising its next programme of law reform, which will begin in 2008. The programme will include an examination of the enforcement of court orders and the service of proceedings in both civil and criminal cases, in particular the procedure for the execution of bench warrants and search warrants. This topic is being included because it is recognised that there are significant issues in this area at present. The programme will be submitted to the Government very soon for approval. Based on previous experience with the Law Reform Commission, which invariably produces reports and recommendations of the highest standard, it should prove of immense value in this area.

The Minister and the Garda Commissioner are aware of the importance of administering an efficient warrants process and will continue to monitor the operation of the system, particularly with a view to making whatever changes may be necessary to improve its operation.

Deputy Pat Rabbitte: I have difficulty in following the reasoning of the Minister of State.

Deputy Alan Shatter: We all have that problem.

Deputy Pat Rabbitte: He claims it is inevitable that in any criminal justice system there will be a significant number of warrants outstanding. I could accept that for two to five weeks but not for 111,000 outstanding warrants. How long have these been outstanding? How many are outstand-

ing for three months, more than six months and more than a year? How many relate to bail?

It is fantastic for the Minister of State to claim with a straight face that because Garda numbers have risen to 14,000 it makes sense there would be more warrants outstanding. I would have thought the opposite argument could be made, that because we have 14,000 Garda, more warrants are being executed.

Deputy Conor Lenihan: The Deputy is a very clever sophist. I reassure him and the public that the Garda prioritises warrants for serious crime. It is not the case that serious criminal issues are losing out or are not being pursued because of this backlog. Many of these cases involve sums of money of less than €100. In most of the cases where the financial penalty—

Deputy Pat Rabbitte: Can the Minister of State confirm that is the case?

Deputy Conor Lenihan: The average amount being sought by the Garda in many of these warrants is €100 or less. Arising from an earlier parliamentary question, the Minister requested the Garda Commissioner to furnish him with a detailed report on the nature and profile of these warrants. I will ask the Minister to reply directly to the Deputy when that report becomes available.

Deputy Joe Carey: Is this problem related to Garda or office work? Surely it should set a deadline to expedite these warrants. People are flabbergasted by the figures. The Minister of State needs to do something about the issue rather than hide behind the reply he has delivered.

Deputy Conor Lenihan: I am not hiding behind a reply, I am giving one. The Minister has asked the Garda Commissioner who, in turn, has asked his regional assistant commissioners to give priority to this issue and report on it to the Government.

Deputy Joe Carey: Has he set a target date?

Deputy Conor Lenihan: Let us wait and see what the priorities are when the Minister receives the report. The Deputy may not have been listening when I said a pilot project was under way, whereby outside debt collection agencies were collecting the money involved in these warrants.

Deputy Joe Carey: It is making no impact.

Deputy Conor Lenihan: As the Deputy is new to the House, he may not be aware that the Fines Bill is before the House and that it provides, among other matters, for the payment of fines by instalment and an improved means of assessing the capacity of a person to pay a fine.

An Leas-Cheann Comhairle: The Minister of State should be aware that I am trying to allow several other supplementary questions.

Deputy Conor Lenihan: All these measures, the Fines Bill, the pilot project involving outside debt collection agencies and the Garda report, will help in shifting this problem.

An Leas-Cheann Comhairle: The Minister of State should have regard to the Chair.

Deputy Alan Shatter: It is unusual to see a Minister of State being disorderly while this side of the House is orderly. I am rapidly reaching the conclusion that the Government is employing more pilots than Ryanair.

Deputy Conor Lenihan: Very witty.

Deputy Alan Shatter: The Minister of State's assurances are somewhat less than comforting. The failure to implement these warrants indicates that the Government does not have its finger on the pulse and has lost its way in implementing court judgments. A radical change is required to prevent the waste of Garda time in serving such warrants. Apart from the pilot project the Minister of State mentioned, have any alternative courses of action to address the problem been considered?

Deputy Pat Rabbitte: The Minister of State looked into the camera and gravely assured the public that there were no persons being sought for serious offences in respect of whom warrants had not been executed. How does he know that? He does not have the profile for the outstanding warrants. While it may be the appropriate thing to say, is there any scientific basis for it? Is he serious that a significant number of the outstanding warrants relate to fines of €100 or less?

Deputy Conor Lenihan: That is my information.

Deputy Pat Rabbitte: One would not be guilty of too serious an offence to incur a fine of €100 nowadays. I accept that the Minister of State does not have the information on the profile, although I would have expected that PULSE could generate it. How many of the unexecuted warrants relate to bail, a major issue on which we deserve a reply? In what circumstances does PULSE record outstanding warrants as being executed or cancelled?

An Leas-Cheann Comhairle: The Deputy's time is concluded.

Deputy Pat Rabbitte: The Minister of State needs clarification.

Deputy Conor Lenihan: Yes, I want to hear this.

An Leas-Cheann Comhairle: It is very interesting but we have run well over time on this question.

Deputy Conor Lenihan: I do not wish to evade Deputy Rabbitte's technical questions about PULSE, on which I am not an acknowledged expert. The Garda assures the Department that it continues to give priority to the enforcement of warrants in serious cases. That is why I said the sum sought by many outstanding warrants was approximately €100. I am not suggesting there are no serious cases among them because a warrant being served on a recidivist which he evades could involve a serious case. I do not wish my remarks to be misinterpreted by anyone in the House or to minimise the importance of clearing this backlog but the Deputy will have to wait until we receive a full report from the Garda which it would be valuable to furnish to the House.

Human Rights Issues.

7. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 98 of 7 November 2007, when he expects the UN Convention on the Rights of Persons with Disabilities to be ratified; if the optional protocol to the convention was signed by Ireland; if not; the reasons for same; and if he will make a statement on the matter. [34621/07]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Jimmy Devins): Ireland was in the first group of countries to sign, subject to ratification, the UN Convention on the Rights of Persons with Disabilities when it opened for signature on 30 March this year. The Government established a high level, cross-departmental implementation group earlier this year to advise on any changes to the Government's national disability strategy that may be required to enable the State ratify the convention.

Ireland, among a substantial number of other contracting states, has not signed the optional protocol to the UN convention. The matter will be considered further in the context of a decision to ratify the convention. It is intended that the convention will be ratified by Ireland as quickly as possible consistent with the need to ensure all necessary requirements under it are being met.

Deputy David Stanton: Is there an outside target date for ratifying the convention? Will it be necessary to make substantial changes to legislation? What barriers are there to signing the optional protocol? Does the Government intend to sign the optional protocol when ratification is complete?

Deputy Jimmy Devins: The Government intends to ratify the convention as quickly as possible consistent with the need to ensure all necessary requirements under it are being met. The

Department of Justice, Equality and Law Reform chairs the cross-departmental implementation group, the work programme of which encompasses all legislative and administrative matters that need to be aligned with the convention to enable ratification as soon as possible. To ratify the convention, we need to ensure legislation policies, programmes and schemes are in line with the articles of the convention. While the national disability strategy comprehends many of the provisions of the convention, Ireland will have to align those matters falling inside and outside the strategy with the provisions of the convention. The cross-departmental implementation group is doing this work. The law on the legal capacity of vulnerable adults needs to be addressed. The Department is preparing the scheme of a mental capacity Bill which will enable Ireland to meet the convention's legal capacity obligations.

We did not sign the optional protocol on 30 March, as it warrants close examination in consultation with the Office of the Attorney General. The Government will address the matter when it considers ratification of the convention. The protocol deals with the competence of the United Nations to deal with violations of the rights contained therein. Ireland is among many contracting states which have not signed the protocol.

Deputy David Stanton: Is the Minister of State aware of developments at UN level such that Ireland could lose out on having an important say on developments if we do not ratify the convention? Has he given the implementation group a deadline for ratification of the convention? Does he envisage any major changes to the national disability strategy regarding the capacity of the State to ratify the convention? Given the various protocols and articles under the convention does he see the current strategy as adequate to meet the demands for ratification of the convention?

Deputy Jimmy Devins: We will ratify it as soon as possible. In answer to the Deputy's other question, the cross-departmental group will report and on the basis of the report, we will decide if anything further needs to be done.

Deputy Finian McGrath: I welcome the Minister of State's answer to Question No. 7 on the United Nations Convention on the Rights of People with Disabilities and I urge that the matter be prioritised.

Does the Minister of State share my concern at the lack of an outcry at the Galway abuse report on the sexual abuse of children and adults with intellectual disabilities? These defenceless people were abused for years and it seems many quarters have remained silent on the matter.

An Leas-Cheann Comhairle: The Deputy is expanding the scope of the question.

Deputy Finian McGrath: Would the United Nations Convention on the Rights of People with Disabilities have had an impact on the situation I outlined?

Does the Minister of State accept it is a disgrace that some Irish comedians ridicule people with intellectual disabilities in their acts? Is this behaviour in breach of equality legislation? I ask him to prioritise services for people with intellectual disabilities in the distribution of the extra €50 million in the budget.

An Leas-Cheann Comhairle: I am not sure any of the Deputies questions come within the scope of the original question but the Minister of State may wish to make an observation.

Deputy Jimmy Devins: I agree with Deputy McGrath that any comedian trying to be funny at the expense of a person with disabilities is engaging in appalling behaviour that should not be allowed.

I understand that the issue of Kilcornan will be the subject of an Adjournment debate in the House later. If the Deputy wishes, he can attend. Otherwise I can arrange to have the reply sent to him.

Prison Accommodation.

8. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if he will charge prisoners for the cost of their time in prison where prisoners can afford to meet this cost; and if he will make a statement on the matter. [32962/07]

Deputy Conor Lenihan: I refer the Deputy to the answer to his Question No. 522 of 4 December 2007 where it was stated that there are no plans to implement any mechanism whereby prisoners would be expected to contribute to the overall cost of their imprisonment. There would be major practical difficulties and costs associated with trying to recover money from individuals who frequently have no visible assets or means of support. There are also a number of policy issues, for example, if prisoners have funds available to them, should claims by the Irish Prison Service compete with claims for damages by victims or the work of the Criminal Assets Bureau?

It is only fair to point out, however, that section 37 of the Prisons Act 2007 provides an appropriate statutory basis for a number of provisions in the prison rules of 2007 which allow a prison governor to charge for access to certain services over and above the standard provision to all prisoners, such as use of the video link, telephone calls and access to materials relating to current affairs such as newspapers, magazines and so on, not related to their imprisonment. The Act also allows for charges to be made to prisoners for goods or services that are not generally available or are not available on an unlimited basis. These include access to electronic devices, private medical treatment or escorts provided outside the

prison for matters not related to their imprisonment.

Deputy Pat Rabbitte: Or a speed dial to Joe Duffy's "Liveline".

Deputy Conor Lenihan: Prisoners are provided with access to health care services on an equivalent basis to citizens in the general community who are covered by the General Medical Services, GMS, medical card. Section 37 of the Prisons Act 2007 allows for the prison rules to provide, where it is deemed necessary on the basis of non-convicted status to facilitate a prisoner with access to elective health care outside the public system, that the prisoner will be responsible for the costs associated with facilitating such provision. Provision of necessary health care to all prisoners on an equivalent basis to that provided under the public health system will continue to be funded by the State.

In addition to the escort costs that could arise in the facilitation of access to elective health care outside the public system, prisoners are charged for escorts outside of their place of detention with regard to civil proceedings against third parties. It is not proposed to charge for escorts where the Minister for Justice, Equality and Law Reform or an individual governor is listed as a defendant or co-defendant in such proceedings. It is also proposed not to charge prisoners for appointments relating to any matters before the Residential Institutions Redress Board.

Access to certain other services in prison is provided without charge and it is not intended to begin charging for these services. For example, no charge is made for the making of a certain number of phone calls. Prisoners are entitled to a daily phone call, including calls to their legal adviser, and this will continue to be the position.

Deputy Joe Carey: I believe we should study prison conditions because the Irish prison chaplains recently produced their annual report, which pointed out that one in two inmates of St. Patrick's Institution is illiterate. Does the Minister of State think it is right that this Government presides over a prison system that allows juvenile inmates of St. Patrick's Institution remain illiterate on release?

An Leas-Cheann Comhairle: The question relates to the charging of prisoners.

Deputy Joe Carey: I am referring to prison conditions and believe the issue is relevant to this question.

Deputy Conor Lenihan: I am at a loss as to how this relates to Deputy Varadkar's rather right wing suggestion that we should charge prisoners for their incarceration. To my mind Deputy Varadkar's proposal is rather loathsome because I believe any person with an understanding of our prison system could easily inform him that the people incarcerated in our prisons tend to be

[Deputy Conor Lenihan.]

from very poor backgrounds. I do not believe that the principle of paying for one's punishment, which is popular in right wing circles in the United States, should be introduced to the Irish prison system.

I do not believe the issues Deputy Carey rightly raised could be addressed properly in our prison system were Deputy Varadkar's proposals to come to fruition. It is odd to hear Deputy Carey speaking out of genuine concern for prisoners in the context of his party colleague's loathsome proposal that seeks to take money from vulnerable people in prison.

Deputy Charles Flanagan: The Minister of State has conveniently used what should have been a reply to Deputy Carey to avoid addressing Deputy Carey's questions. The Minister of State referred to Deputy Varadkar but I should stress that the question does not reflect Fine Gael policy and appears to be the Deputy's personal view.

Deputy Conor Lenihan: I am glad Deputy Flanagan clarified that; I have hope for him yet.

Deputy Charles Flanagan: In view of the fact the Minister of State referred to the prison system and the cost of escorts, can he confirm the new prison at Thornton Hall will have courthouse facilities adjacent to it to minimise expenditure on escorts?

An Leas-Cheann Comhairle: That is a significant expansion of the scope of the question which relates to charging prisoners.

Deputy Charles Flanagan: The question relates to prisons, charging the Exchequer and charging court applicants for escorts. Escort charges would not arise if places such as Thornton Hall had adjacent courthouse facilities.

An Leas-Cheann Comhairle: I admire the Deputy's ingenuity in making his question pertinent.

Deputy Charles Flanagan: Will the Minister of State convey to his senior colleague and brother, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, the need to examine seriously the report highlighted by Deputy Carey and a similar report made by the Council of Europe committee? These reports indicate we do not accord an appropriate level of rights to prisoners in this country, many of whom are ill-treated and subjected to degrading and inhumane facilities. This matter requires the attention and resources of the Government.

Deputy Conor Lenihan: I welcome the clarification that charging prisoners is not Fine Gael policy because such a scheme was attempted elsewhere without great success.

The future policy of the Department and Government will be to build courthouses adjacent to prisons and it is hoped this will be the case with Thornton Hall. I will ask that the Minister for Justice, Equality and Law Reform reply directly to the Deputy by letter to confirm this as I do not wish to be too definitive. I understand that public policy is moving in that direction. I share the Deputy's view on prison conditions.

Deputy Pat Rabbitte: The Minister of State referred in his answer to the minimalist provisions in regard to the making of telephone calls by prisoners. What is his view on the unofficial provision? I read today that 2,000 telephones have been confiscated in prisons but there has been only a handful of prosecutions. Is the Minister of State concerned about criminal operations being directed by telephone from inside prisons? Is he satisfied that the system has now clamped down on access to this type of communication from inside prison cells?

An Leas-Cheann Comhairle: That is an expansion of the question.

Deputy Conor Lenihan: Yes, but it is a welcome one. Given that we are spending on average €91,700 for a year's incarceration of a prisoner, Deputy Rabbitte is right to raise this issue. I assure him that the illegal possession and usage of mobile telephones to further criminal careers from within prison walls is being vigorously tackled. There have been significant numbers of confiscations recently. In addition, there are plans within the Department to seek out technological solutions that will effectively block mobile telephone calls from being made into or out of prisons in this fashion. This is a matter of great concern to us and action is being taken to deal with it. We hope to see a yield in terms of results in the not too distant future.

Prisoner Releases.

9. **Deputy Ulick Burke** asked the Minister for Justice, Equality and Law Reform if he will introduce legislation to strengthen the role of the parole board; and if he will make a statement on the matter. [34577/07]

Deputy Conor Lenihan: The parole board reviews the cases of those prisoners serving long terms of imprisonment who are eligible for parole and who apply to be considered and then provides advice and recommendations to the Minister on those cases. The board has done an excellent job in making recommendations to the Minister of the day.

On several occasions, the issue has been raised as to whether decisions on the release of prisoners, particularly those with a sentence of life imprisonment, should be made by the Minister or by another body. This issue was considered by the High Court only this year in a case where two prisoners sentenced to life imprisonment chal-

lenged, among other issues, the role of the Minister in the process, arguing that the decision on their release was a judicial function not appropriate to the Executive and that the involvement of the Minister was in breach of the European Convention on Human Rights. The court rejected both arguments and upheld the existing system.

There are no immediate plans to introduce legislation dealing with the parole board, but the matter will be kept under review.

Deputy Joe Carey: The Minister and his Government colleagues know we are out of touch with European human rights law. Why are we evading this issue by failing to bring Irish legislation into line with European legislation?

Deputy Conor Lenihan: I am not sure whether the Deputy heard my answer. As I stated, two prisoners took a case arguing that the operation of the parole board is in conflict with the European Convention on Human Rights and the High Court upheld the Minister's executive role or responsibility in regard to parole decisions.

Recommendations on how the system may be improved, from the Human Rights Commission and others, are relevant and timely. I presume this is what Deputy Carey is alluding to. Suggestions have been made that the parole board should be placed on a statutory or independent basis. The Minister has informed me that he has an open mind on this issue and will consider it in the context of the ongoing review of the operations and arrangements pertaining to the parole board. He is ready to look at the issue and, if necessary, legislate for a statutory and independently based parole board if that is what is found to be the best option in terms of harmonising with the European Convention on Human Rights.

Deputy Charles Flanagan: Will the Minister of State consider it meritorious that the terms of reference for the role and function of the parole board be broadened to include those convicted of sex offences? Sex offenders do not come under the parole scheme. This means there is no incentive for such offenders to avail of treatment programmes because the terms of their sentences exclude them from the remit of the parole board.

How often does the parole board meet the Minister for Justice, Equality and Law Reform? How often does he request and receive reports from it? Does the board have a backlog of cases to consider?

Deputy Conor Lenihan: During 2006, the parole board made recommendations to the Minister on 73 cases. The total caseload for 2006 was 203 and 60 prisoners accepted an invitation to participate in the review process.

I do not have the answer to the Deputy's question on whether sex offences should come within the scope of the parole scheme. I will ask the Minister to reply directly to the Deputy on that issue.

Deputy Charles Flanagan: I thank the Minister of State.

Sentencing Policy.

10. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if his Department has carried out studies on the merits and demerits of introducing a "three strikes and you are out" policy for serious offences; and if he will make a statement on the matter. [32961/07]

Deputy Conor Lenihan: My Department has not carried out any studies on the merits of imposing a mandatory life sentence on prisoners who are convicted of committing more than three serious offences. I am aware that such a policy has been introduced in certain jurisdictions in the United States and has resulted in a significant increase in the prison population.

I have no plans to initiate such a study. It is open to question as to whether such a policy would be compatible with the Constitution and, in particular, whether it would satisfy the test of proportionality.

Garda Complaints Procedures.

11. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on whether the 32% cut in funding to the Garda Ombudsman Commission contained in budget 2008 can be justified in view of the body's inability to process its workload of more than 1,500 complaints and inquiries and 200 referrals efficiently; and the reason the Garda Complaints Board, which has been superseded, is receiving an increase of 8%. [34624/07]

Deputy Conor Lenihan: I am pleased to clarify the reason for the reduction in the allocation of the Garda Ombudsman Commission for 2008. The 2007 allocation for the ombudsman commission included significant funding relating to the initial set-up of the office, particularly for the leasing and fit-out of its new premises in Abbey Street, Dublin. As these were once-off costs, the 2008 allocation has been adjusted accordingly.

I am satisfied that the 2008 allocation will ensure the office has the resources to carry out its functions and that there will be no reduction in service. The commission is still in the process of recruiting its full staff complement and is recruiting additional investigative staff. There will therefore be more operational staff available during 2008 than there was in 2007.

Under the Garda Síochána Act 2005, the ombudsman commission took over several complaints from the Garda Complaints Board. However, the board must process to completion any complaint in respect of which it had commenced an investigation. Accordingly, it must continue to operate until all such investigations have been completed. The increase of 7.5%, or €130,000, in the budget for the complaints board

[Deputy Conor Lenihan.]

is in the main due to pay increases and other costs in respect of the board's staff in 2008.

Deputy Alan Shatter: Does the Minister of State know how many cases have been commenced and so must be completed by the Garda Complaints Board? Has he concerns about the capacity of the board to conduct investigations in view of the evidence given by the chairman of that board to the Morris tribunal and the inadequacies of the resources available to the board to investigate complaints in a thorough fashion?

Deputy Conor Lenihan: The Government would not have established an ombudsman commission if it was entirely satisfied with the operation of the Garda Complaints Board. One follows from the other. One can draw whatever conclusion one likes but it seems obvious the Government was not satisfied with the complaints board.

Deputy Alan Shatter: It took ten years for the Government to realise that.

Deputy Conor Lenihan: The commission has been established and is engaged in its work. The Deputy may have misunderstood what I said. To clarify, the complaints board is completing only those cases where it has already commenced an investigation. Complaints that were logged with the board but not investigated will be transferred to the Garda Ombudsman Commission.

Deputy Alan Shatter: How many cases are there where investigations are under way or have taken place and will thus remain with the Garda Complaints Board?

Deputy Conor Lenihan: The ombudsman commission received 1,869 complaints. Of these, 455 were deemed inadmissible. I will have to come back to the Deputy with the figures regarding the complaints board.

Deputy Alan Shatter: How many were transferred from the Garda Complaints Board to the ombudsman commission?

Deputy Conor Lenihan: The ombudsman commission has received 1,869 complaints in the period between 9 May and 30 November 2007, of which 455 were deemed inadmissible and a further 560 are pending.

Deputy Alan Shatter: I am sorry to interrupt the Minister of State but the question regarded two types of complaints. These include the complaints which went to the Garda Complaints Board in respect of which no investigations had been commenced and which are now transferred to the Garda Ombudsman Commission. I am asking how many such complaints have been so transferred. The second regards those retained by the Garda Complaints Board because it has com-

menced an investigation. If that information is not available today, perhaps it could be supplied to me.

Deputy Conor Lenihan: I will ensure the Minister communicates directly with the Deputy on that.

Deputy Pat Rabbitte: I believe 58 cases have been passed from the Garda Complaints Board to the ombudsman commission. I too would appreciate clarity on this from the Minister when he writes to us. Does the complaints board continue to be seized of complaints or has it entirely shed its files to the Garda Ombudsman Commission?

Deputy Conor Lenihan: The Deputy has asked a very relevant question but unfortunately I do not have the detailed figures requested by the Deputies. I will ensure the Minister communicates directly on the matter. I am working on an assumption that new complaints would automatically go to the ombudsman commission, and essentially the allocation or resourcing of the complaints board is merely to "trade out" the existing levels of complaints subject to investigation.

Deputy Pat Rabbitte: What is the answer to the last part of the question, "the reason the Garda Complaints Board which has been superseded is receiving an increase of 8%"?

Deputy Conor Lenihan: Is the Deputy asking why the increase?

Deputy Pat Rabbitte: The last part of the question is "the reason the Garda Complaints Board which has been superseded is receiving an increase of 8%."

Deputy Conor Lenihan: As I stated earlier, the 8% increase is broadly in line with general increases under this budget.

Deputy Pat Rabbitte: What is the complaints board doing in 2008?

Deputy Conor Lenihan: It is clearing the backlog of complaints that have gone to a full investigation phase. Much of the increase will relate to pay of staff who are still working on the actual investigation complaints. That may not have been clear.

Deputy Pat Rabbitte: It would be helpful to have that clarified.

Deputy Conor Lenihan: I will do so.

Deputy Pat Rabbitte: It would be helpful as it is not customary to give an 8% increase to a quango that is being shut down.

Deputy Conor Lenihan: I will look into that and come back with a more detailed answer.

Deputy Alan Shatter: This quango has had a very chequered and unfortunately incompetent history. What is to come of the staff currently attached to the Garda Complaints Board? When the board has completed its work, is there a plan as to what will happen to the staff?

Deputy Conor Lenihan: I apologise to the Deputy as I cannot furnish him with a detailed reply on what the future holds for the staff of the board.

Deputy Charles Flanagan: They will apparently get a pay increase of 8%.

Deputy Conor Lenihan: As I have reassured the Deputy on earlier matters, I will ask the Minister, Deputy Brian Lenihan, to get back to him on the matter. I agree that it would be interesting to find out the answers to both questions, the reason an 8% increase has been given to a body which is being superseded and the matter of the staff. I presume the personnel will be reallocated in some fashion within the existing framework. That seems to be the habit.

Deputy Alan Shatter: It depends on the contractual terms.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Ruairí Quinn — the need to discuss the provision of books in braille for partially sighted and blind students; (2) Deputy Michael D. Higgins — the need to discuss the rights of children whose parents are on student visas to avail of primary education; (3) Deputy Thomas P. Broughan — to introduce legislation to end the self certification of quality standards in the housing construction industry and the ongoing need for concerted joint action by the Minister for the Environment, Heritage and Local Government, the Fingal county manager and Dublin city manager to address the issues of traceability of pyrite contaminated infill, the quality standards of new homes and the reconstruction standards of pyrite damaged homes and infrastructure in the continuing pyrite infill scandal in north and west Dublin and Leinster; (4) Deputy Alan Shatter — the report on Western Health Board inquiry into Brothers of Charity services in Galway; (5) Deputy Shane McEntee — serious difficulties with the provision of a new national school in Laytown, County Meath and proposals by the Minister for Education and Science to move this schools project forward; and (6) Deputy Pádraic

McCormack — the proposed designation of lands in County Galway.

The matters raised by Deputies Alan Shatter, Ruairí Quinn, Michael D. Higgins and Pádraic McCormack have been selected for discussion.

Adjournment Debate.

Health Service Inquiries.

Deputy Alan Shatter: I thank the Leas-Cheann Comhairle for affording me the opportunity to raise the matter. All children are vulnerable but particular safeguards are required for children with intellectual disability. The report I wish to raise is that of Dr. Kevin McCoy on the Western Health Board inquiry into the Brothers of Charity services in Galway, and it is disturbing for a whole series of reasons. One of these has not come to any serious public notice.

In March 1999 an inquiry team was put in place at the request of the Brothers of Charity to examine serious allegations of physical and sexual abuse of many children who suffered an intellectual disability and who had been cared for within institutions run by the Brothers of Charity in Galway. It is extraordinary that this commission of inquiry was appointed in March 1999 but by mid 2001 every member appointed to it had resigned. All that was left was the chairperson, and two of the people appointed to the inquiry by the Western Health Board had resigned by the middle of summer 1999.

It has taken an unacceptable period for the report to be published, some nine years from the initiation of the inquiry. If the victims of abuse had not been persons of intellectual disability, there would have been a public scandal a number of years ago and a demand for publication.

I want an inquiry by the Department on what happened with this inquiry team. Why had they all resigned by August 2001 and why was this not made public knowledge? Why did the chairman apparently struggle on and survive until January or February 2006 before resigning? Dr. McCoy, who finally completed the report, was given the task in spring 2004 of providing assistance and finally piecing together the information to allow a report to be published in November 2007.

In the context of serious allegations of sexual and physical abuse of people with intellectual disability, it is entirely unacceptable that it took this length of time to publish this report. I demand an inquiry into the manner in which the Western Health Board and later the HSE approached the task.

The report itself details yet another tragic litany of abuse but we are given absolutely no information. Despite taking almost nine years for it to be published, only 21 victims of alleged abuse were dealt with, although 135 residents in Brothers of Charity institutions have sought compen-

[Deputy Alan Shatter.]

sation through the redress board for alleged abuse of a sexual nature.

The report did not travel the distance and produce the comprehensive information it was obliged to. It contains a variety of recommendations, some of which have become familiar to Members because they are a mirror image of recommendations produced in other reports into the abuse of children in institutions. All that makes this different is that it applies to children who have an intellectual disability.

This report should have been published by approximately 2001 at the latest, and these recommendations should have been introduced long ago. I call on the Minister to ensure we have national standards put in place and inspections conducted in residential centres and community homes for children and adults with disabilities. This has been promised since the mid 1990s but nothing has been done.

There are currently 400 children with disabilities living in residential settings whose homes are not inspected and where there are no applicable national care standards. There are applicable standards for children taken into care under the Children Acts, as well as an inspectorate system. We do not have it for those who have a disability.

I want an accountable and transparent system which protects the children in this country. I call on the Minister to take the necessary initiative to give this the priority the Western Health Board and HSE in this case have failed to give. Will the Minister detail to this House the specific action being taken to ensure the detailed recommendations contained in the report will be implemented?

There is another extremely disturbing aspect of the report.

Identified in the report not personally but by number are 18 people who engaged in physical and sexual abuse. Eight of them have since died, two have been prosecuted and eight have never been prosecuted. I want to know why prosecutions were not taken in those incidences.

I would like to posit a brief theory as to why this is the case. In the courts in October we saw a tragic case of a 20-year-old adult with Down's syndrome in circumstances in which allegations of sexual assault were taken against an individual. Those allegations were dismissed by our courts because the judge hearing the case took the view that the person suffering from Down's syndrome did not have the intellectual capacity to give evidence and deal with cross-examination. That court has laid down a ruling that creates a very serious problem. It indicates to predators that it is open season on those who suffer disability and cannot provide evidence in our court system. There is an urgent need to enact emergency legislation to address that issue and protect the people who are so vulnerable because they suffer from a disability. We are in breach of the European Convention on Human Rights in this area. It is reasonable to posit that no prosecutions were not

taken against eight of the people, who, it is accepted, perpetrated sexual and physical abuse against intellectually disabled children referred to in the report, because the prosecution authorities feared the prosecutions would fail for the reason the prosecution failed in the case I have identified. I ask the Government to address the issue as an urgent matter to protect persons who suffer from disability.

Minister of State at the Department of Health and Children (Deputy Jimmy Devins):

I thank the Deputy for raising this important issue. On Tuesday, 11 December 2007, the HSE published a report into allegations of physical and sexual abuse in the Brothers of Charity services in Galway, at the Holy Family School and Woodlands Residential Service at Renmore, Galway City and Kilcornan Residential Services, Clarinbridge, County Galway. The inquiry was established in 1999 when the Western Health Board and the Garda Síochána became aware of allegations of abuse within the Brothers of Charity services. Allegations were made in respect of a period between 1965 and 1998 by 21 clients at the Renmore and Kilcornan services against 18 people. Some 11 were members of the Brothers of Charity congregation, four were lay staff and three were former service users.

There was a serious delay in completing the report. It was initiated by the former Western Health Board in 1999 and no report was finalised until now. The HSE has apologised to the victims and their families for this delay. Dr. Kevin McCoy, retired chief inspector of social services in Northern Ireland, was commissioned in May 2006 to finalise the report.

Deputy Alan Shatter: Does the Minister of State know why the inquiry team resigned?

Deputy Jimmy Devins: The report details terrible abuse suffered by some of the most vulnerable members of society. It is further evidence of how some of the most vulnerable people in society were badly let down in the past. On behalf of the Government, I reiterated on Tuesday the Taoiseach's formal apology to all those affected by abuse in institutions operated or funded by the State, including the Brothers of Charity services in Galway.

The HSE has advised me that the original inquiry team acted promptly in 2000 by notifying the Garda Síochána of all allegations of abuse and relaying all files and cases to them. I understand that two of those who are the subject of complaints received a conviction. The then Western Health Board and subsequently the HSE have worked closely with the Brothers of Charity in offering immediate support for those affected, follow-up for each individual client using the service, and follow-up for service users generally.

Regarding the number of cases investigated, it is important to bear in mind that only those who made formal complaints could be dealt with indi-

vidually by the inquiry. While we understand that others may have applied for redress under the redress board scheme, their confidentiality must be respected.

I understand that agreement had been reached between the HSE and the Federation of Voluntary Bodies to develop a programme to close all institutional or campus style residential services for people with disabilities and to relocate them to more appropriate community settings. The Woodlands Residential Centre was closed in 1984, and the Kilcornan Residential Centre is in the process of being closed. Residents will be relocating to more appropriate accommodation in the community as soon as possible. I also understand that agreement has been reached with the Federation of Voluntary Bodies to carry out a comprehensive national audit and review of client protection issues within disability services.

A number of important issues have been highlighted by the publication of this report. The delay in preparing the report is totally unacceptable. The HSE has already apologised individually to each complainant and did so again on Tuesday when the report was published. At the request of the Department of Health and Children, the HSE is developing protocols for the management of all future inquiries of this kind.

In addition, I have arranged to have an immediate inquiry carried out by an independent person into the causes of the delay in preparing this report. The person will be asked to report to me as quickly as possible. I am committed to ensuring that all residential facilities for people with a disability are independently monitored and inspected by the Health Information and Quality Authority. HIQA has commenced work on standards for designated residential centres for people with a disability which will form the basis for statutory regulations and inspections. In the meantime, I have asked the HSE to take all possible action to ensure the quality and safety of these services. The HSE recently published a formal guidance document on residential facilities for children and will do so in respect of adults early in 2008. The HSE will be making it a condition of funding under its service level agreements that the contractual arrangements between the HSE and agencies that provide disability service will include, for the first time, quality and safety measures to ensure that the users of a service can enjoy a rewarding and safe experience to which they are entitled.

Services for People with Disabilities.

Deputy Ruairí Quinn: I wish to raise the problem that seems to have existed for some time with the quantity and capacity of production from the NBPC, the National Braille Production Centre, in Cabra. A constituent has notified me of a difficulty. Her son who has a sight problem has not been provided with the books he requires. She has had a kind of Kafkaesque dialogue with a State-aided organisation in which trying to get

information is like trying to get blood from a stone. From the reply to a parliamentary question I tabled, I understand that 146 clients are waiting to have Braille books delivered. Of those, 90 clients will have their books provided before Christmas. When I sent this information back to my constituent I got the following response:

We have been trying to get answers from the NBPC and have failed and have considered the FOI Act. Can you advise if the FOI Act would be a channel we could use to get information from the NBPC? We have also been in touch with the Equality Authority who have expressed an interest in our case. . . . As you can see from the response to your question the number of outstanding Braille books is very high. These students are obviously waiting for their books since September which is outrageous. The NBPC kept telling us that we were an isolated case. [My son] received another 12 pages of one of his maths books last week (the order having been placed in early July), again some of the contents arriving too late for him to benefit from. He is still waiting for the remaining chapters which we have been told won't arrive now until next year. In relation to the orders outstanding for the other students I wonder how long ago they were placed.

In a separate note she communicated to me as follows:

[A] Visiting Teacher recently gave our family a demonstration in Braille production. Within minutes even my 13 year old was able to translate text to Braille on the PC and send it to an electronic Braille embosser, ready for [my son] to read. The process is so simple and straightforward that I cannot understand why the NBPC cannot produce enough books for so few students, and on time.

This is no reflection on the Minister who is present but I am sorry the Minister with direct knowledge of the area or the Minister of State is not here to reply to this matter. What is the problem and why has it taken so long for books to be produced?

Partially sighted and blind students have enough disabilities to contend with in the context of their education. This should not be compounded by what seems to me to be inexplicable inefficiency from this body. I have no reason to doubt that modern technology linking computers to an embossing machine could produce these kinds of documents very quickly. People who are blind or seriously disadvantaged by a sight disability cannot get the books they require on order, even though the knowledge and data of their existence is well established.

Perhaps the Minister who is here on behalf of the Minister for Education and Science has an answer. Citizens of this State should not be treated by a publicly-funded organisation as if they were some kind of persons to whom infor-

[Deputy Ruairí Quinn.]

mation could not be given and should not be forced to resort to their public representatives asking questions on their behalf. If this Republic is to celebrate any kind of maturity, then surely we should treat citizens with respect and they should be able to get this information themselves.

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I thank the Deputy for raising the question. I have noted carefully what he has said and he will find some interesting information in the reply.

The National Braille Production Centre was established in 2000 to provide blind and visually impaired pupils at first and second level with textbooks in Braille and other alternative formats. The National Braille Production Centre produces educational materials in Braille, large print format and text-only for children who are blind or visually impaired. It is an essential service to children and young people who are blind or visually impaired and without it many of them would not be able to access mainstream education or be able to undertake the junior and senior cycle examinations.

It is important that this service is adequately funded to enable it to meet the needs of children who are blind or visually impaired. The Department of Education and Science provides annual funding to the National Braille Production Centre of €867,000.

The National Braille Production Centre has expanded from a workforce of four in 2000 to 26 in 2007. The centre has achieved a huge increase in textbook production in the past seven years, with client numbers increasing dramatically from 17 clients in 2000 to 301 clients in 2007. The centre has advised the Department of Education and Science that it has delivered 95% of all guaranteed book orders this year.

The National Braille Production Centre operates under an agreed timeframe for book orders and deliveries. As high-standard Braille production for education is both time and work intensive — I have noted what the Deputy said about computers and I see a role for them — the timeframe ideally envisages orders to be placed as early as possible in an academic year for the following September. It is accepted practice generally that when a new title is transcribed, the book will be delivered to the student in volumes, unless it is a title that has been previously transcribed, in which case all volumes are available very quickly.

In the case of late orders or other unforeseen circumstances where a delay occurs in the provision of books, officials from the National Braille Production Centre, in conjunction with the parents of the pupil or student and the Department's visiting teacher service for the visually impaired, work together to establish solutions to provide the books in a timely manner. In isolated cases a delay might occur due to very late orders, for example, after May of an academic

year for the following September, or difficult texts that require manual Braille input and diagram drawing, for example, Braille mathematics. Another factor in a delay is that during 2007, the National Braille Production Centre has advised that it experienced an unexpected increase in orders and client numbers.

The Department's visiting teacher service for the visually impaired has a significant role to play in the process of ordering books or materials on behalf of a particular pupil or student. In 2006, a protocol dealing solely and exclusively with the provision of educational materials in alternative formats was agreed between the National Braille Production Centre and the Department's visiting teacher service for the visually impaired. The protocol was devised on the initiative of the visiting teacher service for the visually impaired and will be reviewed very shortly on the basis of current experience in its operation. Any amendments to the protocol will be put in place and communicated to all relevant interests, including parents, without delay following the review.

I wish to advise the Deputy that there is also an advisory board for the National Braille Production Centre in place which includes representation from parents and guardians and other interested parties, including the visiting teacher service for the visually impaired.

I thank the Deputy once again for raising this issue. I hope that by discussion and negotiation with the centre the problems he so well described will be resolved because I fully accept that being without books would be a huge impediment for any student.

Deputy Ruairí Quinn: I thank the Minister.

School Enrolments.

Deputy Michael D. Higgins: I welcome the opportunity to raise what I believe to be an extraordinary breach of the Irish Constitution, of international law and of the basic rights of the child and the urgent need to redress this breach. I refer to the imposition of conditions attached to student visas which are implemented by the Garda Síochána and which have the net result of depriving children of their rights. I will concentrate on two cases in the constituency which I share with the Minister present.

One case involves two parents, both of whom had paid very large fees to a third-level institution to do postgraduate studies. In one case the mother is continuing her postgraduate study in medieval history and the father has returned to the United States to continue his postgraduate study. Their child has been excluded from school, in flagrant violation of Article 42.4 of the Constitution which states, "The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative." This is not a qualified right; it is not confined to Irish citizens but is available to all children. In addition to the outrageous breach of Article 42.4, the woman

involved has been told that she should provide for her child through private education. The only private education available to her is the Seventh Day Adventist school. This limitation on her choice is in clear breach of Article 42.3.1o. The Education Act 1998 is being broken and the Equal Status Act 2000, as amended in 2004 by the Equality Act, is being broken and the European Convention on Human Rights as introduced into Irish law as a binding form of law is being broken. The protocol to the European Convention on Human Rights shows the assurances to be quite similar to those in the Irish Constitution. Needless to say, the United Nations Convention on the Rights of the Child is being broken.

The Minister for Education and Science, in a reply to Parliamentary Question No. 741 of 11 December 2007, washes her hands of the entire situation by stating there is a clear process by which children are enrolled in school. She concludes the reply ominously and acknowledges, *inter alia*, "Indeed, under the Equal Status Act, schools may not discriminate in admission to schools except where this is necessary to maintain the religions values or ethos of the school." Her conclusion to the reply shows the flimsy basis for the discrimination. She said:

The report of the interdepartmental committee on the internationalisation of Irish education, published in 2004, sets out a strategy with the objective of enhancing the attractiveness of Ireland as a quality venue for international students and increasing the numbers of students coming to Ireland to participate in further and higher education and training and in the language sector. It was envisaged that students from outside the EU-EEA and Switzerland, other than refugees and those with humanitarian leave to remain in the State, would participate on a fee paying basis.

In the course of the discussions leading to the report, the position of minors attending school for second level education was discussed, and the existing immigration policy that student visas should be allowed only in respect of attendance at fee-paying schools was confirmed, on the basis that to do otherwise would give rise to additional demands on the State.

This is being implemented at primary level without any legal basis in outrageous breach of the Constitution. In addition, the Garda is involved in its implementation because, as such parents arrive to have their visas renewed, they are being told that if they have children in State schools, they must withdraw them and send them to a private school. Will the Minister please respond to the specific questions relating to the breach of the Constitution and the European Convention on the Rights of the Child? On what basis does the Garda have powers to instruct that a child be taken from a public school? It has no such powers. All efforts at finding where responsibility may lie have failed. I have concentrated on this case by way of illustration but there is another

involving people from a much less wealthy background who are in the same position with their child who was accepted at a school, the principal of which has written to me about it. The child has had to be removed from the school on the instructions of the Garda under threat of deportation.

What right does the Department of Justice, Equality and Law Reform have to impose conditions that contradict the rights of the child which the Minister for Education and Science acknowledged in her reply? The view of the Department of Education and Science is that it has nothing to do with the Minister, as she only deals with admissions. The attitude of the Department of Justice, Equality and Law Reform is that it is entitled to make this condition. My advice to the individuals involved — three in total, two of whom came to see me directly in Galway — is to seek legal redress immediately. It is appalling that a totally illegal set of actions is depriving children of their right to a primary education.

Deputy Éamon Ó Cuív: I thank the Deputy for raising this issue, which is a complex one. I reply on behalf of my colleague, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, who unfortunately cannot be present. This provides an opportunity to bring additional clarity to what is a complex issue.

Deputy Michael D. Higgins: The child is entitled to an education; that is not complex. Under the Constitution, the child is entitled to be at school in the public system.

Deputy Éamon Ó Cuív: I will continue with the reply and explain the complexities.

The Minister acknowledges that at first sight there appears to be a contradiction between the policies of the two Departments. However, on closer examination this is not the case. The Minister is aware of the right of all children in the State to a primary education and supports it fully.

Deputy Michael D. Higgins: By ordering the Garda to refuse their parents' visas.

Deputy Éamon Ó Cuív: As a former Minister of State with responsibility for children, the Minister is particularly well informed on issues regarding children's rights. However, what is at issue in this instance is not, in essence, the right of a child to an education, which is not in dispute, but the rights and obligations of parents permitted to come to Ireland as students. In other words, while a foreign national child is entitled to free education while in Ireland, this in no way implies a right for them or their parents to enter the State for that purpose. All sovereign states have the right to determine who should enter their territory and the conditions attaching to that entry and residence. That is a basic feature of immigration systems and immigration law.

Deputy Michael D. Higgins: The Minister has no right to make conditions.

Acting Chairman (Deputy Ciarán Cuffe): The Deputy should allow the Minister to conclude his reply.

Deputy Éamon Ó Cuív: In Ireland, the key section of legislation is section 5(1) of the Immigration Act 2004, which states: "No non-national may be in the State other than in accordance with the terms of any permission given to him or her before the passing of this Act, or a permission given under this Act after such passing, by or on behalf of the Minister".

Deputy Michael D. Higgins: The European Convention on Human Rights Bill enacted in 2003 supersedes it.

Acting Chairman: The Deputy should please allow the Minister to conclude.

Deputy Éamon Ó Cuív: Like those of other states, the Irish immigration system caters for various categories of migrant with different conditions applicable to each one. At one end of the scale, persons granted refugee status have extensive rights. High skilled workers also benefit from favourable conditions. Permission to remain in the State as a student, on the other hand, is a very limited form of permission aimed solely at facilitating the student to undertake a course of study. The student is expected to be self-sufficient during his or her stay.

Deputy Michael D. Higgins: And to be childless.

Deputy Éamon Ó Cuív: A concession has been granted to allow a student to do some casual work to help support himself or herself while here. The underlying principle regarding self-sufficiency is that the foreign national who is here on that basis would not need to avail of State funds or State-funded services, nor would any dependent family members allowed to enter the State require such State benefits. It is clear that having a child educated at the State's expense would be in breach of this requirement. However, an exception is made where the child is attending a fee-paying school on the basis that the parents are making a contribution to the costs involved.

The permission to come to Ireland is not independent from the conditions attaching to it. If students had the right to be accompanied by dependent family members who would be entitled to avail of State-funded services, it is almost certain they would not be allowed to enter in the first place.

Deputy Michael D. Higgins: Only childless couples.

Deputy Éamon Ó Cuív: The immigration authorities are encountering an increasing number of

students coming to Ireland for the express purpose of having their children educated. This is an abuse of Ireland's hospitality and must be seen as contrary to public policy. To reiterate, it is not a question of a child's entitlement to an education—

Deputy Michael D. Higgins: It absolutely is, as the Minister knows well.

Deputy Éamon Ó Cuív: I do not.

Acting Chairman: The Deputy must allow the Minister to conclude.

Deputy Éamon Ó Cuív: I do not agree with the Deputy. If I enter a country on express agreed conditions, it is incumbent on me to abide by them.

Deputy Michael D. Higgins: But the Minister has no right to limit the rights of a child, nor has the Minister, Deputy Brian Lenihan.

Deputy Éamon Ó Cuív: The State has.

Acting Chairman: I appreciate Deputy Higgins's passion and interest in the issue but he must allow the Minister to conclude his reply.

Deputy Éamon Ó Cuív: The State has the right in cases where there are agreed conditions because a person comes and is accepted on those conditions.

Deputy Michael D. Higgins: No.

Deputy Éamon Ó Cuív: Yes. The Deputy is incorrect. I have no doubt that if the person concerned brings the case to court, it will vindicate the position of the Government. To reiterate, it is not a question of a child's entitlement while here but rather whether the child and his or her parents should in the circumstances be here in the first place. I understand the immigration authorities are looking at the matter with a view to making an exception to cover the current school year so as not to disadvantage the children concerned in this case. This would be on a strictly limited basis and any adult student wishing to stay beyond the end of the school year would be required to adhere strictly to whatever conditions were in force at the time. I also understand the Minister for Justice, Equality and Law Reform has general concerns regarding the operation of the student immigration sector and the level of abuse of student permissions and that it is his intention to outline policy changes early in the new year.

Acting Chairman: I thank the Minister.

Deputy Michael D. Higgins: What about the Garda powers?

Deputy Éamon Ó Cuív: If somebody is not adhering to the conditions attached to his or her presence in the State, the Garda has a right to intervene.

Deputy Michael D. Higgins: It has no powers in this area.

Deputy Éamon Ó Cuív: The Deputy must be a better lawyer than the Minister.

Acting Chairman: The Minister and the Deputy are both well aware of the rules regarding the conduct of these debates.

Deputy Éamon Ó Cuív: I wish to explain matters to my constituency colleague.

Acting Chairman: I appreciate the efforts to stimulate and continue the debate.

Planning Issues.

Deputy Pádraic McCormack: Níl ach triúr Teachtaí Dála as Gaillimh here agus tú féin, a Chathaoirleach, sa Chamber anois. It is with a certain reluctance that I raise this matter on the Adjournment. I had tried by various diplomatic means and telephone calls to resolve the problem but I seemed to be getting deeper into the problem rather than solving it. I am glad to see opposite the Minister, Deputy Ó Cuív, who may be able to assist.

I had contacted the Department about this and got a great deal of conflicting information. Last week I was told that this man's appeal against proposed designation of a quarry area in south Connemara was closed on 23 August last. That could not be possible because I have here a letter dated 23 August which the man received on 27 August, stating that in order to progress his request to have the lands removed from the SAC a scientific assessment of the lands in question must be carried out and, in another sentence nearer the end, asking him to confirm his agreement to an inspection by contacting the office by 4 September 2007.

The man replied to the Department by letter on 30 August 2007, stating that he would give Mr. O'Donnell and his assistant permission to enter his lands, but that he must be informed of when they would come. The man finally got a letter on 11 September acknowledging receipt of his letter of 30 August and stating that the issues he had raised were currently under consideration and the NPWS would write to him in due course. That would clearly indicate to me that the file could not have been closed on 23 August because there was ongoing correspondence between the NPWS and the land and quarry owner.

A letter received by the client in October 1997 stated that where restrictions arise compensation will be paid and wished to emphasize that a service is not anti-development, and that the service would not object to the man's proposals to renovate some existing house on his property — which

he does not intend to do — and has no desire to interfere with the working of his quarry. That seems clear to me. As this quarry was pre-1963, its owner must have it registered under section 261. He fulfilled this requirement and has his quarry registered. It is No. 81 on the register in Galway County Council. A letter from Galway County Council to the land and quarry owner on 16 September 2007 stated that the planning authority deemed his quarry to be unauthorised solely on the basis that it was in an SAC.

It is clear to me that this should be an ongoing case. The owner of the quarry has made many efforts to have this matter resolved, including a meeting in the National Parks and Wildlife Service office in Letterfrack on 11 May last with Mr. O'Donnell, and the Minister would be familiar with that also. The man left that meeting thinking that the matter was resolved but here we are, six months later, and the matter is not resolved. I hope there can be a solution to this problem.

I want to pose a few questions that the Minister might be able to answer. Although it is not his brief, it was formerly his and he might be able to answer the questions anyway. Why was this man's quarry included in the SAC designation when it was not necessary to be protected by designation for any scientific or vegetation value included in the Wildlife Act? Why were all other quarries in Connemara either not included in, or taken out of, the SAC by virtue of the fact that they were operating quarries which were deemed to have no scientific value, and this quarry — from my knowledge of it — has certainly no scientific value?

When the National Parks and Wildlife Service sent proposals to Europe for designation of SACs, the reason given for not using CPOs on privately owned lands was there would be active consultation with individual landowners, compromise to be reached with landowners and compensation to be paid if the landowner was compromised.

The owner of this quarry and his family have suffered considerable stress and financial hardship as a result of this ongoing problem. There seems to be no solution to the problem of withdrawing this man's quarry from designation as a SAC so that he could continue to supply material to Galway County Council, as he had done prior to its being designated as an SAC. Ba mhaith liom freagra ar an gceist seo a fháil ón Aire ar son an fear as Ghaeltacht Conamara agus a chlann.

Deputy Éamon Ó Cuív: Ba mhaith liom buíochas a ghlacadh leis an Teachta as ucht an cheist seo a ardú liom anseo tráthnóna. Tá súil agam go ndéanfaidh an fhreagra a dtabharfaidh mé beagáinín soiléiriú ar an gceist. Mholfaínn don Teachta comhairle a thabhairt don duine úd an cheist seo a phlé leis an lucht pleanála agus le muintir na Roinne chomh luath agus is féidir.

I thank the Deputy for raising this question and I am happy to respond on behalf of my colleague,

[Deputy Éamon Ó Cuív.]

the Minister for the Environment, Heritage and Local Government. As Deputy McCormack will be aware, special areas of conservation, SACs, are proposed for designation under the European Communities (Natural Habitats) Regulations. These regulations provide a mechanism for designation and protection of important ecological areas in Ireland as part of Natura 2000 — a network of protected sites throughout the European Union. These sites protect Europe's most important and rare nature.

There is a open and objective system of appeal for any landowner if he or she objects to his or her land being designated. In fact, I and my colleague, former Deputy Síle de Valera, were involved in introducing this. The Department of the Environment, Heritage and Local Government operates a two-tier objection process. The first stage, an informal assessment of the objection, is carried out by departmental staff. This assessment will usually require a site visit. If an objector is dissatisfied with the outcome of this assessment he or she may have the case referred to an independent appeals advisory board for a formal hearing. This board consists of representation of both landowner and conservationist interests and will review the scientific merits of the inclusion of the land within the SAC. On completion of the assessment the board makes a recommendation to the Minister.

The SAC site in question, the Connemara Bog Complex, was first proposed for designation in March 1997. These proposals were advertised in the local press and landowners identified by the National Parks and Wildlife Service, NPWS, were notified directly in writing. In September 1997, the gentleman referred to lodged a written objection to the inclusion of his lands within the SAC. However, it was not possible to process his objection as he requested extensive information in advance, which was neither available nor appropriate.

As a result of an agreement between the Government and farming organisations in 2004, in the context of the national partnership talks, the Connemara Bog Complex SAC was one of 26 sites re-proposed for designation in December 2006. As in 1997, these proposals were advertised in the local press and known landowners were notified directly in writing.

The gentleman in question again submitted a written objection to the inclusion of his lands in the SAC. Despite extensive correspondence and meetings with senior Department staff, it again was not possible for the Department to secure his unqualified agreement to process the objection. Following a written warning on the 23 August

2007, the gentleman did not agree to an unconditional assessment of his land and therefore his objection was closed in September. He was verbally notified of this and will be notified in writing in the coming days.

Ireland's designation process must be completed in order to complete its list of SACs and provide finalised boundaries for all SAC sites. Ireland could incur large EU fines should we be unable to finalise objections in a timely manner. In this context, the Department of the Environment, Heritage and Local Government has given commitments to the European Commission that outstanding objections will be processed without any unnecessary delays. Against this background, the Department must strictly adhere to the normal procedures for dealing with objectors who are unwilling to co-operate with the objections process. In such cases objections are deemed to be closed.

Under certain circumstances it is possible for development to be carried out within an SAC provided this development does not have an impact on the scientific integrity of the site. This is vital information as there is a major misunderstanding with regard to this point. The Department is always happy to discuss proposed developments and activities with landowners. In other words, if an activity does not have an impact on the SAC, although I accept the Deputy's point about the quarry, it is possible to get permission. It is open for the gentleman in question to apply to the local authority for planning permission for the development. The Department would then be referred to for input as a statutory consultee. However, it is also open to him to discuss with local Department staff the details of his proposed development and the type of works that would be acceptable in an SAC.

As the Deputy is aware, there are many misunderstandings about SACs. A proposed development is not automatically refused just because it is in an SAC. In addition, just because an activity for which one has permission is to be carried out in an SAC and is a notifiable action, this does not necessarily mean it is refused if one notifies it. Thus, I suggest that the Deputy's constituent, who is also a constituent of mine, engage with the relevant authorities to try to resolve the matter and to find a way forward that does not affect the SAC but maintains its integrity while allowing him to continue his activities. I think that is what the Deputy is looking for. I encourage the constituent to follow the process clearly outlined in the reply from the Minister for the Environment, Heritage and Local Government.

The Dáil adjourned at 5.30 p.m. until 2.30 p.m. on Tuesday, 18 December 2007.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 11, inclusive, answered orally.

Garda Deployment.

12. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of gardaí assigned to community policing; if this represents less than 4% of the overall strength of the force; if he has plans to increase the number of community gardaí; and if he will make a statement on the matter. [34519/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As at 30th September 2007, the latest date for which Community Gardaí figures are readily available, the personnel strength of An Garda Síochána was 13,531 and the number of Gardaí attached to Community Policing was 598. This represents a percentage of 4.42% of the total strength of the Force. It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. Of course, Community Policing involves more than a single unit within An Garda Síochána and all Gardaí have a role to play in addressing community policing issues. Community Policing is a central feature of current policing policy and members of Community Policing Units are encouraged to engage with the local communities where they are assigned.

I agree with the view of the Garda Inspectorate, expressed in its most recent report, that community policing is a fundamental policing philosophy and that there is a strong foundation for it in Ireland. I am informed by the Commissioner that a working group has developed proposals for a comprehensive model of rural and urban Community Policing. The group has completed its report, "The Report of the Working Group on the National Model of Community Policing" and it is currently being considered by the Garda

Commissioner. I await the final views of the Commissioner with interest.

Deportation Orders.

13. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform the justice being served by imprisoning a person (details supplied). [34115/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 25 June 2001 and subsequently claimed asylum on that day. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner. She appealed this decision and was notified by the Refugee Appeals Tribunal that her appeal had been refused and the original recommendation upheld.

The person concerned was informed by letter dated 16 October 2002 that the Minister proposed to make a Deportation Order in respect of her and afforded her three options in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999 (as amended) namely to leave the State voluntarily, to consent to the making of a Deportation Order or to submit, within 15 working days, written representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State i.e why she should not be deported.

Representations were received on her behalf on the 10th of December 2002 setting out the reasons why she ought to be granted leave to remain in the State under Section 3 of the Immigration Act 1999. Her case was examined under Section 3(6) of the Immigration Act, 1999 (as amended), and Section 5 of the Refugee Act, 1996 (as amended) on the Prohibition of Refoulement. Consideration was given to all representations submitted on her behalf for permission to remain temporarily in the State. On the 27th of

[Deputy Brian Lenihan.]

February 2004 the then Minister refused permission to remain temporarily in the State and signed a Deportation Order in respect of the person concerned. A notice of the order dated 5 March 2004 was served by hand on the person concerned.

The person concerned was given presentation requirements with the Garda National Immigration Bureau (GNIB). She failed to comply with the requirements of GNIB and was classed as an evader and arrested and lodged in Dochas Women's prison for the purpose of deportation. The person concerned suffered from medical problems and was released from Dochas. Judicial Review proceedings were filed in the High Court on the 8th December, 2005 challenging the then Minister's decision to seek to deport her. On the 6th July, 2007, the Judicial Review leave application was heard. The person concerned failed to appear in court therefore breaking her conditional release conditions. The Judge then ordered that she attend court on 11th July 2007 and in his judgement of 13th July, 2007 he refused the Applicant's Leave Application. Arrangements were then made to deport the person in question.

On the 22nd August, 2007 the person concerned was sent an arrangements letter affirming the Deportation Order and requiring her to comply with the reporting arrangements of the Garda National Immigration Bureau. The person concerned complied on a number of occasions until she failed to attend GNIB as requested on the 29th November, 2007 and was subsequently arrested and lodged in Dochas Women's Prison for the purpose of deportation. On the 5th December, 2007 the person concerned was released on medical grounds.

I am satisfied that the applications made by the person concerned for asylum, for temporary leave to remain in the State, together with all refolement issues, were fairly and comprehensively examined and, as such, the decision to deport her is justified. The enforcement of the Deportation Order remains an operational matter for the Garda National Immigration Bureau.

Proposed Legislation.

14. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform if it is his intention to re-introduce the Ground Rents Bill 2003; if his attention has been drawn to the demand to do so from a group (details supplied); and if he will make a statement on the matter. [34544/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position is that Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 already contains a statutory scheme whereby any individual may, at reasonable cost, acquire the fee simple in their dwelling

house. The scheme is operated by the Property Registration Authority. A legal challenge to the constitutionality of certain provisions of existing ground rents legislation was heard in the High Court during 2005. While the Court's judgment upholding the constitutionality of the legislation was delivered in early 2006, it has since been appealed to the Supreme Court. Operation of the law in this area continues to be reviewed in my Department but there are no proposals for changes pending the outcome of the appeal that I have mentioned.

Garda Strength.

15. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has undertaken a detailed analysis of the Garda to person ratio to ensure every region in the State has appropriate policing; and if he will make a statement on the matter. [34580/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is the responsibility of the Garda Commissioner to assign members of the Force throughout the country. In doing this he takes into account all relevant factors, including of course population but also including other factors such as crime rates and trends as well as operational priorities. The attested strength of An Garda Síochána as at the 30 November 2007, the latest date for which figures are readily available was 13,780. In addition 1,043 student Gardaí were at various stages of their training on that date making a total of 14,823. The attested personnel strength of the Garda Reserve as at 30th November 2007 was 171 with a further 98 in training.

It is anticipated that approximately 1,100 Student Gardaí will be attested to the Force during 2008. The significant increase in the strength of the Garda Síochána has meant that, despite the increase in population, the ratio of Garda to population has increased significantly.

International Terrorism.

16. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform the situation regarding the extension of EU proposals on passenger name record data; if the Government will adopt these proposals; if these proposals will include legislation to tighten laws on the use of militant web sites; and if he will make a statement on the matter. [29301/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I assume the Deputy is referring to a series of proposals tabled by the European Commission last month in relation to counter terrorism. As the Deputy may be aware, the current EU Counter-Terrorism Strategy constitutes a wide-ranging and interlinked approach across EU Member States to tackle the common threat posed by international terrorism. Progress

in the ongoing implementing of this Strategy has been significant and sustained, including in Ireland, where the Criminal Justice (Terrorist Offences) Act 2005 was enacted to extend Ireland's existing, effective counter-terrorism machinery to new forms of international terrorism.

The European Commission's recent proposals focus on certain specific aspects of this problem, as a supplement to the existing EU Counter-Terrorism Strategy. Specifically, the European Commission has made proposals for:

- (1) a Framework Decision on the use of passenger name record — or PNR — data for law enforcement purposes;
- (2) new measures to counter the illegitimate acquisition and use of explosives; and
- (3) changes to the existing EU Framework Decision on Combating Terrorism to outlaw terrorism-related incitement; recruitment, especially via the internet; and terrorist training.

In relation to its tabling of a draft Framework Decision on PNR data, the Commission proposal aims to harmonise Member States' provisions on obligations for air carriers operating flights to or from the territory of at least one Member State regarding the transmission of PNR data to the relevant national authorities. In particular, the draft Framework Decision provides for the making available of PNR data for the purpose of preventing and combating terrorist offences and organised crime, as well as for the collection, retention and exchange of those data by and between the Member States.

In relation to the proposed changes to the existing Framework Decision on Combating Terrorism, dating from 2002, the Commission seeks to harmonise national provisions on public provocation to commit a terrorist offence as well as recruitment and training for terrorism, whether committed through the internet or otherwise, so that these forms of behaviour are punishable throughout the EU. It is important to note that the proposal for a Framework Decision on PNR data, together with the other proposals, are simply proposals at this stage. They have yet to be considered by the Council of the European Union in the relevant Council working groups. Accordingly, it is not known how these proposals may evolve as Member States consider their terms.

In this regard, it is, of course, a truism to state that we are all in favour of measures to combat terrorism. However, in considering any new proposals, particularly at EU level, it is important that we consider both their utility and practicality, their added value and their proportionality. At this stage, however, the final shape of the proposals will not be known for some time, nor, for that matter, will the disposition of our EU partners. Accordingly, it is not possible to state

whether and how transposition will occur. In any event, there will, of course, be an opportunity for the Oireachtas to consider all relevant matters, including by my colleagues in this House.

Visa Applications.

17. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the specific requirements for a non-EEA spouse of an Irish national to obtain a D-type visa before they enter Ireland; the procedures for a non-visa required national to obtain a D-type visa before they enter Ireland; and if he will make a statement on the matter. [34545/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is important to note that marriage to an Irish national does not grant any automatic right to enter or reside in the State solely on the basis of the marriage. A person, who is visa-required, wishing to come to Ireland to reside in the State with his/her spouse, must apply for a "Join Spouse" visa. Where all the required documentation/evidence has been furnished and the Visa Officer is satisfied with the bona fides of the application, a D-type Visa would normally be approved. In a small minority of cases, where a Visa Officer has concerns over the relationship history for example, a C-type Visa would be approved. The rationale for this is that the applicant is being afforded the opportunity to demonstrate the genuine nature of the relationship.

In very exceptional cases, where little or no evidence of a relationship history has been demonstrated for example, the visa application would be refused. In such cases, the decision of the Visa Officer may be appealed within two months of the date of decision. Non-visa required nationals who enter the State to reside with an Irish spouse are required to attend their local Garda National Immigration Bureau Registration Office within 90 days and request permission to be registered as resident in the State on the basis of marriage to an Irish national. In some cases, the local Registration Office will refer the matter to the Irish Naturalisation and Immigration Service for further investigation.

Comprehensive information on the Visa Application process and the supporting documentation required is available on the website of the Irish Naturalisation and Immigration Service, www.inis.gov.ie

Public Order Offences.

18. **Deputy Tom Sheahan** asked the Minister for Justice, Equality and Law Reform the number of anti-social behaviour orders issued to date; if he is confident that ASBOs will result in the reduction of anti-social behaviour in communities; and if he will make a statement on the matter. [34589/07]

Division	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Laois/ Offaly	7	7	7	7	7	7	7	7	7	12
Limerick	6	6	11	11	11	11	11	10	10	14
Longford/ Westmeath	0	0	9	8	8	8	7	4	6	11
Louth/ Meath	7	7	7	7	11	11	12	13	20	13
Mayo	0	0	0	0	0	0	0	0	0	4
Roscommon/ Galway East	0	0	2	2	2	2	2	2	2	3
Sligo/ Leitrim	5	5	8	8	8	8	8	8	8	7
Tipperary	0	0	0	1	2	7	7	7	7	7
Waterford/ Kilkenny	4	4	7	9	9	9	9	8	10	13
Wexford/Wicklow	5	5	5	5	6	6	13	13	13	12
Totals	241	244	284	296	300	316	322	319	334	372

Juvenile Offenders.

20. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform his views on the Irish Prison Chaplains Annual Report 2006/2007 in terms of juveniles in prison; his views on the fact that one in every two inmates in St. Patrick's Institution is illiterate; the reforms he will introduce in view of the fact that the considered view expressed in the report is that these young people need a level of care and professional intervention that is a world apart from what is currently available to them; and if he will make a statement on the matter. [34586/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is only fair to point out that the Chaplains' Report commends the recent efforts by the prison management at St. Patrick's Institution to improve conditions there, including the improved educational facilities and the provision of separate accommodation and education units there for those under 18 years and those over 18 years.

Literacy work has been a strong element of the Prison Education curriculum since the early 1980's. A number of significant initiatives in the area of prison literacy commenced or were strengthened since 2003 which paralleled efforts to address adult literacy in the community. These include:

- the fuller use of negotiated learning plans for all literacy students;
- introducing the new FETAC level 1 and level 2 literacy courses;
- the introduction of the National Adult Literacy Agency's (NALA) assessment framework, "Mapping the Learning Journey" in each prison's Education unit;
- devising and delivering the NALA and Waterford Institute of Technology 30 hour Initial Tutor Training Course for teachers new to prison education; and
- drawing up and rolling out of a national Literacy Plan for Prison Education.

In relation to St. Patrick's Institution, the position is that all inmates are interviewed soon after arrival both for the School and the Industrial Training workshops and there are ongoing basic literacy courses in both the Education Unit and the Special School educational unit for inmates under 18 years of age. Every effort is made to encourage inmates to partake of the courses available to them.

In the Special School there are 6 teachers providing classes as well as two workshops providing training in catering skills and industrial skills. The fully equipped sports hall of the Unit is in daily use with accredited fitness instructors and a Physical Education teacher involved. Support services are provided by two Probation Officers and Psychology, Medical and Chaplaincy Services. These personnel are available to inmates on a daily basis.

In total, there are 18 City of Dublin VEC teachers working in the Institution's Education Unit. Of these, at least half work in the literacy/numeracy area. The curriculum also extends to subjects such as: art/crafts, music, computers (including computer literacy), food & nutrition, English, French, maths, history, social studies, parenting. However, all of the Unit's teachers are aware of the low literacy levels prevailing and will take steps to tailor-make the subject level to the poor literacy levels of their teachers of their students. A total of 322 individual prisoners attended the Institution's Education Unit over the school year 2006/07. It must be remembered that participation in education varies with factors such as the turnover of the overall inmate population. The vast majority of the 322 attendees (circa 80%) were intensively involved for 10 or more hours of education classes per week.

Prisoner Rehabilitation.

21. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that rehabilitation measures available to former prisoners are seriously inadequate; if he will take steps to

[Deputy Ruairí Quinn.]

improve the situation; and if he will make a statement on the matter. [34548/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can inform the Deputy that my Department, through the Probation Service, provides funding to 63 voluntary bodies which provide a range of services to offenders in local communities, e.g. pre-industrial training and education, offender management programmes, residential accommodation, drug and alcohol abuse treatment / intervention / awareness programmes and sex offender programmes. These programmes are designed to provide an opportunity for offenders to address their offending behaviour, explore their career options and to take part in personal development modules. The aims of these programmes are to:

- Prepare participants for work / training / education;
- Encourage them to take full responsibility for their own development; and
- Assist the offender in his/her integration into society.

The rehabilitation of offenders is an important element of the Criminal Justice System. The Probation Service, which is an integral part of my Department, through its work in the community and in the prisons, contributes in a significant way to the rehabilitation of offenders and I am pleased to advise the Deputy, that on foot of a Government Decision dated 18 April, 2007, approving a “Juvenile Justice and Child Protection Package”, an additional 71 professional and administrative posts were approved for the Probation Service which will greatly assist in the provision of enhanced Probation services Nationwide.

Particular emphasis is also placed on the rehabilitation of young offenders, the Deputy will be aware of the changes in recent years aimed at bringing about improvements in the youth justice system with the establishment of the Irish Youth Justice Service (IYJS) an executive office of my Department which, inter alia, is charged with improving the delivery of services for young offenders. In addition a dedicated Young Persons Probation Division (YPP) was recently established within the Probation Service which has responsibility to enhance and develop community based programmes and initiatives to assist in the rehabilitation of young offenders and to allow for the full implementation of the sections of the Children Act, 2001 relating to the Probation Service.

In 2008, I am pleased to inform the Deputy that my Department will provide almost €20m for services to offenders which include the wide range of rehabilitative measures already referred to. In addition, in excess of €10m will be provided for juvenile offending initiatives. Overall, that

represents 45.9% of the Probation Service budget allocation for 2008. I can assure the Deputy that every effort is being made and will continue to be made to provide adequate rehabilitative measures for the offender population.

Liquor Licensing Laws.

22. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to address under age drinking; and if he will make a statement on the matter. [34571/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Licensing Acts contain a comprehensive set of legislative provisions designed to tackle the problem of underage drinking. The main provisions dealing with this matter are set out in Part IV of the Intoxicating Liquor Act 1988 (as amended by the Intoxicating Liquor Acts of 2000, 2003 and 2004). Section 31 of the 1988 Act (as amended by the 2003 Act) provides that it is an offence for a licensee to—

(a) sell or deliver intoxicating liquor to a person under the age of 18,

(b) sell or deliver intoxicating liquor to any person for consumption on the licensed premises by a person under the age of 18,

(c) permit a person under the age of 18 to consume intoxicating liquor on the licensed premises, or

(d) permit any person to supply a person under the age of 18 with intoxicating liquor on the licensed premises.

Section 31 also provides that it is an offence for a licensee to sell or deliver intoxicating liquor to any person for consumption off the premises by a person under the age of 18 except, with the explicit consent of the person's parent or guardian, in a private residence in which he or she is present either as of right or with permission. The Intoxicating Liquor Act 2000 provides that where a licensee is convicted of an offence under section 31 of the 1988 Act, the Court shall, in addition to any other penalty, make an order for the closure of the premises concerned for up to 7 days for a first offence, or at least 7 and not more than 30 days for a second or subsequent offence.

Section 32 of the Intoxicating Liquor Act 1988 (as substituted by the 2003 Act) provides that a person other than the licensee shall not purchase intoxicating liquor for delivery to, or consumption by, a person under the age of 18 years, or deliver intoxicating liquor to him or her. It is not unlawful for such a person to purchase or deliver intoxicating liquor for consumption by a person under the age of 18 years in a private residence with the explicit consent of that person's parent or guardian.

Furthermore, section 33 of the 1988 Act (as amended by the 2003 Act) provides that it is an offence for a person under the age of 18 to—

(a) purchase intoxicating liquor,

(b) consume intoxicating liquor in any place, except with the explicit consent of his or her parent (or guardian) in a private residence in which he or she is present either as of right or with permission, or

(c) represent himself or herself for the purpose of obtaining, or being permitted to consume, intoxicating liquor, to be over 18. In general, persons who commit offences under this section are dealt with under the Garda Diversion Programme.

Section 34 of the Intoxicating Liquor Act 1988, as amended by the Acts of 2003 and 2004, provides that a licensee shall not allow a person under the age of 18 years to be in the bar of licensed premises at any time. However it is not unlawful to allow: (a) a child who is accompanied by his or her parent or guardian to be in the bar of licensed premises between 10.30 a.m. (12.30 p.m. on a Sunday) and 9.00 p.m. (10.00 p.m. from 1 May to 30 September). This exemption does not apply where it appears to the licensee that the child's presence in the bar could reasonably be regarded as injurious to his/her health, safety or welfare;(b) a person who is aged at least 15 years but under the age of 18 years to be in the bar between 10.30 a.m. (12.30 p.m. on Sundays) and 9.00 p.m. (10.00 p.m. from 1 May to 30 September);(c) a child who is accompanied by his or her parent or guardian or a person who is aged at least 15 years but under the age of 18 to be in the bar on the occasion of a private function at which a substantial meal is served to persons attending the function.

Moreover, if a child is present in a bar in contravention of these provisions, the child's parent or guardian is guilty of an offence unless he or she establishes that the child was present without his or her knowledge or consent.

The prohibition on the presence of persons under the age of 18 years on licensed premises does not apply to children of the licensee, persons who reside in the licensed premises, a person who is passing through the bar solely for the purpose of entering or leaving another part of the premises or persons who are employed in the licensed premises. The Intoxicating Liquor Act 2004 provides that it is not unlawful to allow a person under the age of 18 years on licensed premises, or any part of such premises, at a time when: (a) intoxicating liquor is not being sold, supplied or consumed on the premises or, as the case may be, that part of the premises, and (b) physical access to intoxicating liquor on those premises or, as the case may be, that part is securely prevented.

Section 34A of the 1988 Act, as inserted by the 2003 Act and amended by the Intoxicating Liquor

Act 2004, requires that persons aged 18 to 20 carry an "age document" e.g. a Garda age card, passport, driver licence, in order to be in the bar of licensed premises after 9.00 p.m. (10.00 p.m. from 1 May to 30 September). Section 37 of the 1988 Act gives the Gardaí the power to seize containers suspected of containing intoxicating liquor which are in the possession of persons under the age of 18 in any place other than an occupied private residence, where a Garda suspects that an offence under section 31, 32 or 33 of the 1988 Act has been committed. A Garda may also request the name, address and age of a person where the Garda suspects that an offence under Part IV of the 1988 Act has been committed. There is a power of arrest if the person concerned refuses to supply his or her correct name, address and age. It is an offence to give a name, address or age which is false or misleading.

The Government Legislation Programme published on 25 September provides for publication of a Sale of Alcohol Bill in 2008. This Bill will modernise and streamline the laws relating to the sale and consumption of alcohol by repealing the Licensing Acts 1833 to 2004, as well as the Registration of Clubs Acts 1904 to 2004, and replacing them with updated provisions more suited to modern conditions. The proposed Bill will contain reforms which are designed to strengthen existing provisions to combat under-age consumption of alcohol. These include:

- a new requirement for all off-licences to have written policies and control procedures in place;
- a new offence of being in possession of a forged or altered Garda age card with intent to deceive;
- a new provision whereby a member of the Gardaí may request the name and address of any person suspected of committing, or of having committed, such an offence; failure to give such details will be an offence; and
- a new provision permitting a member of the Gardaí to arrest without warrant a person who refuses to supply his or her name and address or gives a name and address which such member has reason to believe to be false or misleading.

Finally, I should say that I intend to re-examine, as a matter of priority, existing legislation on the sale and consumption of alcohol with a view to identifying any further changes in the law which may be necessary with a view to maintaining public order and ensuring public safety.

Drug Seizures.

23. **Deputy James Reilly** asked the Minister for Justice, Equality and Law Reform the number of drug sniffer dogs available and used in the fight against illegal drugs here (details supplied); his

[Deputy James Reilly.]

views on making more widespread use of such dogs in the community to aid detection of drugs in communities and to inhibit the free sale of drugs in places of public entertainment; and if he will make a statement on the matter. [34377/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Under the National Drugs Strategy, the Customs Service of the Revenue Commissioners has primary responsibility for the prevention, detection, interception and seizure of controlled drugs intended to be smuggled into the State. I am informed by the Revenue Commissioners that as part of its enforcement resources, the Customs Service currently deploys 13 detector dog teams. These teams are based at strategic locations throughout the State. All detector dog teams have passive dogs which allow for the screening of passengers as well as merchandise and baggage.

As the illegal movement of cash is the lifeblood of drug trafficking and organised crime, following the passing of the Proceeds of Crime (Amendment) Act 2005, the Customs authorities introduced cash detection capability also and the Service now have a dedicated detector dog team in place for this purpose. There is a growing investment by Customs in drug detection resources and the Revenue Commissioners advise me that they regard the deployment of detector dogs as a very important part of this resource.

The Commissioners also believe in ensuring that the detector dog teams maintain a high public visibility at the ports, airports, postal depots and freight forwarders' premises in which they routinely operate. The Customs detector dogs also assist An Garda Síochána, whenever requested to do so. The cost of the Customs detector dog programme in 2006 was €1,439,000. In addition, I am informed by the Garda authorities that the Garda Dog Unit consists of 2 Sergeants and 14 Gardaí and currently has 26 dogs. Six of these dogs, two of which are based in the Southern Region, are skilled in drugs and firearms residue detection. There are also 14 general purpose dogs — skilled in public order duties, tracking for missing persons, criminals and articles contaminated by human scent; 5 dogs skilled in explosives detection; 1 dog skilled in detecting the presence of dead bodies. Two of these dogs have been trained in tactical support and one in blood detection.

Consideration is currently being given to a proposal to extend the Garda Dog Unit nationwide, on a regional basis. To this end a pilot, in the Southern Division (based in Cork and Limerick) has been completed. Following the evaluation of this pilot a decision on the further regionalisation of the Unit will be made. To date in 2007, the Garda National Drugs Unit has carried out a number of operations targeting the sale and supply of drugs at places of entertainment. It is not

possible to give the costs associated with drug sniffer dogs only. However, the annual cost of running the Garda Dog Unit is approximately €1.5m.

As the Deputy will appreciate the optimum use of both the Customs Service and An Garda Síochána Dog Units is a matter for the Chairman of the Revenue Commissioners and the Garda Commissioner respectively in line with overall law enforcement arrangements and operational strategies.

Garda Equipment.

24. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform his views on the call by the Garda Representative Association for consideration of the possibility of allowing gardaí to carry pepper sprays in view of the increasing number of violent attacks on members of the force; and if he will make a statement on the matter. [34530/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am aware of the call by the Garda Representative Association for pepper spray to be issued to Gardaí. This call follows the recommendation of the Garda Síochána Inspectorate in its report on practices and procedures for barricade incidents that pepper spray should be issued to all Gardaí on operational duty. This is an operational matter which is for decision by the Garda Commissioner. I am informed by the Garda authorities that it is currently being examined.

National Drugs Strategy.

25. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform if additional funding will be made available to establish local lieutenants to pursue drug dealers in the rural Garda divisions. [32150/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Since the publication of the Government's National Drugs Strategy 2001-2008, Garda resources generally in the fight against illicit drugs have increased. This is particularly evident with the creation of additional Divisional Drug Units in areas of particular need. These Drugs Units operate in Divisions throughout the country with a primary focus on local drugs activities.

In terms of personnel resources, as at 30 November 2007, there were a total of 372 Gardaí dedicated to national and regional drugs units (including 58 based at the Garda National Drugs Unit). These units are also supported in their work by officers from other national units such as the National Bureau of Criminal Investigation, the Garda Bureau of Fraud Investigation and the Criminal Assets Bureau. In addition, all Gardaí

are tasked with confronting drugs related issues as they arise.

The assignment of Garda personnel throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public. This takes place against the background of the unprecedented expansion of An Garda Síochána which has taken and will continue to take place increasing the overall strength of the Gardaí to 16,000. Additional Garda resources are coming on stream all the time. These additional human resources will facilitate the Garda Commissioner in the allocation of additional manpower to areas most in need, including areas with a significant drug problem.

In addition, I am informed by the Garda authorities that the Criminal Assets Bureau, under Assistant Commissioner, National Support Services, works closely with other national units, including the Garda National Drugs Unit, and senior investigating officers in all Garda Divisions to ensure, wherever possible, that assets derived from criminal activity, including drug-related crime, are subject to confiscation. The Garda National Drugs Unit liaises with the Criminal Assets Bureau to particularly target those criminals and criminal groupings believed to be deriving profits and assets from drug-related criminal activity.

In relation to the issue of the Bureau's work at local levels, I can inform the Deputy that in order to maximise the benefit that can be derived from local knowledge, officers from the Criminal Assets Bureau work closely with Gardaí from specific regions and localities in order to ensure that the efforts of the Bureau are targeted in the most effective manner possible. In particular, the Bureau is utilising the services of Divisional Criminal Assets Profilers throughout the country. At present there are twenty seven divisional profilers appointed and operational. A further five members of An Garda Síochána are currently being trained as profilers. The use of local Garda officers in this way ensures that preparatory groundwork can be carried out in advance of a full investigation by the Bureau. Asset profilers have at all times recourse to the expertise and advice of the Bureau.

The complement of Divisional profilers will continue to be monitored and reviewed on an ongoing basis and I have already included in the Government's policing priorities for An Garda Síochána a specific reference to enhanced liaison arrangements between Garda Divisions and the Criminal Assets Bureau in the pursuit of those engaged in drug dealing at all levels. I am informed by the Garda authorities that the Criminal Assets Bureau has sufficient financial and other resources available to it to operate effec-

tively pursuant to its statutory remit and that the Chief Bureau Officer keeps the allocation of personnel under constant review in light of the Bureau's workload.

Finally, I will continue to keep the measures and resources for tackling drug trafficking under review and I repeat the assurance that I gave to the House recently during the lengthy debate on crime that it is my intention to continue to prioritise areas such as gun crime, organised crime and drugs.

EU Directives.

26. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform if the Government has decided to opt out from a new EU directive which makes it a criminal offence for employers to employ illegal migrants; the reason for this decision; and if he will make a statement on the matter. [34542/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Treaty of Amsterdam, which came into force on 1 May, 1999, added to the EC Treaty a new Title IV which deals with measures in the area of visas, immigration and other policies related to free movement of persons. The proposal in question is subject to Title IV of the Treaty, the application of which to Ireland is subject to the provisions of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaties. Under this Protocol Ireland has three months from the date a proposal is presented to Council to notify our intention to take part in the adoption and the application of such a measure. Ireland may also accept a measure any time after it has been adopted. As the option is only used in a positive sense, "opting out" does not occur.

Although Ireland did not exercise its option to opt-in within the initial 3 months, a period which overlapped with the general election and the Oireachtas summer recess, this proposed directive is still under review in my Department in conjunction with the Department of Enterprise, Trade and Employment. Ireland continues to participate actively in the current discussions on the proposal at EU level. The question of Ireland's participation in this measure will be determined following the adoption of the Directive, and Ireland's participation would require Oireachtas approval at that stage.

Ireland exercises its option to participate in Title IV measures to the maximum extent compatible with the maintenance of the Common Travel Area with the United Kingdom. Any proposals arising under Title IV are considered on their own merits.

Victims Commission.

27. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when he will

[Deputy Phil Hogan.]

establish a victim's council; and if he will make a statement on the matter. [34579/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am committed to providing enhanced arrangements for the support of victims of crime consistent with the commitment in the Programme for Government. The Commission for the Support of Victims of Crime was established by my predecessor in March, 2005 with a three year remit. Part of its remit was to devise an appropriate support framework for victims of crime into the future. The members of the Commission comprise:

Mr. Jim McHugh, (Chairman), former Assistant Commissioner, An Garda Síochána,

Ms Nora Owen, former Minister for Justice, Equality and Law Reform,

Mr. Sean Lowry, former head of the Probation and Welfare Service,

Mr Michael Whelan, Gemini Consulting,

Ms Marian Finucane, broadcaster.

The Commission's term of office expires in March, 2008 prior to which it will have presented a draft policy framework document for victims of crime. I recently met with the Commission and following that meeting, I am of the view that this document will provide important insights into how support for victims of crime might be developed into the future. I propose, therefore, to await the outcome of the Commission's deliberations before embarking on an overhaul of the present arrangements.

As the Deputy may be aware, I am determined to ensure that the treatment of victims of crime is accorded a major priority in the criminal justice system. To that end, and in the context of the outcome of the deliberations of the Commission, I am prepared to take action in advance of any new statutory proposal that may emerge.

Public Order Offences.

28. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the number of persons given anti-social behaviour warnings since the new system came into operation on 1 January 2007; the number of anti-social behaviour orders sought in the same period; and if he will make a statement on the matter. [34538/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my answer to Question No. 18 of today's date.

Human Rights Issues.

29. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform his views on the findings in the report on Ireland by the European Committee for the Prevention of Tor-

ture; if it is his intention to implement its recommendations; and if he will make a statement on the matter. [34543/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Report of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), on its visit to Ireland was published on the 10 October 2007, together with the response of the Government of Ireland to the issues raised by the CPT in that report. During the 2006 visit the delegation from the CPT visited a number of Garda stations, prisons and places of detention and the Central Mental Hospital and indicated that the level of cooperation received during the visit from the Irish authorities was very good, both at central and local levels.

I am glad to advise the Deputy that action has been taken to address the prison related issues highlighted in the report which covered, inter alia, the lack of progress in over-hauling the 1947 prison rules; the need for more robust investigation of prisoner complaints about alleged ill-treatment; the poor physical conditions of some of our prisons leading to overcrowding and 'sloping out'; the existence of inter-prisoner violence and intimidation; the number of prisoners on 'protection'; the drugs situation and the need to improve and enhance regime activities for certain prisoners.

The following is an overview of the key developments:

- (a) Prison accommodation: As indicated in the CPT report we recognise the necessity to modernise and expand the prison estate. The ambitious prison capital programme now underway, with the full support of the Government, will result in the replacement and/or refurbishment of nearly 40% of the entire prison estate and the ending of 'sloping out'. The proposed new prison complex at Thornton Hall which will replace the outdated Mountjoy complex will provide accommodation for 1,400 prisoners in a range of security settings with all the support facilities to enhance regime activities for prisoners and provide modern facilities as are fitting a modern prison environment. Other major works include the building of a new prison at Kilworth to serve the Munster region and the provision of additional accommodation at Shelton Abbey, Loughan House, Limerick, Wheatfield, Portlaoise and Castlereagh.
- (b) Prison Rules, 2007: The new prison rules were brought into effect from 1st October, 2007.
- (c) Enhanced security measures in our prisons: In the Government's response to the CPT report on the question of inter-prisoner violence it was accepted that the CPT had

rightly identified an emerging problem and that further measures are needed to deal with the issue. As I have indicated to the House on previous occasions, I am determined to deal with the issue in a proportionate manner by increasing our efforts to stem the flow of contraband items, such as drugs, weapons and mobile phones, which could assist in illegal activity. Indeed, as the Deputy will be aware significant efforts are made on a continuous basis by the prison authorities to stop contraband getting into our prisons, by for example, the installation of nets over exercise yards, vigilant observation of prisoners by staff, upgraded CCTV monitoring, the use of screened visits and prisoner and cell searches. New visiting arrangements are in place in all closed prisons whereby only persons who have been pre-approved by the Governor are permitted to visit.

I believe that technology offers the best solution to dealing with the problem of prisoners using mobile phones. The first phase of a pilot programme to inhibit the use of mobile phones in prisons has been completed in the Midlands Prison with the second phase of the pilot due to finish in the near future. I am glad to say that evaluation of the project thus far has shown positive results and, if confirmed, the inhibitors will be installed in all our closed prisons over an 18 to 24 month period. In addition, section 36 of the Prisons Act, 2007, effective from 1st May, 2007 makes it an offence for prisoners to have unauthorised possession of or use mobile telecommunications devices. Under the Act it is also an offence to supply such a device to a prisoner.

The implementation of the Drugs Policy entitled “Keeping Drugs out of Prisons” by the Irish Prison Service has seen an intensification of efforts to eliminate the availability of illicit drugs within the prisons. A significant element in this regard is the introduction of mandatory drug testing under the Prison Rules which became operational from 1st October, 2007. Facilities for screened visits have been installed in all closed prisons. In keeping with the Strategy prisoners in respect of whom the Governor is satisfied that there is no risk of contraband being passed may be facilitated with open visits. Prisoners who are caught receiving drugs or who test positive for drugs will be facilitated with screened visits only.

I am committed to supporting the Director General of the Irish Prison Service by providing additional resources to further enhance security within our prisons. I am confident that the recently announced package of additional security measures will make a significant difference to keeping contraband out of our prisons. These measures include:

- the establishment of a drug detection dog service within the Irish Prison Service;

- the establishment of an Operational Support Group dedicated to, and developing expertise in, searching and gathering intelligence;
- the introduction of enhanced security screening and searching of all persons (prisoners, visitors and staff) entering our prisons.

The Drug Detection Dog Service will involve approximately 30 staff and an appropriate number of dogs. The Deputy will be aware that a pilot drug detection dog service has been in place since May 2006 and is currently running in the Midlands/Portlaoise area and also in Wheatfield/Cloverhill Prisons, the Mountjoy complex and Cork and Limerick Prisons.

The Operational Support Group will be available in addition to the normal prison staff and can target specific problem areas. They will also gather and collate intelligence information in their prison, carry out high profile escorts and assist the chief officer in charge of security in the continuing assessment and improvement of security.

In addition to the security measures, Drug Treatment Services to prisoners are also being significantly enhanced through the development of new services and programmes for addicted prisoners. These services are being delivered by the Irish Prison Service in partnership with community based services and contracted private services and supported by additional staffing for prison based Drug Treatment Teams. Security measures across our prisons will continue to be kept under review.

Execution of Warrants.

30. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform if he will address the shortcomings in the system for the execution of warrants; and if he will make a statement on the matter. [34584/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my answer to Question No. 6 of today's date.

Garda Deployment.

31. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to allow for greater Garda visibility by reducing the amount of Garda time spent in court; and if he will make a statement on the matter. [34583/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The most recent report of the Garda Síochána Inspectorate noted the amount of time potentially spent by gardaí in court proceedings. It also noted that within the Dublin Metropolitan Region a Court Presenter

[Deputy Brian Lenihan.]

system is in place in the Dublin Metropolitan Court District and that outside the DMR the local District Officer is the Prosecuting Officer, representing the Director of Public Prosecutions, for the majority of prosecutions before the District and Circuit Courts.

The Inspectorate welcomed developments in the Court Presenters system which frees up significant Garda time from court duty. The Inspectorate has suggested that this scheme should be extended to all courts throughout the Dublin Metropolitan region. They have also suggested that the Superintendents assigned outside of the Dublin metropolitan region should be relieved of their Court Prosecution role. In addition to the foregoing, Section 5 of the Road traffic Act 2006 provides for administrative charges for certain driving offences. A working group chaired by the Department of Transport is preparing for the commencement of this section which in turn should release gardaí from attendance at court in a significant number of such cases.

Northern Ireland Issues.

32. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he will introduce legislation repealing the Independent Monitoring Commission in view of the unjustified drain it exerts on the Irish taxpayer and the high opportunity cost of spending on it in budget 2008, whereby the IMC will receive almost as much money as crime prevention measures and more money than services to crime victims. [34625/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Far from being a drain on the Exchequer, as suggested by the Deputy, the Monitoring Committee has rendered signal service to the Irish people and continues to do so. There are therefore, no immediate plans to introduce legislation repealing the Independent Monitoring Commission Act 2003. The Deputy will be aware that the Commission is an independent body which was jointly established by the Irish and British Governments. Accordingly, any decision in this regard will have to be taken in concert with the British authorities, not as a unilateral action.

I would remind the Deputy that the Independent Monitoring Commission's contribution to the peace process has been truly significant. As its most recent report states, the objective for which the Commission was set up is being progressively achieved, and I would add that the IMC continues to do valuable work monitoring and reporting on the ongoing activities of paramilitary groups on the island. It also played a critical role in the process of normalisation which saw a significant reduction in the British military presence in Northern Ireland.

Garda Operations.

33. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if Operation Bedrock is being commissioned or monitored by his Department or any particular Department or Minister; if it comprises or is part of an ongoing investigation into Tara campaigners; the scope of the operation; if private data is being shared between gardaí and private security or investigators involved in the construction of the M3; and if he will make a statement on the matter. [34632/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that a policing plan has been prepared in respect of the obligations on An Garda Síochána to prevent any breaches of the criminal law during the construction of the M3 motorway. The policing measures in place are deemed necessary by local Garda management who are satisfied that sufficient Garda resources are available to prevent any such breaches. The allocation of resources for this operation will be closely monitored and kept under review. I am further informed that the Garda authorities are satisfied that no private data is being shared between An Garda Síochána and private security or investigators as referred to in the Deputy's question.

Prison Accommodation.

34. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 109 of 9 October 2007, when he expects to receive the findings of the interdepartmental group established to consider the future of Spike Island; when a decision will be taken regarding the future of Spike Island; and if he will make a statement on the matter. [34622/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I wish to advise the Deputy that the Interdepartmental Group set up to examine the future of Spike Island is still continuing its deliberations. I await its findings which will inform future plans for the Island.

Citizenship Applications.

35. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if he is putting in place measures and staffing to deal with the backlog and inordinate delays in processing applications for long-term residency and naturalisation; if the new condition for police clearance certificates is contributing to the delays in processing applications; if all applicants are being required to provide police clearance certificates from previous countries; and if he will make a statement on the matter. [34633/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will appreciate, the applications that the Immigration Division of my Department receives are diverse in nature and the processing time frames vary considerably according to the nature and circumstances of the scheme in question. In all instances, processing arrangements are kept under ongoing review and steps are taken to reduce waiting times where this is feasible having regard to available resources and overall priorities. For example, the introduction of a new Information Technology System which is currently being developed, is expected to enhance the capability of the INIS to deal with such applications more efficiently.

Long term residency was introduced by way of an administrative scheme in May 2004. The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements. Time spent in the State on student conditions cannot be counted towards long term residency.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date. I understand that applications received in July 2006 are currently being dealt with. Long term residency is an administrative scheme which will be established on a statutory basis in accordance with the Immigration, Residence and Protection Bill.

At time of processing, each application is examined to verify the applicant meets the residency criteria. Should an applicant meet the residency criteria a character reference check is then carried out. This includes a requirement for all applicants to produce a police clearance certificate from their country of origin and any other country they resided in prior to travelling to this State. The requirement for a police clearance certificate was introduced recently as part of the character clearance aspect of the application process.

I accept there could be situations where applicants for long term residency, who have been away from their country of origin for considerable periods of time, may encounter difficulties in getting the necessary police clearance certificate. It is expected that such situations will arise only on an exceptional basis, and will be considered on a case by case basis having regard to all of the factors involved in the processing of applications for long term residency.

Insofar as Citizenship is concerned, the Deputy will acknowledge that the granting of Irish citizenship through naturalisation is an honour and that applications must be processed in a way

which preserves the necessary checks and balances to ensure that it is not undervalued and is given only to persons who satisfy the necessary qualifying criteria. The procedures employed to assess an applicant for naturalisation are as set out in summary form below.

Upon receipt, each application is examined to determine if the statutory application is completed fully. Incomplete application forms are returned to the applicant for amendment. Valid applications are then examined to determine if the applicant meets the statutory residency criteria set out in the Irish Nationality and Citizenship Act. Passports and other documentation are examined in detail and enquiries with the Garda National Immigration Bureau may also be necessary.

The next stage of the process involves assessing an applicant's financial status in respect of their ability to support themselves in the State. Enquiries with the Revenue Commissioners and the Department of Social and Family Affairs may be necessary in this regard. At the same time enquiries are also made with the Garda Síochána to clarify if the applicant can be deemed to be of good character. There may also be circumstances in individual cases which require a greater level of investigation than other cases. Once all enquiries are completed, the file is referred to me for a decision. The Deputy will appreciate that these processes can take a lengthy time to complete.

The above procedures have been developed and refined over a number of years and I am satisfied that they are necessary to maintain the integrity of the naturalisation process. Consequently, having regard to the resources available, which are kept under constant review, there is a limit to the reduction in the processing time that can be achieved. However, I share the Deputy's concerns regarding the efficiency of the existing system and accordingly, I have instructed my officials to undertake a review of the various processes in order that these might be streamlined further where possible.

Juvenile Offenders.

36. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform if he will present a breakdown of the budget for the Youth Justice Service; and if he will make a statement on the matter. [34587/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am pleased to inform the Deputy that the Irish Youth Justice Service has been allocated total funding of €49.849m for 2008, a 19% increase on 2007. Of this, €40.89m is provided for current and €9m for capital expenditure.

I am not in a position to provide a more detailed breakdown pending the publication of the Revised Estimates in early 2008. However, I can say that this resource package provides for

[Deputy Brian Lenihan.]

the general administration and running costs of the Irish Youth Justice Service (including the Children Detention Schools) as well as major infrastructure works in facilities for young offenders, and funding for Garda Youth Diversion programmes.

Enforcement of Court Orders.

37. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he has proposals to change the system of enforcement of court orders, particularly in relation to the collection of fines and committal proceedings for debt; and the timeframe for same. [34009/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Fines Bill currently before the House has three main purposes: to index all District Court Fines, to provide for equality of impact for all fines imposed by the courts and to provide for payment by instalment. These measures should significantly reduce the incidence of default in the payment of fines. The proposals are in line with the recommendations of the Law Reform Commission in their reports on the issue. The provisions of the Bill are the first phase in a process of reform of the fines system. The effectiveness of the measures contained in the Bill, when enacted, will be monitored by my Department.

The collection of fixed charge fines has also been under examination by my Department for some time, with a view to increasing payment compliance and thus reducing the number of these offences that come before the courts for non-payment. In April 2006, 31 new offences were categorised as fixed charge penalties. Additionally, legislation was introduced to increase incrementally the number of penalty points on conviction and increase the amount of the fine if not paid after 28 days with the objective of reducing the number of cases coming before the courts. In addition, a pilot study was commissioned by my Department to examine the feasibility of handing over the collection of fixed charge penalties to an external credit management agency. The preliminary results of this pilot study were quite encouraging, with over 22% of cases being cleared up. The Department is currently finalising an assessment of the pilot study with a view to establishing its introduction on a wider footing.

With regard to committal proceedings, a report commissioned by my Department on people committed to imprisonment for civil debt or non-payment of fines, concluded that fine defaulters tend to be unemployed or not in the labour force. The issue of attachment of earnings has been mentioned as an alternative to prison for fine defaulters. It may well be that attachment of earnings has a role in the case of an offender with a salary. However, an attachment of earnings

mechanism would have no impact where the debtor has no salary. Furthermore, the issue of attachment of welfare payments raises serious questions about the effect of such provisions on people with few means.

In relation to warrants currently outstanding, the Garda Commissioner recognises that steps need to be taken to reduce the number of outstanding warrants as much as possible. Each regional Assistant Commissioner has therefore been directed to give priority to this issue and to review procedures in their areas for the execution of warrants.

Proposed Legislation.

38. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform when the Government’s promised legislation on same sex unions will be published; and if he will make a statement on the matter. [34522/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As I announced in the House on 31 October 2007, I expect to publish the Heads of a Civil Partnership Bill by the end of March 2008.

Court Procedures.

39. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the consideration given by him to revise family law to create an in-court mediation service to facilitate the early resolution of family law disputes and in particular disputes relating to the guardianship, custody, upbringing of and access to children. [34610/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The recently published Report of the Family Law Reporting Pilot Project undertaken by Dr. Carol Coulter at the request of the Courts Service makes a range of recommendations to enhance the role of mediation. I fully agree that enhanced mediation procedures are a key element in relation to family law and dispute resolution generally and I understand that this approach will be addressed in new Rules of the Circuit Court. The Legal Aid Board is also taking action to promote the use of dispute resolution mechanisms in family law cases. This has incorporated the collaborative law approach as well as structured negotiation techniques and has the potential to be of considerable benefit to those who find themselves in difficult family situations.

I am pleased to note that the Courts Service is to establish a committee to review Dr. Coulter’s report and the implementation of its recommendations, many of which, I should add, fall outside the remit of my powers as Minister. I look forward to seeing the outcome of the committee’s proceedings in due course and, should the com-

mittee recommend a change to family law legislation, I will carefully consider any such proposal.

Organised Crime.

40. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which he or his Department have identified, located and monitored the activity of known criminal gangs throughout the country; the number of such that have to date been arrested from each identifiable gang; the number charged and convicted; if such gang leaders or principals have not to date been interviewed by the gardaí; and if he will make a statement on the matter. [34592/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There are, in general terms, two broad categories of organised crime groups operating in this jurisdiction. The first category consists of individuals / groups that are well established and tightly structured and are involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and are involved in criminal activities which are mainly confined to Ireland.

The membership of organised gangs tends to be fluid and the nature of criminal activity is such that offences committed by members of gangs may or may not be connected with the individual's membership of such gangs. It is therefore not possible, without the expenditure of an inordinate amount of time and resources, to attribute specific figures to the membership or activity of such gangs.

Organised criminal gangs operating in this jurisdiction are targeted on an ongoing basis and profiles regarding the personnel of such groups are continually updated. Their members, operating methods, criminal interests and financial assets are likewise proactively targeted through intelligence-led operations, primarily undertaken by specialist units of An Garda Síochána operating under the remit of the Assistant Commissioner, National Support Services. Units involved in these operations include the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit, the Criminal Assets Bureau and operations are regularly undertaken, targeting those suspected of being involved in Organised Crime.

An Garda Síochána will continue to utilise intelligence-led operations against selected targets to combat the criminal activities of these groups.

Departmental Reports.

41. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform if he has

decided where the gaming commission will be located. [27573/07]

Minister for Justice, Equality and Law Reform

(Deputy Brian Lenihan): The Deputy will be aware that in August, 2006, the Government agreed to the proposal of my predecessor for the establishment of a Committee (the Casino Regulation Committee) to report on the possibilities for a legislative basis for the strict regulation of casino-style operations in the State. The Casino Regulation Committee completed their Report in April of this year. It is a lengthy document which deals with a range of complex and inter-related public policy issues which are now being considered within my Department. Following consideration of the issues, I intend bringing the Report before the Government. As the Report has yet to be presented to Government I do not propose to comment on the Report or any of its recommendations at this time.

Proposed Legislation.

42. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform the changes he proposes in respect of enduring powers of attorney to allow for general health care decisions to be taken by the attorney. [34019/07]

76. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform when he will establish the office of public guardian to replace the Wards of Court Office; and if he will make a statement on the matter. [34578/07]

82. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform if he will amend legislation governing enduring powers of attorney to facilitate the mandatory filing of annual accounts of the attorney. [34018/07]

Minister for Justice, Equality and Law Reform

(Deputy Brian Lenihan): I propose to take Questions Nos. 42, 76 and 82 together.

Proposals for a Mental Capacity Bill are being developed by my Department in line with a commitment in the Government's Legislative Programme as announced by the Chief Whip on 25th September 2007. The proposed Bill is a response to the Law Reform Commission's Final Report on Vulnerable Adults and the Law and it will facilitate ratification of the UN Convention on the Rights of Persons with Disabilities insofar as requirements relating to legal capacity are concerned. The law on enduring powers of attorney and the jurisdiction of the Office of Wards of Court will be reviewed during the preparation of proposals for this Bill. The details of the proposed Bill will be announced in due course following Government approval. The legislation will be developed as quickly as possible.

Road Traffic Offences.

43. **Deputy James Reilly** asked the Minister for Justice, Equality and Law Reform his plans to proactively test drivers for the presence of illegal drugs in a similar manner to the successful random alcohol testing campaign which is the norm and which is an effective tool in curtailing the use and abuse of alcohol while driving; his views on whether such a zero tolerance testing regime, using drug testing systems already available and used here in places of detention, should be immediately put in place taking into account the recent tragic cases in the media; and if he will make a statement on the matter. [34378/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Currently, the Road Traffic Acts provides that a member of the Garda Síochána may, where he or she is of the opinion that a person in charge of a mechanically propelled vehicle in a public place is under the influence of a drug or drugs to such an extent as to be incapable of having proper control of that vehicle, require that person to go to a Garda station and further require that person submit to a blood test or to provide a urine sample.

The Medical Bureau of Road Safety analyses blood and urine specimens received under the Road Traffic Acts for the presence of a drug or drugs. Urine analysis is the principal method used in testing for drugs in places of detention. Enforcement of the law on drug driving is a matter for An Garda Síochána. When a member of the Garda suspects that a motorist is driving under the influence of any intoxicant the Garda may arrest the suspect under Section 49 of the Road Traffic Act 1961. Furthermore, section 38 of the Road Traffic Act 1968, as amended by Section 6 of the Road Traffic Act 1994 provides a statutory power to the Medical Bureau of Road Safety for the supply and testing of apparatus for indicating the presence of alcohol in the breath.

Section 12 of the Road Traffic Act 1994 (as amended) and section 4 of the Road Traffic Act 2006 (as amended) also provide the powers to members of An Garda Síochána to require drivers to provide preliminary breath specimens for the purpose of indicating the presence of alcohol in the breath.

As the Deputy will appreciate, road traffic legislation is a matter for the Department of Transport and I am informed by my colleague, the Minister for Transport, that at present there is no reliable equipment available for the purpose of roadside testing for drugs. I am further informed that the Department of Transport will keep under review the development of technology internationally for such testing and that when suitable technology becomes available, any further legislative measures, if required, to facilitate its use will be introduced.

Grant Payments.

44. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a centre (details supplied) has received no additional funding since it received grant funding of €50,000 and is no longer able to finance its facility; and if he will make a statement on the matter. [34547/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The group concerned received a special grant payment of €50,000 in 2006 on the clear understanding that it was a “one off” payment to enable the organisation to establish itself on a firmer footing. I have nothing further to add by way of response.

Drugs in Prisons.

45. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform if he will introduce mandatory drug testing for prisoners on admission; and if he will make a statement on the matter. [34582/07]

93. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform if he will introduce a compulsory regime of drug testing of prisoners; and if he will make a statement on the matter. [34581/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 45 and 93 together.

The Prison Rules 2007, which took effect from 1 October 2007, include specific provision for mandatory drug testing. Mandatory drug testing forms part of the Irish Prisons Service Drugs Policy ‘Keeping Drugs Out of Prisons’ which sets out the steps required to tackle the supply of drugs into prisons, provide adequate treatment services to those who are addicted to drugs and ensure that developments in the prisons were linked into the community.

Mandatory drug testing provides information on trends in drug misuse, enables the identification and referral of drug abusers to treatment programmes, enables enhanced focusing of resources and acts as a deterrent to drug misuse. Mandatory drug testing will also serve to provide important information to prison management that will contribute significantly to decision-making in relation to the management of individual prisoners sentences.

Mandatory drug testing currently takes place in the Training Unit, St. Patrick’s Institution, Castlerea, Loughan House and Shelton Abbey. All prisoners must be drug free to attend an open centre and the intention is to roll out a programme of testing to the remaining institutions during 2008.

Prison Discipline.

46. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the measures being planned by the Irish Prison Service for the introduction of mobile phone jamming equipment; the reason this plan is necessary if adequate measures are in place to prevent the smuggling of mobile phones into prisons; and if he will make a statement on the matter.

[34526/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I would like to assure the Deputy that I am committed to implementing all appropriate measures to deal with the issue of mobile phones and other contraband being smuggled into Irish prisons.

One of the major challenges in prisons worldwide lies in preventing access to contraband items, including mobile phones, which for obvious reasons, are viewed as highly valuable commodities which could assist in illegal activity. Efforts are made on a continuous basis to prevent the flow of such contraband into our prisons, by for example, the installation of nets over exercise yards, vigilant observation of prisoners by staff, upgraded CCTV monitoring, the use of screened visits and prisoner and cell searches. In addition, new visiting arrangements are in place in all closed prisons whereby only persons who have been pre-approved by the Governor are permitted to visit.

I can also assure the Deputy that I am determined to deal with the problem of prisoners using mobile phones and, in this context, I believe that technology offers the best solution to dealing with the illegal use of mobile phones by prisoners. As informed by the Irish Prison Service, I can confirm that a pilot programme of mobile phone inhibition is ongoing in Midlands Prison and that early indications are that the technology is very successful. If the results of this preliminary evaluation hold true, the inhibitors will be installed in all the other closed prisons over an 18 to 24 month period. It is my belief that it is both appropriate and necessary to introduce mobile phone inhibitors into all our prisons. I believe that this inhibition technology offers the most effective solution for dealing with illegal use of mobile phones in prisons.

The Deputy will be aware that Section 36 of the Prisons Act 2007, which was brought into operation from 1 May 2007, makes it an offence for prisoners to have unauthorised possession of or use mobile telecommunications devices. Under the Act it is also an offence to supply such a device to a prisoner. The penalty for such an offence, on summary conviction, is a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.

Random searches of cells and their occupants and searching of correspondence and other items entering the prison have all intercepted significant quantities of contraband in recent years. When a person is admitted to prison custody, he or she is searched and prohibited items and money are taken. Similarly, searching takes place of prisoners returning from court, temporary release or after visits. Searches of prisoners also take place where their behaviour or information received raises suspicions that they may be in possession of contraband. The Prison Service has recently purchased a number of cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, u-bends in toilets, drain holes, under floor boards and other cavities. These new technologies are proving to be a valuable asset in this area. The planned new prison estates at Thornton Hall and Kilworth will also make it harder for contraband to enter the prison by locating recreation yards away from perimeter walls and having a cordon sanitaire.

As regards enhanced security, the Deputy will also be aware that earlier this year I announced a range of security measures aimed at keeping contraband out of our prisons. These measures include: the establishment of an Operational Support Group dedicated to, and developing expertise in, searching and gathering intelligence. The group will be available in addition to the normal prison staff and can target specific problem areas. They will also gather and collate intelligence information in their prison, carry out high profile escorts and assist the Chief Officer in charge of security in the continuing assessment and improvement of security.

The Irish Prison Service is also enhancing these procedures through the introduction of a comprehensive “airport style” screening and search process in the closed prisons. This project is under way and it is hoped that it will be completed early next year. However, the introduction of these procedures are the subject of industrial action by the POA and, accordingly, it has not been possible to proceed with these measures to date.

Crime Prevention.

47. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to address the use of illegal firearms and offensive weapons; and if he will make a statement on the matter. [34570/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my answer to Priority Question No. 3 of today’s date.

Joint Policing Committees.

48. **Deputy Tom Sheahan** asked the Minister for Justice, Equality and Law Reform the amend-

[Deputy Tom Sheahan.]

ment he will make to the draft guidelines for the operation of joint policing committees; and if he will make a statement on the matter. [34588/07]

90. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the amount of money that will be made available to JPCs in view of the absence of a specific provision for joint policing committees from budget 2008; and if the amount will increase significantly in 2007 in view of his stated intention to increase the number of JPCs from 29 to 114. [34623/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The 29 Joint Policing Committees currently established in a pilot phase operate under guidelines issued by my predecessor as Minister for Justice, Equality and Law Reform on 23 May, 2007, following consultation with the Ministers for the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs.

I believe that the Committees established have made good progress to date in carrying out their functions. I propose to roll out the Committees to all 114 local authorities in the State as early as possible in 2008. In order to enable this to happen, it is necessary to consider the current guidelines in the light of the experience of the Committees already established and make any changes necessary.

To assist with this process, my colleague the Minister for the Environment, Heritage and Local Government and I hosted a consultation seminar on 29 November with participants in the pilot Committees to discuss their views on the operation of the Committees to date. The outcomes of the seminar are currently being considered with a view to preparing changes to the guidelines. This process is currently ongoing. Provision of €1.010 million is being made in the Garda Síochána Vote in 2008 for the operation of the Committees. I understand that provision is also being made by the Department of the Environment, Heritage and Local Government.

Recidivism Rate.

49. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform when section 25 of the Criminal Justice Act 2007 will become operable; if he is satisfied that it will be sufficient to deal with the recidivism rates; and if he will make a statement on the matter. [34502/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I would like to inform the Deputy that Part 3 (including section 25) of the Criminal Justice Act, 2007 came into operation on 18 May, 2007, on foot of the Criminal Justice Act 2007 (Commencement) Order 2007, (Statutory Instrument No. 236 of 2007).

While there are no indications to suggest that the level of recidivism in this jurisdiction is particularly high by European standards, we will continue to take measures to address the matter including the implementation of this provision, expansion of the Probation Service and providing improved facilities in our prisons. However experience in other jurisdictions does indicate that it would be naive to expect that recidivism can be eradicated altogether.

Garda Investigations.

50. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform if the Garda Commissioner has completed his consideration of the report submitted by the superintendent appointed to carry out an investigation into the circumstances in which the Garda failed to act on information supplied through Interpol from the Austrian authorities regarding the alleged involvement of people based here in a global child pornography ring; if it is intended to publish the report; and if he will make a statement on the matter. [34535/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the Garda officer appointed to conduct an investigation into the incident has completed his investigation and submitted a report to senior Garda management. Following consideration of the report a number of additional control mechanisms have been introduced to prevent a recurrence of such an incident. I am further informed that it is not Garda policy to publish internal reports.

Garda Complaints Procedures.

51. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform his views on the substantial sums of money being paid to members of the public in respect of court awards or out of court settlements for claims taken against members of the Garda in respect of assault, unlawful arrest or other breaches of a citizen's rights, which amounted to over €16 million in awards and legal fees since 2002; and if he will make a statement on the matter. [34539/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Members of the Garda Síochána are called upon to interact with members of the public on a twenty four hour basis in a wide variety of situations — many of which are unavoidably contentious. In the vast majority of cases these interactions are handled in an exemplary and professional manner and do not give rise to difficulty from a litigation point of view. However there are a tiny number of cases, by reference to the totality of interactions, which ultimately give rise to a legal liability on the part of the State. In these cases the advices of

Counsel, the Chief State Solicitor and the Attorney General inform the approach taken in addressing the issues involved while protecting the public purse.

As the Deputy will be aware, the events in Donegal which gave rise to the establishment of the Morris Tribunal also gave rise to numerous sets of civil proceedings which have had the effect of inflating the amount of monies paid out in the years 2005, 2006 and 2007. Indeed the disposal of 48 further cases in recent weeks has had the effect of increasing the amount to which the Deputy's question refers to €24 million.

The Government's response to those unprecedented events was the enactment of the Garda Síochána Act 2005 which introduced significant fundamental structural changes in An Garda Síochána and represented the most significant overhaul of the Force since the foundation of the State. One of the principal aims of the Act of 2005 was the establishment of a framework within which shortcomings in the regime of governance and accountability within the Garda Síochána could be addressed. For example the Garda Síochána Ombudsman Commission is empowered subject to certain conditions independently to investigate any practice, policy or procedure of the Garda Síochána with a view to reducing the incidence of complaints. Furthermore the Garda Síochána Inspectorate, which has an expertise in international policing, may at the request of or with the consent of the Minister carry out inquiries or inspections in relation to particular aspects of the operation or administration of the Garda Síochána. Clearly, these new and innovative mechanisms can play a role in ensuring best practice and consequent minimisation of exposure of the public finances.

Finally of course the new Garda Síochána (Discipline) Regulations which came into operation on 1 June 2007 have streamlined the disciplinary process and replaced the complex system which had developed over the years — responding to a specific and important lacuna identified by the Morris Tribunal.

Proposed Legislation.

52. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the action taken to date on the commitment in the programme for Government to examine the possibility of introducing a paternity benefit. [32174/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to the commitment by Government and the Social Partners in Towards 2016 to review the level of statutory entitlements to maternity and paternity leave before the end of 2008. Work will commence shortly on this review. The Deputy may also note that the commitment in the Agreed Programme for Government is, over the next five

years, to increase paid maternity leave by five weeks, to make all leave after the first 26 weeks available to either parent and, to examine the possibility of introducing a statutory entitlement to paternity leave and shared parental leave.

Garda Equipment.

53. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the establishment of the new Garda Síochána fingerprint database. [34529/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am pleased to inform the Deputy that installation and commissioning of the first phase of the new National Automatic Fingerprint Identification System (AFIS) went live on 22 October 2007. While the previous system met Garda requirements over the last ten years or so, advances in technology mean that the new system offers significant new capabilities and capacity including the ability to store palm prints as well as traditional 'ten-prints' and improved matching capabilities for poor quality or partial fingerprints taken from the scenes of crimes. I understand the Garda authorities are very pleased with the operation of the new system which has already produced a greatly improved 'hit' rate for latent marks taken at crime scenes. Indeed, I myself witnessed the impressive system in operation at its recent launch.

Work is now under way on subsequent phases, which will be delivered during 2008, and will provide for the capture and storing of a person's fingerprints upon registration by the Garda National Immigration Bureau as well as the ability for GNIB officers to capture prints at ports of entry including sea and air ports. Full integration of the new AFIS with the Garda PULSE system and GNIB Information system will also be delivered in the coming phases.

The AFIS system is just one of a broad range of information technology systems being delivered to assist An Garda Síochána in the fight against crime. Other projects include a Major Incident Management system, Automatic Number Plate Recognition system and the new Digital Radio Service. A total of €102m is allocated in 2008 for Information Technology and Communications related projects.

Garda Civilianisation Programme.

54. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform his proposals for further civilianisation of the Garda in order to free trained members for front line duty; his views on the view expressed in the final report of the advisory group on Garda management and leadership development that progress in regard to civilianisation has been risible; and if he will make a statement on the matter. [34534/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I welcome the reports of the Garda Inspectorate and the Advisory Group on Garda Management and Leadership Development on these issues. I fully support the Garda Commissioner in the continued implementation of the civilianisation programme proposed for the Garda Síochána and am happy to say that significant progress has been made to date in the recruitment of civilian staff by the Garda Commissioner.

I have been informed by the Commissioner that the number of full and part time civilian staff assigned to the Garda Síochána as at the 10 December 2007 was 2,276. Approximately 297 Clerical Officers have been recruited and assigned positions within the Garda Síochána since the 1 January 2007. These officers have been allocated to the Dublin Metropolitan Region, Garda Headquarters and Specialised Units.

A campaign to recruit a further 300 Clerical Officers for outside the Dublin Metropolitan area is well under way and interviews are currently being held by the Public Appointments Service. This will release trained members of the Force for front-line duty. To date, in excess of 30 additional Clerical Officers have been assigned to Garda stations outside Dublin, 12 additional Clerical Officers have been assigned to the Garda Central Vetting Unit, Thurles, and 25 additional Clerical Officers have been assigned to the Garda Information Services Centre, Castlebar.

The recruitment of civilian staff to middle and senior positions in the Garda Síochána is well under way. Appointments have been made to the positions of Chief Administrative Officer, Director of Finance, Director of Communications, Head of Internal Audit, HR Manager, Housing Officer and Transport Manager and a civilian at Principal Officer level has been appointed to the Information Technology section.

Recruitment for the following positions will start shortly: Director of Information and Communications Technology, Director of Change Management, Head of Legal Affairs and Executive Director of Human Resources. Other recruitment initiatives are under way. The position of Head of Procurement (AP) in An Garda Síochána has been advertised and applications are currently being considered. A competition to recruit 28 Crime & Policing Analysts was advertised on 29th November 2007. A Competition to recruit 3 Cartographers and 2 Photographers was advertised on 6th December, 2007. A competition to recruit additional Telecommunications Technicians was advertised on 6th December, 2007. An open competition to recruit a Professional Accountant Grade I and a Professional Accountant Grade II for Internal Audit Unit will take place soon and a variety of other posts will be advertised.

A dedicated Human Resource Directorate has been established in the Garda Síochána to serve the needs of the civilian, administrative, professional, technical and industrial staff in the Garda Síochána and to promote an extensive programme of civilianisation. I am assured by the Commissioner that the Garda Síochána is committed to developing the civilian support function within the Garda Síochána to the level of best international practice and that he will continue to work to drive the civilianisation programme forward. I will fully support the Garda Commissioner in the continued implementation of organisational reform which, as I said, is supported by the analysis and recommendations of the Hayes Group and the Garda Inspectorate.

Garda Deployment.

55. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform if he has assessed the number of gardaí available to new and developing communities; if following this assessment he has plans to redeploy gardaí to these same communities; and if he will make a statement on the matter. [27572/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The total personnel strength of An Garda Síochána as at the 30 November 2007, the latest date for which figures are readily available was 13,780. The total number of Gardaí including trainees as at the same date was 14,823. The accelerated annual intake of approximately 1,100 students will continue to ensure the Government targets in this area are being met.

The detailed allocation of Garda resources including personnel is a matter for the Garda Commissioner to decide on. The Small Area Population Statistics, published by the Central Statistics Office and based on the 2006 Census, are currently being analysed by An Garda Síochána. However, the allocation of additional personnel will be determined by a number of factors including population, crime trends, other operational policing needs and priorities. The allocation of Garda resources is monitored and reviewed on a continual basis and the policing needs of new and developing areas will be fully considered by the Garda Commissioner in the context of overall policing requirements.

Road Traffic Offences.

56. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform when it is intended to roll out fixed speed cameras; and if he will make a statement on the matter. [23643/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In accordance with EU Directives, relevant legislation and national public procurement procedures, a Request for

Information (RFI) for the provision and operation of safety cameras on behalf of An Garda Síochána was published on the Government's procurement website on 24 November, 2006. Following the evaluation of the submissions received in respect of the RFI a total of six companies/consortia were short-listed in February, 2007 to participate in the next stage of the process.

A detailed Request for Tender (RFT) was issued to the six short-listed candidates, with a closing date of 23 August, 2007 set for receipt of tenders. The process of selecting a preferred bidder is at an advanced stage. Following the completion of that process, I intend to submit proposals regarding the project to Government in the near future.

Proposed Legislation.

57. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the progress made in the talks between his Department and representatives of the Judiciary regarding the introduction of a judicial council; when the Judicial Council Bill will be published and enacted; and if he will make a statement on the matter. [34520/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As I indicated in my reply to an earlier question on the same topic on 9 October last (No. 158), work on the scheme of the Judicial Council Bill to build on the report of the Committee on Judicial Conduct and Ethics is at an advanced stage of development in my Department. That Report recognised the need for a procedure for dealing with complaints of judicial misconduct which, while serious in itself, might not warrant the ultimate sanction of impeachment by the Oireachtas.

Consultations on the proposed Bill have, as is usual in the development of any legislative proposals, taken place with the Office of the Attorney General. It was also considered prudent, given the nature of the subject, to consult with the Chief Justice. While some preliminary views were received, the Chief Justice requested an opportunity to offer further views at a later stage. The Chief Justice has publicly stated that the proposals for a Judicial Council are being examined across the various court jurisdictions and has advised my Department of progress in that respect. I welcome this progress on examination of the proposals and look forward to hearing the comments of the Judiciary when their deliberations are completed.

Vetting of Personnel.

58. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of sporting organisations that have yet to apply for registration for Garda vetting for their employees

and volunteers; the number of employees and volunteers engaged by sports organisation in receipt of funds from the Sports Council; his views on whether the vast majority of these have not been vetted; and if he will make a statement on the matter. [31804/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Garda Central Vetting Unit (GCVU) is currently well-advanced in the phased expansion of its criminal history vetting service to all sectors and organisations having client groups of children and vulnerable adults. In the case of the sports sector, this expansion is being managed in liaison with the Irish Sports Council (ISC), which is represented on the multi-agency Implementation Group on Garda Vetting overseeing the implementation of the national strategy on vetting.

The methodology employed is that the ISC liaises with the National Governing Bodies (NGBs) of sport in respect of the introduction of vetting. The ISC notifies the GCVU both when a new NGB is in a position to apply for registration with the Unit and of the nominated person in the NGB to manage the process of vetting for that sport. The GCVU then liaises with this nominated person in the NGB in order to commence the registration process. On registration, the GCVU delivers training to the NGB, and the vetting service is then extended to that NGB and sport. This methodology, which has been approved by the Implementation Group on Garda Vetting, is designed to promote both the integrity and professionalism of the vetting process.

I am informed by the Department of Arts, Sport and Tourism that, to date, 16 NGBs have registered with the GCVU, which, as a consequence, has extended its vetting service to those NGBs and sports. I am further informed that the ISC has recently notified the GCVU that are further 12 NGBs are in a position to commence the registration process. As of today's date, the process of registering those 12 NGBs has commenced, and it is envisaged that this will be completed and vetting extended to these NGBs and sports by the end of January 2008. I am also informed that a further 38 NGBs funded by the ISC have yet to commence the registration process. However, it is expected that the registration of these outstanding NGBs and the consequent extension of vetting to them will be completed by the end of 2008. The numbers of employees and volunteers involved are not readily available.

I am satisfied that the GCVU, in conjunction with the ISC, is progressing the phased expansion of vetting in a professional and expeditious manner, and I look forward to its completion as soon as possible.

Prison Deaths.

59. **Deputy Dan Neville** asked the Minister for

[Deputy Dan Neville.]

Justice, Equality and Law Reform the circumstances surrounding the death from suicide by a person (details supplied) in Limerick Prison. [34477/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person referred to by the Deputy was found in his cell by prison staff at Limerick Prison at approximately 9 p.m. on the 1st of December, 2007. He was examined, in the cell, by a doctor who pronounced the prisoner dead. In common with all deaths in prison custody, the cause of death is a matter to be determined by a Coroner's Court.

Garda Investigations.

60. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the progress made by the gardaí in their investigation into possible involvement by Irish residents in an international child pornography ring as part of Operation Koala; if a file has been sent to the Director of Public Prosecutions; and if he will make a statement on the matter. [34521/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that as a result of information received five persons have been identified as suspects in the world-wide operation into possession of child pornography titled Operation Koala. I am further informed that the addresses of all five suspects have been searched by Gardaí pursuant to section 7 of the Child Trafficking and Pornography Act 1998. A number of media and electronic storage devices have been seized for forensic examination, which is taking place at present. As this is an ongoing Garda investigation, it would be inappropriate for me to comment further at this time.

Data Protection.

61. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the recently announced Garda data protection code of practice; if he is satisfied that adequate procedures are in place to prevent the inappropriate release of information held by the Garda; and if he will make a statement on the matter. [34525/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Data Protection Code of Practice for All Employees of An Garda Síochána was launched on Monday, 12 November 2007 by the Garda Commissioner and the Data Protection Commissioner and has been issued to all employees of the Garda Síochána. I am informed by the Garda authorities that the Garda Síochána is the first public authority to have issued such a Code of Practice and this reflects the commitment of the organisation to ensuring

compliance with data protection legislation. The Code of Practice provides instructions and guidance in respect of the role and responsibilities of all employees of the Garda Síochána under the Data Protection Acts 1988 and 2003. Garda management is satisfied that the Code of Practice adequately addresses issues and procedures surrounding the protection and disclosure of data.

Pre-nuptial Agreements.

62. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the progress his Department has made in its examination of the report of the study group on pre-nuptial agreements published in early 2007. [34572/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Questions No. 64 and 131 on 7 November 2007. I have nothing further to add to the details of that response.

Crime Levels.

63. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 to date in 2007; the number of such cases in which prosecutions for murder were initiated; the number of such cases where convictions were secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [34533/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the table shows the numbers of cases of murder recorded in which firearms were used, proceedings commenced and convictions secured in each year from 1998 to 2006 and in 2007 up to 9 December. Figures provided for 2007 are provisional, operational and liable to change. It should be noted that for specific cases proceedings commence and convictions are obtained on a continuing basis.

All killings, regardless of the persons or the circumstances involved, are the subject of a rigorous investigation by An Garda Síochána. The identification of the motive and the evidence available to support that identification are key elements of the investigation and prosecution process. On completion of such investigations an investigation file is forwarded to the Law Officers who direct what charges, if any, are to be preferred. It is then a matter for the courts to decide on a person's guilt or innocence.

An Garda Síochána recently introduced a package of crime investigation initiatives, which include:

- the establishment of a Crime Training Faculty at the Garda College, Templemore, to provide a professional and comprehensive

training programme for those charged with management of serious crime investigations;

- Senior Investigating Officers, to take charge of serious crime investigations;
- Incident Room Co-ordinators, to manage serious crime investigation incident rooms;
- Specialist Victim Interviewers, for the interviewing of persons under 14 years of age, with special needs or victims of sexual crime;
- Forensic Collision Investigators, to investigate road traffic collisions, primarily those involving fatalities;
- The development of a Major Investigation Management System, to provide a PULSE-based management system for all serious investigations;

- The introduction of pre-screening and competency based interviewing for the selection of personnel for the positions of Detective Garda and Detective Sergeant;
- The appointment of 21 Detective Inspectors, allocated on the basis one per District in the Dublin Metropolitan Region and one per Division outside of the DMR;
- The appointment of additional Detective Superintendents, one per District in the Dublin Metropolitan Region and one per Region outside of the DMR.
- The establishment of a Serious Crime Review Team, to review “cold cases”.

This initiative will add significantly to the investigative capacities of the Gardaí. The number of murders recorded in which a firearm was used, proceedings commenced and convictions for the years 1998 to 2006 and in 2007 up to 9 December

Year	Recorded	Proceedings Commenced	Convictions
2007 (to 9 December)	18	2	0
2006	26	5	2
2005	22	2	2
2004	9	5	4
2003	20	4	2
2002	11	5	4
2001	9	2	2
2000	12	6	2
1999	12	7	5
1998	4	2	1

Garda Discipline Regulations.

64. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the regulations governing the involvement of members of the Garda in party political matters and their attendance at political functions; if his attention has been drawn to the reported attendance of a senior Garda officer at a fund raising function (details supplied); if such an attendance would be consistent with regulations and if he will make a statement on the matter. [34524/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Garda Síochána Discipline Regulations were introduced by Statutory instrument in May 2007. Included in the “Acts or Conduct Constituting Breaches of Discipline” is the following:

“Prohibited spare-time activity, that is to say—

(a) identifying himself or herself actively or publicly with a political party,

(b) behaving in relation to political matters in such a manner and in such circum-

stances as to give rise to reasonable apprehension among members of the public in relation to his or her impartiality in the discharge of his or her duties, or

(c) engaging (whether for reward or otherwise) in any activity which, though not mentioned in subparagraph (a) or (b), is prohibited by the Commissioner (by either general or special directive) as being—

(i) likely to interfere with the proper discharge of his or her duties, or

(ii) likely to give rise to reasonable apprehension among members of the public in relation to his or her impartiality in the discharge of those duties, or

(iii) for good and stated reasons, inappropriate for members to engage in.”

I have been informed by the Garda Commissioner that the circumstances of the officer’s attendance at this social event with friends did not constitute a breach of the discipline regulations. The officer was a passive attendee in a social context and took no part in political matters. The officer has not engaged in any prohibited activity which would interfere with the

[Deputy Brian Lenihan.]

discharge of his duties or which would give apprehension in relation to his impartiality in the discharge of his duties.

Departmental Estimates.

65. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the Estimate for his Department for 2008. [34540/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I wish to refer the Deputy to the press release which my Department issued on 5 December, 2007 in relation to the 2008 Estimates, which sets out key features of interest. The press release is available on my Department's website (www.justice.ie). I would also refer the Deputy to my remarks in this House on Thursday 6 December, 2007 during the course of the Budget debate, in which I elaborated on my priorities for the year ahead.

Immigration Policy.

66. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform his views on the proposals from a group (details supplied) for the introduction of a bridging visa for a short period for migrants from outside the EU who have entered Ireland lawfully but have become undocumented for reasons beyond their control; and if he will make a statement on the matter. [34541/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have no proposals to introduce any general regularisation programme for undocumented migrant workers in the State. Each case must be considered on its individual merits and this approach is being followed in respect of those brought to the attention of the immigration authorities where the migrant has become undocumented after previously holding a work permit. Depending on the circumstances of the case the individual may be permitted to remain on in the State for the purposes of seeking a new work permit and granted a short term residence permit to enable them to do so.

The introduction of temporary permits or bridging visas without a proper examination of the circumstances of each case would amount to a general regularisation for persons who do not have permission to be in the State. Such regularisations are highly problematic and carry the danger of creating a pull factor for illegal migration. I am aware of the proposal referred to by the Deputy. My understanding is that it would not differ radically in its contents from what is happening in practice for persons who formerly held employment permits, particularly with regard to adopting a case by case approach. In general, if a person who is illegally in Ireland

wishes to regularise his or her position, he or she should leave the State voluntarily and seek to return through the legal channels.

Crime Prevention.

67. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of youth diversion programmes in operation here; the locations they are in place; his plans to expand these vital programmes; and if he will make a statement on the matter. [34591/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Last October, I announced the establishment of an additional 7 Garda Youth Diversion Projects, fulfilling the commitment to increase the total number of projects operating throughout Ireland to 100 by the end of this year. There are 31 projects operating in Dublin, 11 in Cork, and 6 each in Kerry and Limerick. There are 5 projects in Waterford and 4 each in Galway, Louth and Tipperary. Offaly and Wexford have 3 projects. Clare, Donegal, Kildare, Laois, Mayo, Meath, Westmeath and Wicklow all have 2 projects while Carlow, Cavan, Kilkenny, Longford, Roscommon and Sligo and Monaghan all have one. Further details are set out in the table.

Finally, the Programme for Government contains a commitment to increase the number of Garda Youth Diversion Projects to 168 in the lifetime of this Government. On this note, I am pleased to inform the Deputy that additional resources has been allocated to fund the further expansion of youth diversion projects and programmes in 2008.

County	GYDP	Town/Area
Carlow	HUB	Carlow Town
Cavan	Cavan 365	Cavan Town
Clare	Ennis Youth	Ennis
	Kilrush	Kilrush
Cork	Ballincollig	Ballincollig
	Bandon	Bandon
	Douglas West	Douglas
	FAYRE	Farranree
	Feabhas	Cobh, Cork
	GAP	Cork City
	Knocknaheeney/ Holyhill	Cork City
	Mallow	Mallow
	MAY	Blackrock
	TACT	Togher
Donegal	Youghal	Youghal
	Falcarragh	Falcarragh
Dublin	LEAF	Raphoe
	ABLE	Dublin 10
	APT	Dublin 24
	Ballymun	Dublin 9
	Ballyogan	South County Dublin
	Brookefield	Dublin 24

County	GYDP	Town/Area
	Cabra Step Up	Dublin 7
	CODY	Dublin 10
	Crumlin	Dublin 12
	DAN	Dublin 8
	DIME	Dublin 1
	FAN	Dublin 11
	Finglas East	Dublin 11
	GRAFT	Dublin 22
	HAY	Dublin 1
	JAY	Dublin 24
	KEY	Dublin 24
	LAB	Dublin 18
	MOST	Dublin 1
	NICKOL	Dublin 1
	ORB	Dublin 15
	Poddle Close	Dublin 12
	SAY	Dublin 18
	Store Street	Dublin 1
	SWIFT	Dublin 22
	Swords	North County Dublin
	The Valley	Dublin 22
	WEB	Dublin 15
	Woodale	Dublin 17
	YAK	Dublin 5
	YEW	Dublin 16
	YIS	Dublin 8
Galway	BAN	Ballybane
	Junction	Ballinasloe
	Treo Nua	Tuam
	Westside Galway	Galway City
Kerry	An t-Oilean	Castleisland
	BAPADE	Killarney
	Connect 7	Tralee
	Just Us	Tralee
	MY	Tralee
	NK10	Listowel
Kildare	The Bridge	Celbridge
	The Curragh	The Curragh
Kilkenny	Kilkenny	Kilkenny City
Laois	BLOCK	Portlaoise
	Portarlington	Portarlington
Limerick	Ballynanty	Limerick City
	CCYDG	Moyross, Limerick City
	King's Island	Limerick City
	LSCYI	Limerick City
	Newcastle West	Newcastle West
	Watergate/ Garryowen	Limerick City
Longford	LEAP	Longford Town
Louth	Boyne	Drogheda
	Drogheda	Drogheda
	High Voltage	Dundalk
	TEAM	Dundalk
Mayo	YAB	Ballina
	YAC	Castlebar
Meath	NYPD	Navan
	SMART	Trim

County	GYDP	Town/Area
Monaghan	Monaghan NYP	Monaghan
Offaly	ACORN	Edenderry
	SUB	Birr
	Tullamore	Tullamore
Roscommon	RAD	Roscommon Town
Sligo	YAPS	Sligo Town
Tipperary	Carrick-On-Suir	Carrick-On-Suir
	CYD	Clonmel
	Roscrea	Roscrea
	Tipperary	Tipperary Town
Waterford	BALL	Lisduggan
	DAY	Dungarvan
	PACT	Waterford City
	SWAY	Waterford City
	Tramore	Tramore
Westmeath	ALF	Athlone
	EYE	Mullingar
Wexford	Enniscorthy	Enniscorthy
	New Ross	New Ross
	SAFE	Coolcotts
Wicklow	Bray New Directions	Bray
	WAY	Wicklow Town

Immigration Policy.

68. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform if he has agreed a definition of integration and integration policy with the Minister of State responsible for integration; the input this Minister of State has into the development of immigration policy; and if he will make a statement on the matter. [34546/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As Minister for Justice Equality and Law Reform I have overall responsibility for immigration policy. Broadly, that means setting policy, in relation to foreign nationals, for entry to the State, residence within it, removal if necessary and citizenship together with all aspects of Ireland's protection regime. This responsibility is given effect to by, inter alia, bringing forward legislation, establishing administrative schemes and in the ongoing decision making within the immigration system. Policy making in the immigration area is informed by the views of other Ministers and their Departments where immigration interacts with matters falling within their policy remit.

The Deputy will be aware of the establishment earlier this year of a separate office for integration under the Minister of State, Mr. Conor Lenihan, T.D. In addition to reflecting the importance placed by this Government on integration matters, the location of the office in the Department of Education and Science, the Department of Community, Rural and Gaeltacht Affairs, and my own Department was also a significant step in bringing together these closely-

[Deputy Brian Lenihan.]

related policy areas. In this context, the Minister of State continues to have a specific role in representing the integration aspects of immigration policy. Indeed, he has a cross-Departmental mandate to drive and co-ordinate integration policy across all Government Departments and will, I understand, shortly be chairing a cross-Departmental group in this regard.

As regards definitions of integration and integration policy, our own approach in this area is confirmed by international experience which, rather than seek agreement on precise definitions, seeks to put the emphasis on the principles needed to underpin progress on integration objectives. The Deputy may also wish to know that such principles were discussed at a recent major consultation workshop with a wide range of stakeholders and its findings will inform ongoing policy development in this area.

There are many definitions of integration available on the international scene. One that certainly influences Irish policy makers is the EU definition contained in its eleven Common Basic Principles for Immigrant Integration Policy which are as follows: Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States; Integration implies respect for the basic values of the European Union; Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible; Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration; Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society; Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration; Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens; The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law; The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration; Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an

important consideration in public-policy formation and implementation; Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.

Probation and Welfare Service.

69. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he will make a statement detailing the rationale behind cutting funding to probation services for offenders by 10%. [34626/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Probation Service is an integral part of my Department and through its work in the community and in the prisons, contributes in a significant way to the rehabilitation of offenders. Therefore, I am very pleased to advise the Deputy that the total budget allocated to the Probation Service for 2008 is €64.039 m which is an overall increase of 8% on the 2007 allocation of €59.323m.

I am also pleased to advise the Deputy that there has been a substantial increase of 44% in the budget allocation for Juvenile Offending initiatives. Overall I am satisfied that the combined allocation of the funding for "Services to Offenders" and "Juvenile Offending Initiatives" in the Probation Service budget allocation for 2008 is sufficient to meet the needs of the client group of the Service.

Irish Prison Service.

70. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform his views on the report on the prison system here, recently issued by Catholic prison chaplains, which described the system as dysfunctional and called for radical changes in the system; and if he will make a statement on the matter. [34528/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): While the Report contains strongly worded criticism of the prison system, in fairness it also rightly recognises the progress that we are making in improving the system and highlights some of the major developments which have taken place in the period covered by the Report. In particular, the Report welcomed the significant progress we are making in enhancing the range of rehabilitative services within the prisons and the provision of additional staffing to support these activities including extra nurses and officers to support drug treatment, the awarding of a contract for Addiction Counsellors in the system and the recruitment of additional psychologists. I should also add that well placed senior managers in the Prison Service and my Department would trenchantly reject the suggestion that the Irish Prison System is dysfunctional.

The Irish Prison Service is currently planning for the roll out of Integrated Sentence Management (ISM), which will be funded under the National Development Plan, starting in 2008 and delivered progressively over the lifetime of the Plan. Delivering Integrated Sentence Management is a key task for the Irish Prison Service. ISM will provide for initial assessments, individualised plans and access to services for each prisoner.

The Plan provides funding for the roll out of Integrated Sentence Management throughout the Irish Prison Service estate. ISM will involve a new orientation in the delivery of services to prisoners and a new emphasis on prisoners taking greater personal responsibility for their own development through active engagement with both specialist and non-specialist services in the prisons. The end result should be a prisoner-centred, multi-disciplinary approach to working with prisoners with provision for initial assessment, goal setting and periodic review to measure progress. Piloting of this process has commenced in two prisons, and roll out to all prisons in the prisons estate will be achieved progressively over the lifetime of the National Development Plan.

There are a number of issues raised in the Report to which the Deputy refers, which I would like to particularly make reference to. The suggestion that there are only eight spaces available on the Sex Offender Programme does not reflect the reality that the IPS have experienced difficulties in recruiting suitably motivated offenders to this programme in recent years. There is no question of any sex offender who wishes to participate on this programme being denied a place due to the lack of availability. The IPS will provide as many programmes for these offenders as are required. In addition, it should be noted that in addition to the men currently undertaking that programme, circa sixty other sex offenders have participated during the last year in one-to-one work related to their offending.

In relation to reintegration, the Irish Prison Service, in partnership with community based groups, have developed a number of projects supporting prisoner reintegration in recent years. These projects have focused on the range of issues facing prisoners on their release such as homelessness, unemployment etc.

Significant additional resources have been dedicated to enhancing the range and quality of drug treatment services in the prison since the launch of the Irish Prison Service Drugs Policy 'Keeping Drugs Out of Prisons' in 2006. This has included the appointment of additional Addiction Nurses, Psychologists and Prison Officers and the awarding of a contract for the provision of 24 Addiction Counsellors. The range and quality of drug services in prisons has been significantly improved and the Irish Prison Service will continue with their phased implementation of the policy of investing in these services.

Proposed Legislation.

71. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform if he will bring forward good samaritan legislation as outlined in a recent Law Reform Commission report; and if he will make a statement on the matter. [34634/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Law Reform Commission published on 29 November 2007, a Consultation Paper on Civil Liability of Good Samaritans and Volunteers. The Commission have asked for submissions on the provisional recommendations contained in the Consultation Paper. At the end of the consultation period, the Commission will issue a final Report. In that context, it would be premature for me to bring forward legislation on this matter in advance of the publication of the Commission's final Report.

Garda Reserve.

72. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Reserve recruited to date; the stations to which they have been allocated; the number of applicants for the Reserve currently in training; when he expects that the full complement of 1,500 will be in place; and if he will make a statement on the matter. [34537/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The total personnel strength of the Garda Reserve including trainees as at 10th December 2007 was 292, of whom 171 were fully attested. At a graduation ceremony taking place in the Garda College today, it is expected that a further 46 trainees will be attested.

The 171 attested members are attached to the following Stations: DMR (Dublin Metropolitan Region) Stations: DMR South Central Division — Pearse St, Kevin Street, Kilmainham and Donnybrook. DMR North Central Division — Store St, Bridewell and Fitzgibbon Street. DMR West Division — Clondalkin, Finglas, Lucan, Ballyfermot and Blanchardstown. DMR North Division — Santry, Raheny, Swords, Clontarf, Coolock, Ballymun and Balbriggan. DMR South Division — Crumlin, Sundrive Road, Rathmines and Terenure. DMR East Division — Bray, Dun Laoghaire and Blackrock. Stations outside DMR: Anglesea Street, Cork. Midleton. Sligo, Galway, Henry Street, Limerick. Ennis, Tralee, Kerry. Waterford. Kilkenny. Wexford. Gorey. Newbridge. Baltinglass. Clonmel. Cahir. Cavan town. Monaghan town. Drogheda. Castlebar.

Recruitment is continuing and regular promotional efforts to attract potential Reserve members are being undertaken. Garda Reserve members undertake their training and other duties on a voluntary basis during their free time. As a result it is not possible to predict how many

[Deputy Brian Lenihan.]

people will commence training in any particular month. I cannot predict exactly when the full complement of Garda Reserve members will be reached but I can assure the Deputy that An Garda Síochána have advised that they are making every effort to reach it as soon as possible.

Sentencing Policy.

73. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform his views on whether automatic remission of prison sentences should be removed and replaced with remission that is earned by prisoners; and his proposals in this regard. [34010/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Certain categories of prisoner are excluded from standard remission of sentence under the Prison Rules and these are as follows: Life sentence prisoners; Persons convicted of debtor offences; Persons convicted of contempt of court; Persons being held on remand warrants; Persons serving a sentence of less than one month. Other prisoners are eligible to earn remission of 25% of their sentence by good conduct. The position is that provided the conduct of the prisoner is not found in disciplinary proceedings to warrant loss of remission, the prisoner will be deemed to have earned 25% remission.

The programme for Government envisages a close link between rehabilitation and remission. Provision has recently been made whereby prisoners may be granted additional remission, bringing total remission to up to one third of their sentence, where the prisoners in question have shown further good conduct by engaging in structured activity that is likely to reduce the risk of re-offending and make them better able to reintegrate into the community.

My officials have kept track of developments in remission and parole in other jurisdictions and I know that the Council of Europe has also studied the matter. Each system has advantages and disadvantages but there is no one approach accepted as best practice. I will continue to keep the position under review.

Prisoner Releases.

74. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform the number of prisoners serving life sentences that were released each year during the past decade, outlining the number of years each prisoner had served; and if he will make a statement on the matter. [34576/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am advised by the Director General of the Irish Prison Service that the number of prisoners serving life sentences

who were given extended temporary release in each of the past ten years are as follows:

Year	Number Released
1996	5
1997	3
1998	8
1999	8
2000	6
2001	5
2002	4
2003	2
2004	0
2005	1
2006	1

In the period in question, a total of 43 life sentence prisoners were given extended temporary release. These prisoners had, on average, served over thirteen years in custody.

All prisoners who are serving life sentences are eligible to have their cases reviewed by the Parole Board when they have served seven years in custody. The Board, which was established in 2001, makes recommendations to the Minister in relation to the management of offenders serving long sentences. While it is open to the Parole Board to make any recommendation, the experience of recent years with both the Parole Board and the Sentence Review Group (the predecessor to the Parole Board) is that life sentenced prisoners are normally reviewed on a number of occasions over a number of years before any substantial concessions are recommended.

It is important to note that a life sentence is indeterminate and there is no guaranteed release date. However, it does not always mean life in prison. Persons released into the community continue to serve their sentences, subject to conditions, while on release. It is generally accepted, both in Ireland and in other jurisdictions, that prisoners serving life sentences who are deemed suitable for release and who have spent a considerable number of years in prison should be paroled at the most appropriate time for re-integration. Each case is dealt with on its merits and the length of time spent in custody can vary substantially.

Data Protection.

75. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform if he has expressed his concern to the Data Protection Commissioner on a recent report in relation to the disposal of records of clients from a law centre; and if he will make a statement on the matter. [34574/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I assume the Deputy is referring to the matter which was the subject of a newspaper article on 5 December last and again on 6 December. The Legal Aid Board has advised me that it is extremely concerned at these events and that it quickly moved to appoint a retired senior public servant to conduct an independent investigation once the incident came to its attention last July. The Board expects the final investigation report shortly. A separate investigation has subsequently been initiated into the apparent unauthorised disclosure of client correspondence implied by the second of the above newspaper articles.

The Board has advised the Data Protection Commissioner of the unauthorised disclosure and disposal of material and will keep the Commissioner advised as to the findings of the investigations. The Board has also emphasised that it is very conscious of its obligations to treat client information in confidence and has taken, and continues to take, all necessary steps to ensure that the interests of any clients and applicants for legal aid that might have been affected by the disposal and disclosure are protected.

Question No. 76 answered with Question No. 42.

Garda Ombudsman Commission.

77. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the work to date of the Garda Ombudsman Commission. [34531/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Garda Síochána Ombudsman Commission opened its doors to complaints from members of the public seven months ago. It received 1869 complaints from members of the public in the period 9th May to 30th November 2007. Of these, 455 were deemed inadmissible and a further 560 are pending. 854 complaints were deemed admissible. A further 231 cases were referred to it by the Garda Commissioner in accordance with the provisions of section 102(1) of the Garda Síochána Act 2005.

It is important that the work of the Ombudsman Commission be the subject of careful and reasoned evaluation when there is sufficient experience of its operation. In my view informed scrutiny will be greatly facilitated by the rigorous nature of the statutory reporting requirements imposed on the Commission itself under the Garda Síochána Act 2005.

The Ombudsman Commission must report to the Minister on its activities within three months of the end of each calendar year. Furthermore it must within two years of its establishment submit a report to the Minister on its effectiveness (including any recommendations for improvement) and on the adequacy of the func-

tions assigned to it by the Act. In addition, the Ombudsman Commission is required to report to the Minister on the general performance of its functions within five years of its establishment and is specifically empowered to make any other reports to the Minister that it considers appropriate in relation to grave or exceptional circumstances. Finally, as Minister I am obliged to lay all of the foregoing reports before the Houses of the Oireachtas.

Garda Investigations.

78. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform when he expects to have the results of efforts to establish the identity of the body of an unidentified female, washed ashore at Kilmuckridge, County Wexford on 12 December 1995 which was recently exhumed; and if he will make a statement on the matter. [34532/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following a complete review, conducted by An Garda Síochána, of all aspects of the burial of the remains of an unidentified woman in County Wexford in 1995, and at their request, I authorised the exhumation of the remains. The exhumation took place on 28 November, 2007 and a post-mortem examination was conducted by the State Pathologist. I am informed that samples of bone were forwarded to the Forensic Science Service in Birmingham, England for DNA analysis and comparison on 29 November, 2007. It is expected that the tests will take a number of weeks.

Public Order Offences.

79. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the steps he will take to address the issue of anti-social behaviour; and if he will make a statement on the matter. [25233/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Under the Garda Síochána Act 2005 it is open to me to set policing priorities for An Garda Síochána. I recently announced these priorities for 2008. One of the priorities I have set is to combat, particularly in cooperation with other agencies and the community generally, the problems of public disorder with particular emphasis on alcohol related behaviour (including under age drinking) and socially disadvantaged communities especially through utilisation of the legal mechanisms being made available, namely, ASBOs and behaviour warnings and closure orders.

Part 11 of the Criminal Justice Act, 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act relating to anti-social behaviour by children was commenced on

[Deputy Brian Lenihan.]

1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children.

Strong provisions are already in place to combat anti-social behaviour. The Criminal Justice (Public Order) Act 1994 modernised the law in this regard. The Intoxicating Liquor Act 2003 contains provisions to deal with alcohol abuse and its effect on public order. The Criminal Justice (Public Order) Act 2003 provides the Garda with powers to deal with late night street violence and anti-social conduct attributable to excessive drinking.

In addition to the criminal law, there is a range of initiatives in place to get at the root causes of this type of behaviour. My policing priorities for 2008 include the expansion of the juvenile liaison scheme and the continued expansion of the Garda Youth Diversion Project. The Garda Juvenile Diversion Programme has proven to be highly successful in diverting young persons away from crime by offering guidance and support to juveniles and their families. The Children Act 2001 gives a statutory basis to the Programme.

Garda Youth Diversion Projects are community-based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved, or further involved, in anti-social or criminal behaviour. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda/community relations. I recently approved the establishment of an additional seven projects, bringing the current total to 100 throughout the country. It is intended to establish a further 68 projects in the lifetime of this Government bringing the total number of projects to 168 nationwide.

More broadly, a number of reforms have taken place in recent years to bring about a more effective youth justice system and these have been enshrined in legislation in the Children Act 2001, as amended. The Act is based on the principles of diversion from crime and anti-social behaviour, restorative justice, the expanded use of community-based sanctions and measures by the courts, and the use of detention only as a last resort. Recent measures have reformed our entire approach to youth justice. The Irish Youth Justice Service, an executive office of my Department which is co-located in the Office of the Minister for Children, now has responsibility for developing youth justice policy and operating the children detention schools.

CCTV schemes are a strong deterrent in fighting crime and anti-social behaviour as well as giving communities greater peace of mind. Both Garda operated and community based CCTV schemes have been set up, and such schemes will continue to be set up.

The Garda Síochána Act 2005 provides for the establishment of a joint policing committee in

each local authority administrative area. The purpose of these committees is to provide a forum where members of a local authority and the senior Garda officers responsible for the policing of that area, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area including the levels and patterns of anti-social behaviour such as the misuse of alcohol and drugs.

There are currently 29 committees established in a pilot phase. In consultation with my colleagues the Ministers for the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs, I propose to roll out the committees to all 114 local authority areas as early as possible in 2008.

I am informed by the Garda authorities that Operation Encounter, commenced by the Commissioner in February, 2002, targets public disorder and anti-social type behaviour by specifically targeting offences contrary to the Criminal Justice (Public Order) Act 1994 and the Intoxicating Liquor Act, 1988 which include the sale and consumption of alcohol by underage persons.

All members of An Garda Síochána proactively target public disorder and anti-social behaviour. Areas subject to such behaviour have been identified as 'hot-spots' by local Garda management and additional foot and mobile patrols are directed to these areas during times when these offences are more likely to occur. All such incidents, detected by members on patrol or reported to An Garda Síochána, are dealt with immediately, and the suspected offenders are dealt with in accordance with the law.

Sentencing Policy.

80. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform the percentage of prisoners who serve their full sentences; if he will examine the practice of automatic remission in the criminal justice system; and if he will make a statement on the matter. [34503/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The following categories of prisoner are not eligible to earn remission of sentence: Life sentence prisoners; Persons convicted of debtor offences; Persons convicted of contempt of court; Persons being held on remand warrants; Persons serving a sentence of less than one month

An analysis of the prisoner population for 10 December, 2007, shows that of the overall figure for those in custody of 3,526, the categories of prisoner aforementioned accounted for 894 (25%) of this total. This is broken down as follows:

Category	Number
Life Sentence Prisoners	240
Debtors	15
Contempt of Court	2
Remand prisoners	615
Persons serving a sentence of less than one month	22

It has been the law for over 50 years that eligible prisoners may earn 25% remission of sentence for good conduct and almost every eligible sentenced prisoner would earn such remission. The courts are aware of this provision when determining what sentence to impose.

Persons sentenced to life imprisonment continue to be bound by the sentence for the rest of their natural life. Depending on a number of factors, most importantly public safety, and after they have served a lengthy period of imprisonment life sentenced prisoners may be allowed serve part of their sentence in the community on temporary release and subject to conditions.

The programme for Government envisages a close link between rehabilitation and remission. Provision has recently been made whereby prisoners may be granted additional remission, bringing total remission to up to one third of their sentence, where the prisoners in question have shown further good conduct by engaging in structured activity that is likely to reduce the risk of re-offending and make them better able to reintegrate into the community.

My officials have kept track of developments in remission and parole in other jurisdictions and I know that the Council of Europe has also studied the matter. Each system has advantages and disadvantages but there is no one approach accepted as best practice. I will continue to keep the position under review.

Prison Building Programme.

81. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform his views on the concerns expressed by a person (details supplied) that the building of large scale prisons, such as Thornton Hall, will do nothing to reduce violence in prisons and that smaller units are a better way to minimise violence and provide opportunities for rehabilitation; and if he will make a statement on the matter. [34527/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The concerns expressed by the individual referred to by the Deputy are set out in a recently published article. That article states that instead of having smaller units with self contained facilities at the new Thornton Hall prison development in North County Dublin, it

instead appears that the intention of the Irish Prison Service is to have two main prison buildings on the complex each accommodating between 400-500 male prisoners, with shared facilities. Such a course of action, the author claims, would mean that threats of intimidation and violence would infect the regime of the new prison.

This assertion is completely without factual basis and I have been informed by the Irish Prison Service that they are unclear as to what the author is basing his views as he has never seen the proposed plans for the new prison development.

I can assure the Deputy the secure and safe custody of all prisoners and staff has been and will continue to be the primary focus of efforts at the conceptual, study and design stages of the Thornton Hall project.

Thornton Hall will not operate as a single large prison, but rather a campus development containing eight individual, practically self-contained facilities, each with its own unique and discrete regime which will give access to work training, education, rehabilitative programmes and recreation areas and activities appropriate to that population. Such a range of facilities cannot be provided to prisoners on a wide scale basis at their present locations in Mountjoy.

The accommodation units in Thornton Hall will encompass a range of accommodation styles and designs. The main house blocks will contain 192 cells over four wings with two landings per wing. The range of accommodation facilities reflects that some accommodation units will have no more than ten rooms in each house and some accommodation is singular apartments style. This range of accommodation styles and design will allow for the appropriate and separate accommodation of prisoners who may be in conflict on the outside.

Question No. 82 answered with Question No. 42.

Enforcement of Court Orders.

83. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the consideration given to date to implementing arrangements as between this State, the United Kingdom and other European Union member states for the reciprocal enforcement of pension adjustment orders made in matrimonial proceedings; if his attention had been drawn to the fact that considerable difficulties can arise as a consequence in particular of trustees of English pension schemes being unwilling to comply with pension adjustment orders made by the courts here; and the action he will take to address this difficulty. [34611/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): My Department has no plans to negotiate bilateral reciprocal arrangements for the recognition and enforcement of pension adjustment orders with each of the Member States of the European Union. The EU Commission's current work programme on civil judicial cooperation aims to create an area which envisages rules on jurisdiction, recognition and conflicts of laws in the civil law field. The issue of pension adjustment orders may be addressed within this context.

Proposed Legislation.

84. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform his plans to reform regulation of the property management sector, in order to cease practices such as developers refusing to transfer responsibility of apartment schemes to the residents and the excessive service charges imposed by those same developers; and if he will make a statement on the matter. [28884/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In December 2006, the Law Reform Commission published a Consultation Paper on Multi-Unit Developments which highlighted a broad range of issues relating to the governance and operation of such developments, including problems arising from the manner in which company law currently applies to property management companies. The Consultation Paper suggested that action to address these problems would be required across several policy fields, including company law, consumer protection law and the development of regulatory structures.

Following publication of the Law Reform Commission's Consultation Paper, the Government established a high-level interdepartmental committee to assist in the development of a coherent and comprehensive response to the broad range of issues arising in relation to multi-unit developments and the governance and operation of property management companies.

A key task of the committee is to identify the legislative and administrative actions to be taken in response to the definitive reform recommendations which, following a lengthy consultation process, will be set out in the Law Reform Commission's forthcoming Report on Multi-Unit Developments and to determine a timescale for their implementation. I understand that the Commission's Report is currently nearing completion and I can assure the Deputy that I am absolutely determined to ensure that appropriate action will be taken at an early date in response to the Commission's recommendations for reform in this area.

Departmental Bodies.

85. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform the reason funding to the Irish naturalisation and immigration service is being decreased by 4% when according to his parliamentary question responses the numbers of applications being processed have increased dramatically in recent years. [34627/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can inform the Deputy that funding for the Irish Naturalisation and Immigration Service (€53.452m in 2007) included funding allocated for Integration measures. As the Deputy will have noted these measures are now separately funded in Subhead E8 of Vote 19 in 2008. Consequently the allocation to this subhead (€9.293m in 2008) must be taken into account when comparing the allocation of resources to the Irish Naturalisation and Immigration Service in 2007 and 2008. I am satisfied that the level of resources allocated to immigration related activities in my Department will, in the context of overall Departmental budgets, be sufficient to ensure that appropriate levels of service are provided in 2008.

Courts Service.

86. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform his proposals to expand and develop the drugs court; and if he will make a statement on the matter. [34585/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Drug Treatment Court, which originally operated on a pilot basis in the North inner city of Dublin, has been placed on a permanent footing and extended to the Dublin 7 area. The Court uses a multi-disciplinary approach and involves a range of Government Departments and agencies charged with dealing with various aspects of the problem of drug misuse. The Court operates with the assistance of a team which includes the judge, a probation and welfare officer, an addiction nurse, a Garda liaison officer and education/training representative and counsellors. There are plans to extend the Court to the rest of the Dublin Metropolitan District (of the District Court) on a phased basis and discussions with other agencies, including the HSE, are ongoing in this regard.

Witness Intimidation.

87. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform his plans to confront the issue of witness intimidation; his views on the necessity to tackle this issue; if he will take action in this regard in the

near future; and if he will make a statement on the matter. [34593/07]

204. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he has taken to address the problem of witness intimidation; and if he will make a statement on the matter. [34795/07]

205. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if it is intended to introduce special criminal courts in order to combat the problem of witness intimidation; and if he will make a statement on the matter. [34796/07]

207. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take to stamp out witness intimidation; and if he will make a statement on the matter. [34798/07]

208. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of incidents of witness intimidation or suspected intimidation in the past five years; and if he will make a statement on the matter. [34799/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 87, 204, 205, 207 and 208 together.

The intimidation of witnesses is an offence pursuant to Section 41 of the Criminal Justice Act 1999. Section 41 specifies the offence as harming, threatening or menacing or in any other way intimidating or putting in fear another person who is assisting in the investigation of an offence by the Garda Síochána, with the intention of causing the investigation or course of justice to be obstructed, perverted or interfered with. The offence applies to the intimidation of witnesses, jurors or potential jurors or any member of the said persons' families. The offence is punishable upon indictment by a fine or a term of imprisonment of up to ten years.

Moreover, since 1997, the Garda Síochána has operated a Witness Security Programme in response to attempts by criminal and other groups to prevent the normal functioning of the criminal justice system, including threats of violence and systematic intimidation of witnesses. Legislation was not required to establish this Programme, but its operation is supported by complementary legislative provisions in Section 40 of the Criminal Justice Act 1999. Section 40 makes it an offence for any person, without lawful authority, to try to identify the whereabouts or any new identity of a witness who has been relocated under the Programme. The offence is punishable upon indictment by a fine or a term of imprisonment of up to five years.

The Garda Síochána rigorously and conscientiously enforces these statutory provisions. In particular, where the possibility of intimidation of witnesses may be an issue, the case is closely monitored throughout the investigation, up to and including any criminal proceedings. Where a threat to or intimidation of a witness or a potential witness arises during the course of criminal proceedings, the matter may be addressed through the trial judge, who has the discretion to revoke bail or place other sanctions on the accused/suspect. Any such incident would also be the subject of a thorough investigation by the Garda Síochána with a view to seeking directions from the Director of Public Prosecutions (DPP).

In this regard, I am informed by the Garda authorities that the number of proceedings commenced in respect of the offence created pursuant to Section 41 of the 1999 Act for the years 2002 to 2006 are as follows:

Year	Proceedings Commenced
2002	11
2003	30
2004	30
2005	22
2006	42

Finally, with respect to the Special Criminal Court (SCC), provision already exists for the forwarding for trial in the SCC of persons accused of both scheduled and non-scheduled offences. In the case of scheduled offences which are also indictable offences, such persons shall be returned for trial to the SCC unless the DPP otherwise directs. In the case of non-scheduled offences, such persons can be returned for trial to the SCC upon direction of the DPP. The SCC has already been used in a number of serious non-paramilitary cases. Issues relating to the operation of the Court in such circumstances are, of course, kept under review.

Liquor Licensing Laws.

88. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform if he will use the powers available to him under section 22 of the Intoxicating Liquor Act 2003 to provide for the traceability of alcohol sold for consumption off premises; and if he will make a statement on the matter. [34536/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my detailed response to Question No.163 on 9 October last in which I outlined the reasons why I do not intend to make regulations under section 22 of the Intoxicating Liquor Act 2003 at this time. I have nothing further to add to the details set out in that reply.

Regulation of Legal Profession.

89. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the comments made by the Master of the High Court, Mr. Edmund Honohan SC, who referred to the systematic failure of self-regulation of solicitors and called for a robust agency to deal with rogue solicitors; his views on the comments made by Mr. Honohan; the proposals the Government has for the effective regulation of solicitors; and if he will make a statement on the matter. [34609/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am aware of the comments to which the Deputy refers. The current regulatory arrangements for solicitors include an independent Solicitors Disciplinary Tribunal appointed by the President of the High Court to investigate complaints of misconduct against solicitors and an Independent Adjudicator.

However, the Government recognises that improved regulation of the legal professions is necessary. That is why legislative proposals for the establishment of a Legal Services Ombudsman have received Government approval. The Ombudsman will replace the Independent Adjudicator and will

- provide a form of review for customers of legal services who are dissatisfied with the outcome of a complaint made to the Law Society or Bar Council.
- oversee the complaints procedures of the Law Society and Bar Council by examining a selection of complaints files each year taken on a random basis.
- oversee admission to the legal professions, particularly with regard to the adequacy of the numbers admitted.

On 12 December 2007 the Dáil Committee on Justice, Equality, Defence and Women's Rights accepted my amendment of the Civil Law (Miscellaneous Provisions) Bill 2006 to delete Part 2 which provided for the establishment of a Legal Services Ombudsman. A separate Bill is currently being drafted in place of Part 2 to provide for the establishment of the Ombudsman.

In addition to this development a number of the recommendations in the Brosnan Report on regulatory matters in relation to solicitors are being provided for in the Civil Law (Miscellaneous Provisions) Bill 2006. For example, the Bill provides for a majority of lay membership of regulatory committees. Provision is also made to ensure better enforcement of orders of the Solicitors Disciplinary Committee.

The Legal Practitioners (Irish Language) Bill 2007 was presented by me to the House on 30 November 2007 and second stage took place earlier today. The Bill promotes the better use of the

Irish language by legal practitioners and the provision of legal services through Irish. A Legal Costs Bill is also being developed by my Department to reform the manner in which disputed legal costs are assessed with the allied objective of making the market for civil legal services more predictable, consistent and transparent to consumers.

Question No. 90 answered with Question No. 48.

Court Judgments.

91. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform his views on the High Court judgment in the Mr. G case which gave recognition, for the first time, to the rights of unmarried fathers here under European law; if he envisages the need for changes to Irish law arising from the judgment; and if he will make a statement on the matter. [34523/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The High Court Judgment was appealed to the Supreme Court which treated the case as a simple question of fact — had the children been unlawfully retained in the UK while an Irish Court was hearing guardianship proceedings? As the answer to this question was yes, the Supreme Court remitted the proceedings back to the UK where the main proceedings are being heard. The advice available to me is that as far as Irish law is concerned the case has no wider implications. However, as indicated in the House on several occasions in response to Questions, my Department is keeping the operation of the law in this general area under ongoing review.

Garda Stations.

92. **Deputy Dinny McGinley** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the inadequacies and lack of facilities at a Garda station (details supplied) in County Donegal; if there are plans to refurbish, extend, renovate or provide a new station; and if he will make a statement on the matter. [34480/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The programme of replacement and refurbishment of Garda accommodation around the country is based on agreed priorities established by An Garda Síochána in consultation with the Garda representative associations. The programme is progressed by the Garda authorities working in close co-operation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation.

I have been informed by the Garda authorities that the station referred to by the Deputy is included in the Garda building programme. The Office of Public Works will continue to carry out necessary maintenance work at the station as requested by the Garda authorities. I am also informed by the Garda authorities that the situation will be kept under review and the relevant Garda officials will continue to liaise closely with the Office of Public Works to ensure that the Garda accommodation requirements in the area are met.

Question No. 93 answered with Question No. 45.

Sexual Offences.

94. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform his plans to introduce a version of Megan's law to allow communities the information that a former sex offender is living within their area. [32151/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Sex Offenders Act 2001 provides that the details of all convicted sex offenders be recorded on a sex offenders register. The requirement to register is just one component of the external monitoring of convicted sex offenders. The register is the property of An Garda Síochána and is not available to the public. In exceptional circumstances, such as where the Gardaí are aware of an immediate or serious threat from a particular individual, they may decide to disclose the name of that individual to persons on a strict need to know basis.

In November 2006, a Memorandum of Understanding between Ireland and the UK was signed in relation to the sharing of information on convicted sex offenders travelling between Ireland and our neighbouring jurisdictions. I intend to place this on a statutory basis in a Sexual Offences Bill currently being prepared in my Department. In that context, the operation of the sex offenders register is being examined to identify ways it can be made more relevant and expanded. I have no plans, at this time, to allow for unrestricted public access to the register, as envisaged in 'Megan's law' type legislation.

Tax Code.

95. **Deputy David Stanton** asked the Tánaiste and Minister for Finance his views on introducing a VAT reduction, exemption or refund for community voluntary groups purchasing emergency life saving medical equipment and supplies such as defibrillators, oxygen and airway management equipment and so on in view of the important role these groups play in the community and the fact that many of these groups are wholly reliant on charitable donations to fund their work; and if

he will make a statement on the matter. [34659/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The position is that the VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. In relation to the issue of applying an exemption of reducing VAT rates for a certain category of consumer, the position is that the rate of VAT which applies to a particular good or service is determined by the nature of the good or service, and not by the status of the consumer. It would not be possible to reduce or remove VAT on goods purchased by community voluntary groups.

In relation to introducing a VAT refund the position is that charities and non-profit groups engaged in non-commercial activity are exempt from VAT under the EU VAT Directive. This means they do not charge VAT on the services they provide and cannot recover VAT incurred on goods and services that they purchase. Essentially only VAT registered businesses which charge VAT are able to recover VAT.

The tax code already treats charities in a favourable manner. The tax code currently provides exemption for charities from Income Tax, Corporation Tax, Capital Gains Tax, Deposit Interest Retention Tax, Capital Acquisitions Tax, Stamp Duty, Probate Tax, Dividend Withholding Tax and the uniform scheme of tax relief for donations.

96. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Finance the position regarding the concerns of a person (details supplied) in County Waterford in the matter of the energy tax directive 2004. [34678/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): 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 on its website in March 2007. At the Commission's behest my officials have indicated that

[Deputy Brian Cowen.]

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.

Tax year	Exempt (Standard rate liability fully covered by credits or Age Exemption Limits)		Marginal Band		Paying tax at the standard rate (including those whose liability at the higher rate is fully offset by credits)		Higher rate Liability not fully offset by credits		All cases
	Number	%	Number	%	Number	%	Number	%	
2007	868,000	38.0	17,700	0.8	921,700	40.3	478,000	20.9	2,285,400

The figures are estimates from the Revenue tax-forecasting model using actual data for the year 2004 adjusted as necessary for income and employment growth for the year in question. It is therefore provisional and likely to be revised. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Tax Yield.

98. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the number of ciga-

Tax Collection.

97. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the number of income-earners in the State; the number of whom pay income tax; the number who do so at the standard and higher rates; and if he will make a statement on the matter. [34697/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that the information requested by the Deputy is as follows in respect of the income tax year 2007.

rettes, cigars and cigarillos that have been purchased for each of the past ten years; and if he will make a statement on the matter. [34698/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that the specific information sought on the number of cigarettes, cigars and cigarillos purchased is not available from Revenue records. However, figures of the quantities of cigarettes and other tobacco products on which Excise has been paid in the State are as set out on the table for the period 1997-2006, together with figures of the net excise receipts.

Year	Cigarettes		Other Tobacco Products			Total Other Tobacco	Total
	Quantity 000's	Receipts €m	Cigars Quantity — Kgs	Fine Cut Quantity — Kgs	Other Smoking Quantity — Kgs	Receipts €m	Net Receipts €m
1997	6,272,348	700.45	78,333	108,173	72,826	26.62	727.07
1998	6,422,783	753.90	80,313	116,007	70,506	28.70	782.59
1999	6,868,335	830.51	79,777	126,128	65,878	31.00	861.51
2000	6,848,022	923.09	81,644	123,897	60,823	35.56	958.65
2001	6,771,984	1,102.29	82,644	147,165	60,305	39.53	1,141.82
2002	7,015,554	1,099.47	79,277	135,569	52,570	37.84	1,137.32
2003	6,295,263	1,119.45	75,965	111,904	47,129	37.80	1,157.25
2004	5,330,593	1,024.59	56,090	112,321	38,859	34.56	1,059.15
2005	5,514,228	1,053.57	48,761	95,971	38,658	25.99	1,079.55
2006	5,604,884	1,071.39	47,164	109,464	33,825	31.95	1,103.34

Pension Provisions.

99. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the estimated value of the National Pension Reserve Fund; and if he will make a statement on the matter. [34699/07]

100. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the amount of money that has been paid into the National Pension Reserve Fund by the Exchequer since the establishment of the fund; and if he will make a statement on the matter. [34700/07]

101. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the amount of money that has been paid into the National Pension Reserve Fund in each year since its establishment; and if he will make a statement on the matter. [34701/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 99 to 101, inclusive, together.

The National Pensions Reserve Fund was established in 2001 to meet as much as possible of the costs of social welfare and public service pensions from 2025 when these costs are projected to increase dramatically due to the ageing of the population. Under the National Pensions Reserve Fund Act 2000, the National Pensions Reserve Fund Commission controls and manages the National Pensions Reserve Fund. The Commission has discretionary authority to determine the Fund's investment strategy in accordance with the Fund's statutory investment policy of securing the optimal total financial return provided the level of risk to the moneys held or invested is acceptable to the Commission.

The National Pensions Reserve Fund Act 2000 provides for the payment each year to the Fund from the Exchequer of a sum equal to 1% of GNP. A total of €15,184 million has been paid into the National Pensions Reserve Fund from the Exchequer to date. The National Pensions Reserve Fund Commission publishes a valuation of the National Pensions Reserve Fund and a report on the Fund's performance quarterly. The market value of the Fund at end-September 2007 was €21.26 billion.

€6,515 million was paid into the Fund from the Temporary Holding Fund for Superannuation Liabilities in 2001. This included 1% of GNP contributions in respect of 1999 and 2000, the proceeds of the sale of Telecom Éireann (€4,528 million) and the interest earned on those sums. The amounts paid over in respect of 2001 and subsequent years under the statutory requirement to pay over an amount equal to 1% of GNP were as follows:

Year	€million
2001	972
2002	1,035
2003	1,103
2004	1,177
2005	1,320
2006	1,446
2007	1,616

Decentralisation Programme.

102. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34719/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): A total of one hundred and twenty (120) posts are now located in new offices in Tullamore. The amounts paid from my Department's Vote in respect of home travel and subsistence (which includes payments for any mileage) for the staff of sections of my Department which decentralised to Tullamore, were as set out in the table. These amounts include payments in respect of mileage, subsistence and other related expenses, some of which would represent one off expenditure relating to the initial transition period. As regards overtime, the amount spent on certain administration services which, prior to decentralisation, had been met from a central business unit for the Department cannot be disaggregated in the time available.

Tullamore	Domestic travel and subsistence	Overtime
	€	€
Year to 24 July 2006	48,400	67,648.52
Year to 24 July 2007	177,000	N/A

I am advised by the Revenue Commissioners that the numbers of posts moved under decentralisation up to 30 November 2007 and the details in relation to mileage and overtime are as follows:

[Deputy Brian Cowen.]

Location	Domestic travel and subsistence	Overtime
	€	€
Newcastlewest — 50 posts — Year to 30 June 2006	7,068	62,381
Year to 30 June 2007	4,474	33,170
Listowel — 50 posts — Year to 1 September 2007	4,861	31,363
Year to 1 September 2008	N/A	N/A
Kilrush — 50 posts — Year to 6 July 2007	7,287	34,940
Year to 6 July 2008	N/A	N/A

With regard to Newcastlewest all the work that was carried out prior to decentralisation was not completely carried over to the new decentralised location until very recently and allied to this the nature of work has changed somewhat. Consequently a direct comparison is not possible. The Office of Public Works currently has 23 posts in the OPW Advance Office in Claremorris, which commenced operations on 10th September 2007. At this stage it is too early to analyse the comparative costs associated with mileage and overtime.

Departmental Expenditure.

103. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34733/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): My Department's practice is to make payments on foot of mature liabilities only. As such, apart from the usual prepayments in relation to contractual obligations, my Department has not paid in advance for works or services that will not be commenced before the end of the 2007 financial year. I have been informed that this is also the situation in relation to my Department's agencies.

Departmental Reports.

104. **Deputy Pat Breen** asked the Tánaiste and Minister for Finance, further to Parliamentary Question No. 206 of 26 September 2007 (details supplied), if the report has been referred to the national parks and wildlife service and other relevant stakeholders; and if he will make a statement on the matter. [34740/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The report referred to in the previous reply has now been completed and

has been agreed by the project stakeholder group consisting of representatives of OPW, ESB and Limerick and Clare County Councils. The report will be submitted to the National Parks and Wildlife Service next week.

Tax Code.

105. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Finance if the proposals contained in budget 2008 relating to the claw-back of stamp duty by first time buyers who cease to be owner-occupiers within two years of claiming relief or exemption for first-time buyers applies to first-time buyers who rented out their property before budget day; if a back dating of the proposal will be applied; the way a first time buyer who rents their property who availed of a lower stamp duty rate as opposed to a total exemption is treated if they have rented their property before the applicable cut-off date; and if he will make a statement on the matter. [34776/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): First-time buyers are treated favourably under the stamp duty code in recognition of the special circumstances of persons purchasing their first home. Preferential rates and thresholds were afforded to first-time buyers up until the Finance (No. 2) Act 2007, which introduced a full exemption from stamp duty for first-time buyers on the purchase of new or second-hand dwelling houses or apartments. There is also a full exemption available for other owner-occupying purchasers of new dwelling houses or apartments under 125m². In addition, partial relief is also available to owner-occupying purchasers of new dwelling houses or apartments over 125m².

In order to restrict these three stamp duty reliefs to persons who reside in the property, purchasers were required to declare that they will reside in the property for a defined period of five years. Where any rent is derived from the property concerned before the expiration of this period, other than under the rent-a-room scheme, the stamp duty relief was clawed back. This claw-back period was reduced from five to two years from Budget day. This change applied to persons who purchased property from Budget day and for

those persons who had purchased before this time but had not let out their property. There is no back-dating of this provision.

Where first-time buyer's relief is clawed-back, the purchaser is liable to stamp duty at the normal rates that would have been liable at the time of purchase. In this respect, where a person received a full exemption from stamp duty under the current rules, they would be liable to pay the full amount. However, where a person paid a reduced level of stamp duty the claw-back would only be chargeable on the difference between the amount that was paid and the amount that should have been paid at the time.

Medical Cards.

106. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the estimated cost of the extension of the full medical card to all persons under 18 years. [34651/07]

107. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the estimated cost of the extension of the general practitioner only medical card to all persons under 18 years. [34652/07]

108. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the estimated annual cost per recipient of the medical card. [34653/07]

109. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the estimated annual cost per recipient of the general practitioner only medical card. [34654/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 106 to 109, inclusive, together.

In order to provide the Deputy with the estimates of cost requested, it is necessary to obtain detailed current cost information from the Health Service Executive (HSE). My Department has requested the relevant information from the HSE and on receipt of this will be in a position to prepare the cost estimates sought and to provide them to the Deputy.

110. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of persons with full medical cards; and the comparable numbers for 1992, 1997 and 2002. [34655/07]

111. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of persons with general practitioner only medical cards. [34656/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 110 and 111 together.

Details of the numbers of medical card and GP visit card holders are provided to my Department each month by the Health Service Executive. The figures are provided on a net basis showing the balance after new cards have been issued and other cards, as appropriate, have been deleted from the Executive's database, e.g. following a review of holders' circumstances.

The most recent figures provided to my Department by the HSE show that as at 1st December 2007 there were 1,279,026 persons with a medical card. Therefore, between January 2005 and December 2007 a net additional 133,943 people have qualified for a medical card. As at 1st December 2007, 75,542 persons held a GP visit card. Thus since January 2005, an additional 209,485 people have free access to GP services.

The table shows the number of medical cards according to the health boards' databases on the dates specified by the Deputy. In 1992 and 1997 medical card figures were reported to my Department on a quarterly basis.

Year	No. of Medical Cards
1992 (as at 31st December 1992)	1,263,001
1997 (as at 31st December 1997)	1,219,852
2002 (as at 31st December 2002)	1,164,453

The HSE (and before 2005 the health boards) has undertaken a substantial programme of work in recent years to improve data quality of the GMS client database. For example, in 2003 and 2004, work carried out by the health boards led to deletion of approximately 104,000 inappropriate entries where, for example, there were duplicate entries for the same person, the expiry date on the card had passed, or the person had moved away or was deceased. This exercise did not involve any reduction in the actual number of persons who held medical cards but rather resulted in a more accurate picture of the number of individuals in receipt of GP services under the GMS Scheme.

Health Services.

112. **Deputy Jack Wall** asked the Minister for Health and Children the position of an application for a home care package for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [34663/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is

[Deputy Máire Hochtör.]

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.

113. **Deputy Pádraic McCormack** asked the Minister for Health and Children the position regarding sanction for the appointment of a nurse qualified in phototherapy for the dermatology unit at University Hospital Galway; if this appointment will be sanctioned in order that this very necessary unit can be opened with the relevant staff to cater for the long waiting list; and if she will make a statement on the matter. [34664/07]

Minister for Health and Children (Deputy Mary Harney): The numbers of doctors, nurses and other health care professionals employed in the public health system have increased significantly in recent years, in tandem with the high level of investment in the development in new services. In December 2006, a revised employment ceiling for the health service of 108,000 expressed in whole time equivalents was sanctioned, representing an increase of 10,450 over the previous approved ceiling. The ceiling was further increased to 108,285 in October 2007. There has also been a substantial expansion of training places available at undergraduate level across a range of health care professions in order to ensure an ongoing supply of personnel in sufficient numbers for our health services into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

114. **Deputy David Stanton** asked the Minister for Health and Children the number of people attending the respective warfarin clinics in Cork; the number of people attending clinics from the east Cork area; and if she will make a statement on the matter. [34682/07]

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 is 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 address this matter and to have a reply issued directly to the Deputy.

Children in Care.

115. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of children in Counties Laois and Offaly in foster care; if she will confirm that all children currently in foster care in these counties have access to social workers, are in receipt of care plans and are subjected to regular review; and if she is satisfied that appropriate obligations under the legislation are being complied with and met. [34683/07]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The Deputy's question relates to the management and delivery of health and social services, which is the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

General Medical Services Scheme.

116. **Deputy Leo Varadkar** asked the Minister for Health and Children the reason a drug (details supplied) is not available on the GMS; and if she will make a statement on the matter. [34706/07]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that the product named by him is in fact available under the GMS and community drugs schemes.

Medical Cards.

117. **Deputy Leo Varadkar** asked the Minister for Health and Children the reason people with medical cards may only receive four doses of drugs (details supplied) per month without having to pay the market price of the medicine; the way the figure of four was arrived at; and if she will make a statement on the matter. [34707/07]

Minister for Health and Children (Deputy Mary Harney): Sildenafil Citrate (Viagra) and Cialis are licensed in Ireland and reimbursable under the GMS and community drugs schemes. In order to ensure availability for genuine need, but to reduce the possibility of inappropriate usage, the maximum reimbursable level for Sildenafil Citrate (Viagra) under all schemes is four

tablets per month. This is in accordance with the findings of the Expert Group set up by my Department in October, 1998 to consider arrangements for the supply of Sildenafil Citrate (Viagra). The maximum reimbursable level for Cialis is also four tablets per month.

Decentralisation Programme.

118. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of posts that have been decentralised as part of the current decentralisation programme with respect to her Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if she will make a statement on the matter. [34721/07]

Minister for Health and Children (Deputy Mary Harney): As the Deputy will be aware my Department is not one of the Departments scheduled for decentralisation under the Government's Decentralisation Programme. The Health Information and Quality Authority which was formally established this year is encompassed by the Decentralisation Programme. Its headquarters are located in Cork.

Departmental Expenditure.

119. **Deputy Leo Varadkar** asked the Minister for Health and Children if her Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if she will make a statement on the matter. [34735/07]

Minister for Health and Children (Deputy Mary Harney): My Department has not made any payment in advance for works or services that will not be commenced before the end of 2007. The position in relation to agencies is a matter for the agencies themselves.

Hospitals Building Programme.

120. **Deputy Pádraic McCormack** asked the Minister for Health and Children the position regarding the provision of a private hospital on the grounds of University Hospital Galway; and if she will make a statement on the matter. [34744/07]

Minister for Health and Children (Deputy Mary Harney): I take it the Deputy is referring to the co-location initiative. The initiative is designed to ensure that private beds in public hospitals are freed up for the use of public patients by having co-located private hospital beds built on public hospital sites. Successful bid-

ders for 6 co-location sites have been selected and University College Hospital Galway is not among these sites. Expressions of interest were received from private consortia wishing to become involved in this initiative at University College Hospital Galway. However, as part of the competitive dialogue, the pre-qualified bidders decided, for commercial reasons, not to continue with the process in respect of Galway.

Health Services.

121. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to the health services; the areas her Department is responsible for; the areas the Health Service Executive is responsible for; and the areas she is responsible for. [34768/07]

Minister for Health and Children (Deputy Mary Harney): As Minister for Health and Children I am responsible for the legislative, policy and resource framework for our system of health and social services. Broadly speaking, in addition to discharging overall responsibilities on behalf of the Government for the resourcing of these services, this involves setting, evaluating and developing policies for the sector. I am supported in the discharge of these responsibilities by my Department.

Policies in the health sector are implemented by a range of bodies, including the Health Service Executive (HSE). The bodies concerned have their own statutory functions and governance arrangements covering operational policy, management, administration, service delivery and accountability.

The object and functions of the HSE are set out under section 7 of the Health Act 2004 which states, inter alia, that it "shall arrange and shall deliver, or arrange to be delivered on its behalf, health and personal social services" in accordance with the Act.

I should also mention here the Health Information and Quality Authority (HIQA). The object and functions of this important body are set out under sections 7 and 8 of the Health Act 2007.

122. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist persons (details supplied) in Dublin 3. [34807/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of

[Deputy Máire Hctor.]

the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

123. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support persons (details supplied) in Dublin 5. [34808/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As part of the Multi Annual Investment Programme under the Disability Strategy, the Government provided the Health Service Executive an additional €75m in 2007. This funding included monies to provide additional residential places and additional hours of personal assistance for people with a physical and sensory disability. The Government is also honouring its promise in relation to the Multi-annual Investment Programme for people with disabilities, with a further €50 million investment in 2008 to provide additional residential, respite and day places.

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.

124. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a person (details supplied) in Dublin 3. [34809/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case 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.

125. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a person (details supplied) in Dublin 5. [34810/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As part of the Multi Annual Investment Programme under the Disability Strategy, the Government provided the Health Service Executive an additional €75m in 2007. This funding included monies to provide additional residential places and additional hours of personal assistance for people with a physical

and sensory disability. The Government is also honouring its promise in relation to the Multi-Annual Investment Programme for people with disabilities, with a further €50 million investment in 2008 to provide additional residential, respite and day places.

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.

126. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a group (details supplied) in 2008. [34811/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Departmental Records.

127. **Deputy Fergus O'Dowd** asked the Minister for Transport the process by which news items are brought to his attention by his Department or by his advisers or personal staff; the issues that were brought to his attention in the month of June 2007; the number of advisers, press officers, personal assistants and so on in his office for the complete month of June 2007; if briefings were given by such individuals to him or his staff when the Ministers changed in June 2007; and if he will make a statement on the matter. [34658/07]

Minister for Transport (Deputy Noel Dempsey): I refer the Deputy to my reply to Question number 29 on the 6 December. News items may be brought to my attention in a number of ways, e.g. verbal briefings, press clippings, if they are deemed to be important. The Press office, relevant Assistant Secretary or the Secretary General might also bring such items to my attention.

During the month of June there was some staff turnover to coincide with the change of Minister. At the end of June there were 2 Ministerial advisors, 1 Senior Special Assistant, 1 Personal Assistant, 1 Private Secretary and 9 other staff in

the Minister's office and a Press Advisor and 3 other staff in the press office.

Insurance Industry.

128. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport which of the 21 recommendations of the first report of the Motor Insurance Advisory Board 2002 have not been fully implemented; and the progress of each. [34674/07]

Minister for Transport (Deputy Noel Dempsey): There are now 18 MIAB Recommendations not fully implemented. Three recommendations, Numbers 34, 37 and 61 relate to my own Department and an up-date is set out below in this regard. Responsibility for implementing the other fifteen is divided between five other Government Departments, IFSRA and the Competition Authority. A table sets out the relevant recommendation numbers and the responsible authority.

Table 1

Dept./Agency	Transport	Justice Equality and Law reform	Finance	Enterprise Trade and Employment	Health and Children	IFSRA	Competition Authority
Ref. Nos	34	3	58	20	45	5	41
	37	40		30		6	
	61	49		31			
		50					
		51					
		52					
		54					

MIAB RECOMMENDATIONS

Recommendations Relating To Department Of Transport

No.	Issues Addressed	Recommendation	Progress to date	Future plans/target date for implementation
34	Insuring the Vehicle rather than the use of the Vehicle. Study needed to see if this would reduce premiums.	That detailed consideration be given to amending the Road Traffic Acts to require insurance on the vehicle, as in mainland Europe, rather than allowing claims to be declined on the basis of the driver's use but with appropriate measures to address the rights of insurers where premiums have been underpaid.	Implementation would involve fundamental changes in the arrangements for motor insurance, in Ireland. The complex risk assessment, civil liability issues and potential costs and advantages of implementation will have to be evaluated before coming to a decision. A UK preliminary study on 'Uninsured Driving in the United Kingdom' published in June 2004 has recommended that insurance of the individual driver rather than insurance of the vehicle should continue to be the basis for third party liability cover in the UK.	
37	Road Traffic Act to be amended, in line with EU Directives on harmonisation, to protect victims of defectively insured vehicles; Better clarification on insurance certs.	That the Road Traffic Acts, and other relevant legislation, be amended to fully adopt the Articles of the various EU Directives on harmonisation of compulsory motor insurance so as to clearly uphold the rights of victims under European law in accidents involving uninsured, untraced, defectively uninsured or allegedly defectively insured vehicles or drivers and that the prescribed content of insurance certificates be reviewed for clarity of communication with the addition of wording highlighting that the rights of Third Parties are not affected by cover limitations in the policy document.		The transposition of the 5th Motor Insurance Directive which is currently being drafted, includes a review of the transposition of the previous four motor insurance Directives and clarifies the issues referred to in the Recommendation.
61	Access of insurers to National Driver File, after introduction of penalty points.	That following introduction of the penalty points system, and subject to the provisions of data protection legislation, insurers be permitted access to relevant information on the national driver file under provisions similar to Section 28 of the Road Traffic Act, 1994.	The National Driver File is now held by the Minister for Transport who must make regulations to allow access to the records to persons other than those specified in that section.	As part of the implementation of the 5th EU Directive a database is currently being considered which will give insurers access to up to date information on drivers and vehicles and also insurance particulars, subject to data protection issues.

129. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport if, when a motorist is refused a quote for motor insurance or if the quote is considered to be so exorbitant as being tantamount to a refusal, the insurance company is obliged to inform that driver of the declined cases agreement. [34675/07]

Minister for Transport (Deputy Noel Dempsey): There is no obligation but it is the practice of motor insurance companies when refusing to provide cover whether by phone or letter to inform the customer who is being refused insurance that they may contact Insurance Information Services in the Irish Insurance Federation that operates the Declined Cases Agreement.

130. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport if he has statistics regarding the take-up of the declined cases agreement operated by the Irish Insurance Federation. [34676/07]

Minister for Transport (Deputy Noel Dempsey): I am informed by the Irish Insurance Federation that the statistics regarding the take-up of the Declined Cases Agreement are as follows:

Year	Total
1997	306
1998	297
1999	329
2000	328
2001	478
2002	393
2003	379
2004	310
2005	246
2006	152

Decentralisation Programme.

131. **Deputy Leo Varadkar** asked the Minister for Transport the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34724/07]

Minister for Transport (Deputy Noel Dempsey): The headquarters of the Road Safety Authority (RSA) is in Ballina and there is a staff complement of 129 posts there. Some 67 of these 129 posts came from an existing decentralised location. The Government decision to establish

the RSA resulted in 62 additional posts being located in Ballina. These 62 posts were secured under the decentralisation programme from the Ballina CAF, open recruitment and internal promotion. The holders of these posts transferred directly to Ballina on assignment. Mileage and overtime paid since decentralisation is a matter for the RSA.

50 posts were also decentralised to Loughrea — 10 of these are Department of Transport posts and the remaining 40 are RSA posts. The cost of overtime and mileage for these 50 posts amounted to €17,502.93 and €64,250.49 respectively for the year prior to decentralisation to Loughrea.

Following decentralisation, the cost of the Department's posts in Loughrea in respect of overtime and mileage amounts to €5,246.90 and €9,567.22 respectively. Mileage and overtime paid since decentralisation in respect of the RSA posts in Loughrea is a matter for that Authority.

Departmental Expenditure.

132. **Deputy Leo Varadkar** asked the Minister for Transport if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34738/07]

Minister for Transport (Deputy Noel Dempsey): The following is the information requested by the Deputy. €780.45 (inc VAT) annual hosting fee for the Transport 21 website was paid in July 07. This includes payment in advance for this service up to July 08. This is normal practice with a website hosting company.

While my Department operates a system of making monthly grant payments in advance to the Railway Procurement Agency (RPA) from Subheads C2 and C3 based on the Agency's estimate of its funding requirements for the month in question, I understand from the RPA that it has not paid in advance for works or services that will not be commenced before the end of the 2007 financial year.

Since the launch of Transport 21, the RPA has not had recourse to new borrowings and the system of advancing monthly grant payments to the Agency is therefore necessary to ensure that the RPA is in a position to meet its financial obligations for works and services as they fall due.

In relation to agencies, the issue of payments in advance for works or services, is an operational matter for each individual agency and not a matter for my Department.

Rail Network.

133. **Deputy Joanna Tuffy** asked the Minister

[Deputy Joanna Tuffy.]

for Transport if he will report on the accessibility works programme approved by the board of Irish Rail in respect of the northern line; the details of the programme and a time-scale for completion of same; and if he will make a statement on the matter. [34750/07]

Minister for Transport (Deputy Noel Dempsey): The design and implementation of accessibility works at railway network facilities is a matter for Iarnrod Éireann. My Department has asked Iarnrod Éireann to forward details of such works on the Northern line direct to the Deputy.

Railway Stations.

134. **Deputy Joanna Tuffy** asked the Minister for Transport if he has received an application from the board of Irish Rail for the sanctioning of the scheme to extend car parking at Donabate railway station; and if he will make a statement on the matter. [34751/07]

Minister for Transport (Deputy Noel Dempsey): My Department has received an application for Exchequer funding from Iarnród Éireann to increase the car park capacity at Donabate railway station. This application is currently under consideration within my Department.

Decentralisation Programme.

135. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34720/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): Under the Government's decentralisation programme, the Development Cooperation Directorate of the Department of Foreign Affairs, which is Irish Aid's Headquarters, will decentralise to Limerick. Good progress has been made and personnel have either been assigned to, or identified for, 103 posts or approximately 83% of the 124 posts scheduled to be decentralised. An advance party of 55 staff decentralised to interim office premises in Limerick at the end of May 2007. The remainder will move on a phased basis during the first half of 2008 on completion and fit-out of the permanent premises in Henry Street.

The cost of mileage paid to the holders of the 55 posts that have already decentralised, in the 12 month period from May 2006 to May 2007, was

€2,645. The corresponding amount paid from May 2007 to date was €21,033. The increase in mileage costs since May 2007 is mainly due to travel between the interim office in Limerick and the existing Headquarters in Dublin. It is expected that such mileage costs will be reduced considerably following the transfer of the remaining staff of Irish Aid in 2008.

The amount of overtime paid to the holders of these 55 posts in the twelve month period from 1 June 2006 to 31 May 2007 was €15,781. The amount of overtime paid since 1 June 2007 to the end of November 2007 was €11,388. Overtime incurred in preparing for the advance move in May is included in the amount for this latter period.

Departmental Expenditure.

136. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34734/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): My Department has made advance payments in two instances in relation to services which will not be provided before the end of 2007. Firstly, in preparation for an international conference on cluster munitions which will take place in Dublin in May of next year, my Department has paid a deposit of €34,150 for the use of the Croke Park Conference Centre.

Secondly, in preparation for the Olympics to be held in Beijing in 2008, my Department has paid booking deposits of €23,210 on accommodation in Beijing, for the use of temporary additional staff and for visiting official delegations. Our Embassy in Beijing has advised that this advance booking is necessary in view of the severe pressure which will be on the available accommodation in the city at the time of the Olympics.

Missing Persons.

137. **Deputy Michael Ring** asked the Minister for Foreign Affairs the steps his Department is taking to help track down an Irish person (details supplied) who has gone missing in Argentina or Chile; and if he will make a statement on the matter. [34755/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): My Department, through the Consular Section and our Embassy in Buenos Aires, has been working intensively to locate the person concerned and is in daily contact with his family

and friends. The Gardaí have also been asked by the family for assistance in the search.

Following the report of his missing status, our Embassy in Buenos Aires made immediate contact with the national police authorities in Argentina and Chile, national park rangers in both countries, and travel agencies and airlines used recently by the person concerned. These enquiries are being actively pursued by the Embassy, which is also in on-going contact with the relevant provincial police forces and with Interpol. My Department will continue to make every possible effort to locate the person concerned, and will of course continue to maintain our close liaison with his family and keep them fully informed of developments. My thoughts are with them at this very difficult time.

Departmental Expenditure.

138. **Deputy Michael Ring** asked the Minister for Foreign Affairs if funding was given by his Department or the Government for the use of a property (details supplied) or if funding was given towards the upkeep of this property or for religious or cultural events at the location or any event to do with Irish people at that location. [34771/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Department of Foreign Affairs has not provided any funding for the upkeep of the property to which the Deputy refers, or for any religious or cultural events at the location. I understand, however, that Culture Ireland may have sponsored a 9/11 memorial concert in this location. Should the Deputy wish to furnish further details of any other event or project which he believes may have received official Irish funding, officials from my Department will be happy to check the position out.

Departmental Investigations.

139. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if he will reply to correspondence from a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [34702/07]

140. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if there are investigations underway relating to a company (details supplied); and if he will make a statement on the matter. [34703/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I propose to take Questions Nos. 139 and 140 together.

My office has responded to previous correspondence from the person concerned and I expect that a further reply will issue shortly in relation to recent emails. I understand that com-

plaints in relation to this matter have been submitted to the Office of the Director of Corporate Enforcement which has been in contact with the person concerned. Under section 12 (5) of the Company Law Enforcement Act 2001, the Director is independent in the exercise of his statutory functions.

Decentralisation Programme.

141. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34717/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): My Department has been making good progress in the relocation of the required 250 posts to Carlow under the Government's Decentralisation Programme.

The following business units/Offices of my Department have been selected as part of the Decentralisation Programme and will be relocated in the new decentralised office:

- Companies Registration Office/Registry of Friendly Societies
- National Employment Rights Authority (NERA)
- Work Permits
- Redundancy Payments Section
- Insolvency Payments Section

The OPW has advised my Department that they anticipate that construction of the Permanent Office in Carlow, subject to no planning issues arising, will commence in June 2008 and completion of construction of the permanent office is expected by December 2009. In order to accommodate staff who wish to move earlier than the projected building completion date of late 2009, officials of my Department, in consultation with the Department of Finance and the OPW, opened an advance office in Carlow on July 30th 2007. The number of posts in this decentralised advance office is currently 98.

With regard to the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation, it has not proved possible to collate all the information within the timeframe requested. Officials in my Department are currently compiling the information sought and a final response will be forwarded to the Deputy as soon as possible.

[Deputy Micheál Martin.]

Agency Decentralisation

Under the current Government Decentralisation Programme, four of the Agencies under the aegis of my Department are due to decentralise as follows:

- FÁS is to move 383 posts to Birr, Co. Offaly;
- Enterprise Ireland (EI) is to move 300 posts to Shannon; The Health and Safety Authority is to move 110 posts to Thomastown, Co. Kilkenny, and
- The National Standards Authority of Ireland is to move 132 posts to Arklow, Co. Wicklow.

My Department continues to provide advice and support to each of the four Agencies in progressing their decentralisation programmes and there is a dedicated Agency Decentralisation Committee to drive the process forward. In addition, I am satisfied that each Agency is fully engaged in the process and taking all of the relevant steps to advance their decentralisation plans. The cost of mileage and overtime paid to Agency staff is a day-to-day operational matter for the four agencies concerned and one in which I have no function or responsibility.

FÁS

Under the Government's decentralisation programme, FÁS is due to transfer its head office including some 383 posts to Birr, County Offaly. FÁS currently has 21 staff members working in leased FÁS Offices in Birr.

Enterprise Ireland

Enterprise Ireland (EI) is to move 300 posts to Shannon under the decentralisation programme. Progress on the full transfer of EI's HQ to Shannon, within the Government decentralisation programme, will be influenced by factors (many exogenous to EI) such as; the level of interest in the Shannon location expressed by CAF applicants and by progress made during discussions at a central level on various issues central to Agency decentralisation. To date, no posts have moved to Shannon under this scheme.

Latest figures available to EI from the Central Applications Facility reflect that no Enterprise Ireland staff have applied for decentralisation to Enterprise Ireland in Shannon. The number of applications received from within the civil and public service amounts to 25.

EI now has a major presence in the Shannon region. EI has established its new National

Regional Development Headquarters in Shannon and has established the County Enterprise Support Unit in Shannon. Currently there are 40 staff working in EI's Shannon office and it is expected that a total of approximately 65 EI staff will be in place in Shannon over the coming months

Health and Safety Authority

The Health and Safety Authority is to move 110 posts to Thomastown, Co. Kilkenny. To date a total of 62 people (11 HSA staff, 41 Civil Servants, 10 Public Servants) have expressed an interest through the Central Application Facility (CAF) process in transferring to Thomastown, County Kilkenny.

In anticipation of the move to Thomastown, the Authority established an interim office in Kilkenny city in August 2006. To date, 27 staff have re-located to that office. That office is now fully occupied and discussions are currently ongoing with a view to securing larger office space in the area. All staff that move to the Kilkenny office will transfer to Thomastown when those premises are completed and all newly recruited Dublin based staff are ultimately contracted to move to Thomastown.

NSAI

Under the Government's decentralisation programme the National Standards Authority of Ireland (NSAI) is due to relocate 123 posts to Arklow, Co. Wicklow. To date no posts have moved. Ten NSAI staff members have indicated on the CAF that are volunteering to decentralise.

Departmental Expenditure.

142. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34731/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The works or services paid for in advance by my Department, that will not be commenced before the end of the 2007 financial year are set out on the attached tabular statement.

In relation to the agencies of my Department, this is a day-to-day operational matter for the agencies concerned and one in which I have no function.

Name of Service Provider	Nature/Purpose of Service	Reason for payment in advance	Amount	Comment
			€	
Core International	License fee and support of salaries system	Annual support contract from 01/01/08–31/12/08	€13,991.63	Approved for payment 7/12/07
Core International	License fee and support of salaries system reporting tool	Annual support contract from 01/01/08–31/12/08	€1,430.45	Approved for payment 7/12/07
Techniche Limited	Maintenance of the Department's remote access environment.	Maintenance contract provides for discounts where payments are made in advance	€2,125.00	2.5 man-days paid for, but yet to be drawn down

Decentralisation Programme.

143. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34712/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): To date my Department has transferred 70 posts to temporary accommodation in Fossa Killarney. The transfers took place in two tranches with 45 posts transferring in September 2006 and a further 25 in July 2007.

It is not possible to make direct comparisons in relation to mileage and overtime costs between the holders of the posts in question, prior to decentralisation and afterwards, as a number of these posts have been reconfigured to allow for effective management of the process.

However it is estimated that between October 2006 and October 2007 my Department's mileage costs increased by €15,000 due mainly to decentralisation. Overtime costs in the same period are estimated to have increased by € 14,000 due to decentralisation.

As the state agencies under the aegis of my Department namely Fáilte Ireland, The Sports Council, and the Arts Council have not been given early mover status by the DIG (Decentralisation Implementation Group) no timeframe has been given for their decentralisation. Therefore no transfers have taken place to date. The Office of Public Works (OPW) is currently assessing a number of options regarding suitable locations and properties for these agencies.

Departmental Expenditure.

144. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the

end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34726/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): My Department has not paid in advance for any works or services that will not be commenced before the end of the 2007 financial year. The payment for works or services by the agencies under the aegis of my Department is a matter for the bodies themselves.

Grant Payments.

145. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism the funding which is made available through his Department or agencies to support local community festivals; and if he will make a statement on the matter. [34745/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): My Department does not generally allocate funding directly to local community festivals. Support is available for arts festivals under the Small Arts Festivals scheme administered by the Arts Council. Such grants are a day to day matter for the Arts Council and information on funding available and awards made can be found on the Arts Council website www.artscouncil.ie.

Support is also provided for festivals under the Festivals and Cultural Events Initiative administered by Fáilte Ireland. The initiative is a matter for Fáilte Ireland and the details of the scheme can be found on the Fáilte Ireland website www.failteireland.ie and in the Annual Report and Accounts of Fáilte Ireland which is also available on the website.

National Museum.

146. **Deputy Jimmy Deenihan** asked the Minister for Arts, Sport and Tourism if, in view of the recent purchase by the National Museum of the portrait of Thomas Ashe painted by Leo Whelan,

[Deputy Jimmy Deenihan.]

he will request the National Museum to give the painting on loan to the Kerry County Museum which is housed in the Ashe Memorial Hall, Tralee for the 2008 tourist season; and if he will make a statement on the matter. [34774/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Since the National Museum of Ireland became an autonomous statutory body under the National Cultural Institutions Act, 1997 on 3rd May 2005, the Board of the National Museum is statutorily responsible for operational matters concerning its collection and I, as Minister for Arts, Sport and Tourism, do not have a statutory function in respect of operational matters.

I am aware, however, that the National Museum of Ireland has recently taken possession of the portrait of Thomas Ashe, which is currently undergoing a conservation assessment. It is open to the Kerry County Museum to request the loan of the portrait in question from the National Museum of Ireland.

Social Welfare Benefits.

147. **Deputy Michael Creed** asked the Minister for Social and Family Affairs if his Department provides financial assistance to persons returning to full-time education to complete the leaving certificate who have not been in receipt of a social welfare payment; and if he will make a statement on the matter. [34661/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The provision of support to people who are not in receipt of a social welfare payment to return to education is addressed through the education system, I understand that the Department of Education and Science has a range of programmes for people wishing to return to education and provides supports for people participating in certain education programmes funded by VECs.

This Department administers a range of back to education programmes, to encourage and facilitate people on long-term social welfare payments to return to work through the acquisition and improvement of skills and academic qualifications which will enable them to compete more successfully for employment. One of these programmes is the back to education allowance scheme, which covers full-time second and third level courses.

148. **Deputy Tom Hayes** asked the Minister for Social and Family Affairs if there are arrangements for recipients of the fuel allowance of €18 a week to receive the money in bulk in order to pay for oil refills; and if he will make a statement on the matter. [34687/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The aim of the national fuel scheme is to assist householders on long-term social welfare or health service executive payments with meeting the cost of their additional heating needs during the winter season. Fuel allowances are paid from end-September to mid-April. The allowance represents a contribution towards a person's normal heating expenses.

A detailed review of the fuel allowance was carried out in 1998. This review looked at alternatives to the weekly payment method including a single lump sum payment. A survey of recipients with the allowance on a customer panel showed that the majority (58%) preferred weekly payment, 22% wanted a once-off lump sum payment, 12% favoured direct debit to a supplier while 8% would rather have two lump sum payments during the fuel season. The review recommended continuing with the weekly payment method.

I will keep all aspects of the fuel allowance scheme, including the issue of a lump sum payment, under review. Any significant changes to the scheme that would require additional expenditure could only be considered within a budgetary context and in the light of resources available to me for improvements in social welfare generally.

Live Register.

149. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the provision that has been made in budget 2008 and the Social Welfare Bill 2007 to cater for an increase in number on the live register; and if he will make a statement on the matter. [34708/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Based on the economic analysis provided by the Department of Finance the live register forecast underpinning the recently published Budget 2008 estimates for Jobseeker's Allowance and Jobseeker's Benefit is 170,000. This is 10,000 higher than the figure of 160,000 underpinning the 2007 estimates. The provision made in the 2008 estimates for the increase of 10,000 in the live register is €101.5 million. This sum includes the cost of the Budget 2008 improvements announced on 5 December.

Social Welfare Benefits.

150. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the number of people who are in receipt of disability benefit for each of the past ten years in raw numbers and also as a percentage of the workforce; and if he will make a statement on the matter. [34709/07]

151. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the way Ireland compares with other OECD countries in terms of the numbers of people on disability benefit; and

if he will make a statement on the matter. [34710/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 150 and 151 together.

Illness Benefit, which was known as Disability Benefit prior to 2nd October 2006, is a payment for insured people who cannot work due to illness. Annual Statistics in relation to the number of recipients of Illness Benefit are published annually by my Department in the form of a report entitled Statistical Information on Social Welfare Services, which is available on request from my Department or at our website, www.welfare.ie. Statistics in relation to the Labour Force are available from the Central Statistics Office.

Illness Benefit is just one of a range of illness and disability related payments offered by my Department, each of which has different medical, social insurance and means related requirements. These requirements are tailored to the particular objectives of each scheme and also to the segments of the population for which they provide income support. Similarly, other OECD countries have illness and disability related schemes in place which have very different eligibility requirements and provide support to different categories of the population. For example, many OECD countries have statutory sick pay schemes in place which place a burden on the employer, whereas Ireland does not. Therefore, it is not appropriate to compare the number of recipients of Illness Benefit in Ireland with that of other OECD countries because those schemes do not have the same eligibility criteria and, therefore, no conclusions can be drawn from the results of any such comparison.

Decentralisation Programme.

152. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34723/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Under the decentralisation programme announced by the Minister for Finance on 3 December 2003, my Department has, to date, relocated 111 posts (118 people) to Carrick-on-Shannon and 66 posts (67 people) to Sligo. Given the number of posts involved and the fact that they have been relocated at various stages since mid 2006, the information concerning overtime and mileage costs is not readily available. As soon as the relevant data has been compiled it will be provided to the Deputy.

Departmental Expenditure.

153. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34737/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department, and the agencies under the aegis of the Department, i.e. the Citizens Information Board, Combat Poverty Agency, Family Support Agency, Pensions Ombudsman and Pensions Board, have not paid in advance for any works or services that will not be commenced before the end of the 2007 financial year (i.e. 31 December 2007).

All procurements are carried out in accordance with EU guidelines, Department of Finance guidelines, and my Department's Operational Guidelines to ensure procurement best practice and value for money. Guidelines state that no monies are to be paid in advance of deliverables. In all instances a Project Manager is in place to manage and monitor the external service provision, and payments are only made when work is completed and in accordance with the agreed contract.

Social Welfare Benefits.

154. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if a person (details supplied) in County Kildare qualifies under the habitual residency clause in view of the fact that their partner resided here for three and a half years; and if he will make a statement on the matter. [34786/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): In order to qualify for a range of Social Welfare payments, including Child Benefit, applicants are required to satisfy the Habitual Residence condition (HRC), which was introduced on 1st May 2004. Since 1st January 2007, when Romania and Bulgaria joined the EU, nationals of those countries, who were not previously registered with the Department of Justice, Equality & Law Reform, are required to have a Work Permit issued by the Department of Enterprise, Trade & Employment in order to be legally employed in Ireland.

The person referred to has indicated that she worked illegally since her arrival in Ireland in June 2006 until her child was born in July 2007. She has never had a work permit and does not appear to have been registered with the Dept of Justice prior to January 1st 2007.

She has a partner who is also a Romanian national. He claims to have been resident in Ireland since September 2004 per information

[Deputy Martin Cullen.]

supplied by the claimant with the Child Benefit application. She also indicates that he had been working illegally in Ireland until December 2006, but is not currently employed due to an incapacity. He has never had a work permit and does not appear to have been registered with the Dept of Justice prior to January 1st 2007.

The Child Benefit application has been refused as the Deciding Officer, having considered all the circumstances, does not consider that the person concerned can be considered to satisfy the HRC condition at this time. The person concerned was notified of the decision in writing on 14th September 2007 and given the right of appeal. There is no record of receipt of an appeal to date.

Community Development.

155. **Deputy Noel J. Coonan** asked the Minister for Community, Rural and Gaeltacht Affairs the status in relation to an application for funding under the community services programme for a group (details supplied) in County Tipperary; and if he will make a statement on the matter. [34660/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Business Plan, which this group submitted, is under consideration at the moment and they will be notified of the Department's decision in the coming weeks.

Evening Transport Service.

156. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the way the pilot night-time rural transport scheme has performed; the number of communities that were selected for the pilot; the location of these communities; the initial benefits to these communities from the pilot; if it will be extended to other communities; and if he will make a statement on the matter. [34679/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy is aware, in many rural areas, there are no public transport services at night. While there are, in the more developed rural areas, either hackney or taxi services, these are at the discretion of the providers of these services and do not provide a guaranteed service to rural people.

It was against this background, therefore, that earlier this year — following a number of discussions between officials in my Department and the Department of Transport — I introduced a new evening transport service, on a pilot basis. The aim of the service is to allow rural people to fully participate in the various activities — community, sporting and social — that take place in their areas. The new Scheme also aims to address

the market failure that currently exists in this area.

The 34 groups currently delivering the Rural Transport Programme — operated by the Department of Transport — were invited by Pobal to submit applications to be considered under my Department's new scheme. Following the appraisal of the proposals submitted, seven groups were selected to run the pilot Scheme, namely:

- West Cork Rural Transport;
- Avondhu Development Group in East Cork;
- Meath Accessible/Kilnaleck Community Cavan;
- County Sligo LEADER Partnership;
- Tumna Shannon Development Company Roscommon;
- Síob Teoranta Donegal; and
- Laois Trip.

The seven projects were selected having regard to such criteria as:

- evidence of need;
- strength of their proposal;
- capacity of the group;
- value for money; and
- geographical spread.

The budget for the pilot is €500,000. The first service commenced in June and service numbers and passenger numbers have increased throughout the Autumn. Although only in the early stages yet, I understand that the services are being very well received by communities and passengers alike. In this context, the Deputies should note that during the month of October, there were 154 services with 1,341 passenger journeys.

Early indications are that older people, people with a disability and young people are particularly enthusiastic about the new services and new activities are being planned around the availability of services. All services focus on maximising the general community good and I am, of course, conscious of the need to ensure that no displacement takes place of commercially viable existing services as a result of the introduction of the new scheme. My intention is that the pilot Scheme will be reviewed after a year and decisions in relation to its future will be informed by the outcome of the evaluation.

Decentralisation Programme.

157. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the number of posts that have been decentralised as part of the current decentralisation programme

with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34714/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): To date, 74 officers from my Department have transferred to an interim location in Tubbercurry, Co. Sligo and 10 officers to Na Forbacha, Galway. While decentralisation is an on-going process the major part of this relocation took place in July and August 2006.

Because of the turnover of staff and some reorganisation of Divisions as part of the decentralisation process, it is not possible to provide the comparative figures requested. However, I can provide overtime and mileage figures for the Department as a whole for the years 2005 — before decentralisation was implemented, 2006 — when the main decentralisation process took place and to date in 2007 — post-decentralisation. The figures are as follows:

Overtime expenditure

2005: €144,294

2006: €104,537

2007 to date: € 98,158

Mileage expenditure

2005: €294,304

2006: €345,577

2007 to date: €300,487

The decentralisation of 30 posts by Foras na Gaeilge to Gaoth Dobhair is still at the planning stage and no staff have decentralised as yet. The Pobal office in Clifden was opened early in 2006 and 22 posts were based there by the end of that year. The majority of these posts were new to the organisation and all except 1 post was filled by way of local recruitment. Comparative figures are, therefore, not available. The total expenditure on travel for Clifden in 2006 was €38,366. No overtime costs were incurred.

Departmental Expenditure.

158. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34728/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): In line with

Public Financial Procedures, the policy of my Department is to make payments on foot of matured liabilities, i.e., after goods or services have been received and found to be satisfactory or as otherwise provided for by contract. In the case of agency services provided on behalf of the Department, payments may be made in advance of the end of the year in order to ensure the continued provision of services in the early part of the New Year. This is done through a suspense account, with the amounts charged to the Department's Vote in the year in which the service was delivered. I understand that in relation to the agencies under the ambit of my Department it is not practice to make payments in advance for works or services that will not be commenced before the end of the 2007 financial year.

Community Development.

159. **Deputy Enda Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the reason the CLÁR programme funding for local improvement scheme roads 2007 in a county (details supplied) has been capped at a maximum of €500,000 in comparison to the allocation for 2006; and if he will make a statement on the matter. [34743/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The funding available to Local Authorities from the Department of Environment, Heritage and Local Government (D/EHLG) for Local Improvement Scheme (L.I.S.) roads has increased significantly over the past number of years (from approximately €11m in 2002 to €30m in 2007). Funding for L.I.S. roads in Mayo increased from €1.4m in 2005, €3.2m in 2006 to just over €4m in 2007.

Consequently, this year my Department decided to place a greater emphasis on funding other measures such as water and sewerage schemes under the CLÁR Programme. In this context, it should be noted that grant approvals for Mayo County Council in 2002 for water and sewerage schemes was €450,000. Approvals in 2007 are in excess of €2.3m. At the end of November, I did, however, announce €500,000 funding for works to be carried out on 39 L.I.S. roads in CLÁR areas in County Mayo.

Finally, it should be noted that the total funding made available between my Department and the D/EHLG for L.I.S. roads nationally in 2007 has increased by almost 6% from that available in 2006.

160. **Deputy Denis Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the funding which is made available through his Department or agencies to support local community festivals which support Irish culture and language; and if he will make a statement on the matter. [34746/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I can confirm that my Department provides funding on a limited once-off basis to support the type of local community festivals, which the Deputy refers to, including for example the Pan Celtic Festival and Kilkenny Celtic Festival.

A number of agencies that come within the ambit of my Department also provide funding for Community festivals to support Irish culture and language. Foras na Gaeilge and Údarás na Gaeltachta provide sponsorship for a range of activities to promote the Irish language, including community-based festivals and other cultural events. I might also mention that the Ulster Scots Agency provides support for community-based activities to promote Ulster Scots heritage, culture and language, in both the North and South. Additional details of these agencies and their schemes are available on their respective websites www.gaeilge.ie, www.udaras.ie www.ulsterscotsagency.com.

Grant Payments.

161. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason the 2007 single farm payment has not been awarded to a person (details supplied) in County Galway in view of the fact that the transfer of entitlements have been included in the deed of transfer; and if she will make a statement on the matter. [34650/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application to transfer entitlements under the 2007 Single Payment Scheme to the person named was received on 27 November 2007. Upon examination of the application, it was necessary for an official of my Department to contact the person named and seek clarification on certain matters. Upon receipt of the requested information the application will be further processed.

Tourism Promotion.

162. **Deputy Jack Wall** asked the Minister for Agriculture, Fisheries and Food the number and location of sites in County Kildare included under the welcome initiative as administered by Coillte; if there are plans to create new trails within the county; and if she will make a statement on the matter. [34665/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Coillte is developing 34 sites around the country under the Forest Recreation Infrastructure Programme administered by Fáilte Ireland under the National Development Plan. This initiative includes the development of walking trails, mountain bike trails, upgrading of forest parks and upgrading Coillte's recreation website "Coillte Outdoors".

Donadea Forest Park is the only area in Kildare included in the current initiative.

Under the "Welcome Initiative" Coillte will be putting up signage welcoming walkers onto its lands. Other than the 34 sites currently under development nationally, these locations have yet to be determined.

Grant Payments.

163. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason the 2007 single farm payment has not issued to a person (details supplied) in County Galway. [34667/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named does not hold entitlements under the Single Payment Scheme. Another person previously registered under this herd number has entitlements but my Department has no record of receiving an application to transfer those entitlements to the person named. The extended closing date for receipt of applications to transfer entitlements was 8 June 2007. However, a Transfer of Entitlement application could be accepted at this stage provided a satisfactory explanation of the reason for the delayed submission is received. An official from my Department has made direct contact with the person named and outlined the position.

Fishing Fleet Protection.

164. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food her views on whether the €21 million announced in budget 2008 towards the decommissioning of the white fish fleet is less than 50% of what had been previously indicated; if her attention has been drawn to the disappointment of fishing organisations and coastal communities at the reduction; if she will increase the compensation to €58 million as originally indicated; and if she will make a statement on the matter. [34671/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The overall budget allocation for marine related activities in my Department's Vote increased from €119.5 million in 2007 to €128.3 million in 2008, an increase of 7.3%. The Government remains fully committed to the delivery of the seafood strategy "Steering A New Course: Strategy for a Restructured, Sustainable and Profitable Irish Seafood Industry 2007-2013". I am satisfied that the amount set aside for decommissioning of fishing vessels in 2008 within the overall €49 million Vote to BIM is adequate.

Grant Payments.

165. **Deputy Dan Neville** asked the Minister for Agriculture, Fisheries and Food if she will approve farm development grants submitted after

21 October 2007 in view of the fact that many farmers were unaware of this as the closing date. [34680/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Applications received under the Farm Improvement Scheme prior to its suspension on 31 October 2007 will be processed by my Department up to the level of funding provided for the Scheme in the 2006 partnership agreement, Towards 2016.

EU Directives.

166. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the progress made at the Agriculture Council meeting on 26 November 2007 regarding the proposed directive limiting the use of chemical sprays in agriculture; the next steps to be taken in respect of this proposed directive; when it is expected to be finalised; the role for national parliaments in implementing these directives in Irish law; and if she will make a statement on the matter. [34691/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Directive on the sustainable use of pesticides was not discussed at the Agriculture Council meeting on the 26 November. The present position with this Directive is that it is scheduled for discussion at the Agriculture and Fisheries Council on 17 to 19 December with a view to achieving political agreement. This Directive was discussed at Coreper on 12 December but failed to reach agreement on two issues, and referred discussions on these two articles to the Agriculture and Fisheries Council meeting next week.

The process for reaching agreement on these proposals involves the Co-decision procedure between the Council of Ministers and the European Parliament. The European Parliament has already voted on this Directive at its first reading and has made 122 amendments to the text. Should there be political agreement at Council next week, the text will then be forwarded to the Parliament to initiate discussions between the Council and Parliament with a view to achieving a common position on the text of the Directive. These second reading discussions are likely to commence in April 2008.

The Directive, when agreed, will be transposed into Irish law by way of a Statutory Instrument within the prescribed time limits. The proposed Directive was discussed by the Oireachtas Joint Committee on Agriculture and Food on 2 November 2006.

Decentralisation Programme.

167. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the number of posts that have been decentralised as part of

the current decentralisation programme with respect to her Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if she will make a statement on the matter. [34711/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): To the end of November, 253 posts have decentralised to my Department's offices in Portlaoise. Both travel and overtime costs are tracked by the use of cost centres, which are allocated to Divisions of the Department, and on an individual basis.

The Department is implementing decentralisation on phased basis, transferring posts and staff over the course of the programme. This phasing extends to a Divisional level, staffing and moving sections of Divisions over a period of time, which facilitates skills and knowledge transfer and mitigates the risk inherent in the move. Therefore it is not possible to present the information requested using cost centres, as they are not directly attributable to groups of staff in a particular location, but in a particular work area.

To present the information requested on an individual basis would require a detailed examination of individual records of the current and past holders of the 253 posts over the period 2005 to 2007 and would require considerable resources. However, the Department sends a quarterly return to the Decentralisation Implementation Group, which details the non-property costs of decentralisation, including costs such as travel and overtime. To the end of the last quarter, these costs amounted to €53,922.

Departmental Expenditure.

168. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food if her Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if she will make a statement on the matter. [34725/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The only payments made in advance relate to Information Communications Technology (ICT). My Department uses an extensive range of ICT hardware and software products, to underpin its key operations. Some of these are off-the-shelf and some are tailored. These hardware and software products require ongoing support and enhancement, to ensure their satisfactory operation and modification to meet ongoing changes to business needs. By the end of 2007, my Department will have paid for a range of enhancement, support and maintenance services, to be delivered during 2008. These are

[Deputy Mary Coughlan.]

set out in the attached table. Telecommunications costs including both voice and data capacity, with the exception of call charges, are also paid for in advance.

In the case of some of these services the only contractual option available is to pay in advance. In the case of others, it is more beneficial to the

Department to do so. As part of composite billing, my Department has also paid two days (1st and 2nd January 2008) line and equipment rental to Eircom Virtual Private Network (VPN) account service. With regard to agencies under the aegis of my Department, payment for works or services are operational matters for the bodies themselves.

Nature of Service	Period of Cover	Amount inc VAT
		€
Maintenance and support for Mainframe Development Software	February 2007–February 2008	34,635.97
Maintenance and support for Mainframe Monitoring Software	June 2007–June 2008	11,464.95
Maintenance and support for Management Software	March 2007–March 2008	2,998.20
Maintenance and support for Management Software	July 2007–July 2008	4,486.92
Maintenance and support for Mainframe Database Software	January 2007–January 2008	14,538.78
Maintenance and support for Mainframe Database Software	March 2007–March 2008	25,652.73
Maintenance and support for Mainframe Database Software	July 2007–July 2008	3,496.90
Maintenance and support for Mainframe Database Software	August 2007–July 2008	221,493.80
Maintenance and support for Mainframe Management Software	December 2007–December 2008	233,813.14
Maintenance and support for Management Software	January 2008–December 2008	37,074.96
Maintenance and support for Management Software	January 2008–December 2008	13,323.84
Maintenance and support for Management Software	January 2008–December 2008	793.72
Maintenance and support for Mapping Software	January 2008–December 2008	290,118.12
Maintenance and support for Mainframe Management Software	July 2007–July 2008	9,075.00
Maintenance and support for Hardware	June 2007–June 2008	305,841.18
Maintenance and Support for Hot Site facility	July 2007–July 2008	111,010.19
Maintenance and support for Mainframe Management Software	October 2007–September 2008	10,577.82
Maintenance and support for Software	December 2007–November 2008	46,516.56
Maintenance and Support for Mainframe Management Software	January 2008–December 2008	9,162.88
Maintenance and Support for Mainframe Management Software	January 2008–January 2009	4,000.00
Maintenance and support of the Single Payment System	December 2007- December 2008	3,216,996.00
Maintenance and Support for Hardware Maintenance	May 2007–April 2008	494.25
Maintenance and Support for Database and Application Software	February 2007–February 2008	25,017.54
Maintenance and Support for Database and Application Software	February 2007–February 2008	44,501.71
Maintenance and support for Database and Application Software	February 2007–February 2008	53,584.63
Maintenance and Support for Database and Application Software	February 2007–January 2008	18,670.90
Maintenance and Support for Database and Application Software	November 2007–November 2008	286,041.37
Maintenance and Support for Database and Application Software	November 2007–November 2008	25,532.46
Maintenance and Support for Hardware Maintenance	October 2007–September 2008	12,706.87
Maintenance and Support for Management Software	March 2007–March 2008	15,096.33
Maintenance and support for Management Software	April 2007–April 2009	57,219.76
Maintenance and support for Management Software	January 2008–December 2008	51,216.88
Maintenance and support for Management Software	April 2007–March 2008	1,960.20
Maintenance and support for Mainframe Management software	May 2007–May 2008	9,473.75
Maintenance and support for Mainframe Management software	February 2007–February 2008	14,761.23
Maintenance and support for Library software	August 2007–July 2008	263.83
Maintenance and support for Backup software	July 2007–June 2008	176,053.79
Maintenance and support for printers	December 2007-January 2008	5,676.00
Maintenance and support for Computer Aided Software (CAD)	July 2007-June 2008	2,136.86
Maintenance and support for Geographical Information Software (GIS)	January 2007-January 2008	17,012.60

Nature of Service	Period of Cover	Amount inc VAT
		€
Maintenance and support for Management Information Software (MIS)	March 2007-February 2008	725.25
Maintenance and support for Management Information Software (MIS)	July 2007-June 2008	4,320.27
Maintenance and support for Corporate Customer System	December 2007-March 2008	65,993.40
Maintenance and support for Desktops and Servers software	March 2007-March 2008	105,322.03
Maintenance and support for Disability software	October 2007-September 2008	720.00
Maintenance and support for Laboratory software	February 2007-January 2008	128,635.10
Maintenance and support for Management Information Software (MIS)	January 2007-July 2008	3,933.00
Maintenance and support for Management Information Software (MIS)	June 2007-September 2008	1,089.00
Maintenance and support for Management Information Software (MIS)	December 2007-November 2008	27,533.55
Maintenance and support of Statistics software	January 2007-January 2008	229.90
Maintenance and support for SAP R/3 computer System	January 2008-February 2008	83,454
Maintenance and support for SAP R/3 computer System	January 2008-March 2008	74,342
Maintenance and support for eGovernment Infrastructure	January 2008-December 2008	75,880
Maintenance and support for Security software	November 2007-October 2008	2,904.00
Maintenance and support for Database Management software	February 2007-January 2010	5,608.35
Maintenance and support for Remote Access software	April 2007-March 2008	31,581.00
Maintenance and support for Network	June 2007-September 2010	15,826.44
Maintenance and support for the Forestry System	April 2007- April 2008	881,471.09
Line Rental	January 2008-March 2008	357,625.74
Line Rental	July 2007-August 2008	12,100.00
Line and Equipment Rental	1-2 January 2008	1,249.90

Grant Payments.

169. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when an application under the national reserve will be dealt with for a person (details supplied) in County Clare; and if she will make a statement on the matter. [34739/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named submitted an application for an allocation of entitlements from the 2005 Single Payment Scheme National Reserve under Category B. Category B caters for farmers who made an investment in production capacity in a farming sector for which a direct payment under Livestock Premia and/or Arable Aid schemes would have been payable during the reference period 2000-2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments. The person named applied under Category B (iv) in relation to other investments but he was deemed ineligible under this category, as he did not submit the required documentation in support of the investments made.

The person named subsequently appealed against this decision and submitted additional documentation in support of his appeal. In all such cases, the procedure is that all contentions put forward in support of an appeal are first of all reviewed within my Department to see whether there is sufficient evidence to warrant any change to the original decision. In this case, the documentation was examined by my Department but did not provide grounds to alter the original decision.

This case has since been forwarded to the Single Payments Appeals Committee who will carry out a full review of the case and will correspond directly with the person named following the outcome of their review.

170. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo has not received the single payment scheme given that the further information which was requested by her Department has been submitted; and when this person can expect payment. [34754/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application for the transfer of entitlements under the 2007 Single

[Deputy Mary Coughlan.]

Payment Scheme to the person named was submitted on 4 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 108.26 standard entitlements transferred to the person named by Inheritance will issue shortly.

171. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason the 2007 single farm payment has not been granted to a person (details supplied) in County Galway; and if she will make a statement on the matter. [34772/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The position is that an application for the Transfer of Single Payment Entitlements to the person named was submitted on 24 April 2007. As the person named is not a registered herd owner, it is not possible to process the application. An official from my Department wrote to the person named on two occasions outlining the position and also requesting specific legal documentation in the event that the person named became a registered herd owner.

Upon allocation of a herd number and receipt of outstanding documentation, my Department will process the application and will correspond directly with the person named.

172. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason the 2007 single farm payment has not issued to a person (details supplied) in County Galway; if the entitlements have been transferred to them; and if she will make a statement on the matter. [34773/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application to transfer entitlements to the person named under the 2007 Single Payment Scheme was received on 22 November 2007. The extended closing date for receipt of transfer applications was 8 June 2007. An official from my Department was in direct contact with the person named and has requested a letter outlining the reason for the delay in submitting this transfer application. The legal representative of the person named was advised that further documentation to clarify ownership of the entitlements is necessary.

Upon receipt of satisfactory information, my Department will process the application to transfer the entitlements and will be in direct contact with the person named.

Ministerial Travel.

173. **Deputy Seán Sherlock** asked the Minister

for Agriculture, Fisheries and Food the number of overseas trips taken by her and her Ministers of State since 14 June 2007; the number of air miles travelled and the cost to the Exchequer; and if she will make a statement on the matter. [34814/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Since 14 June 2007, I and my Ministers of State have undertaken 12 overseas journeys totalling 26,014 air kilometres at a cost to this Department of €5,728.

Special Educational Needs.

174. **Deputy Deirdre Clune** asked the Minister for Education and Science the reason a student (details supplied) in County Cork who has Down's syndrome does not qualify to receive resource hours teaching in their mainstream school. [34648/07]

175. **Deputy Deirdre Clune** asked the Minister for Education and Science the reason Down's syndrome is not included as a disability on the low incidence disabilities list; and if she will make a statement on the matter. [34649/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 174 and 175 together.

As the Deputy will be aware, my Department provides a range of teaching and care supports for children with special educational needs, including children with Down's Syndrome. The precise level of support is determined by the special educational needs of the particular child.

Children with Down's Syndrome are entitled to additional provision in school, either under the terms of the general allocation system of teaching supports if the child's assessment places the child in the high incidence disability category or through an allocation of additional resources if the child is assessed as being within the low incidence category of special need, as defined by my Department's circular.

In circumstances where a Down's Syndrome child has other associated needs and would fall into the low incidence disability categories, this may automatically attract an individual resource teaching allocation. The number of additional teaching hours allocated would range from three to five hours per week depending on the pupil's special educational needs including the level of general learning disability. Applications for such support should be referred to the local Special Educational Needs Organiser SENO by the school.

Early School Leavers.

176. **Deputy Michael Creed** asked the Minister for Education and Science the incentives available from her Department for persons returning

to full-time education to complete the leaving certificate and who are not in receipt of a social welfare payment; and if she will make a statement on the matter. [34662/07]

Minister for Education and Science (Deputy Mary Hanafin): My Department has put the resources and supports in place to ensure that there is a wide range of course options available in the Further and Higher Education sectors for people who wish to return to education later in life. The priority target group of Further Education programmes generally is those who are disadvantaged and who lack basic skills. For this reason, incentives for persons returning to full-time education to complete the Leaving Certificate are confined to recipients of social welfare payments. Financial incentives are not available to people who are not in receipt of social welfare payments.

However, tuition and books and materials are provided free of charge or at nominal cost. People who have not completed upper second-level education are one of the target groups of the Further Education service. I would be keen to encourage people to return to education to complete a Leaving Certificate course. The adult education services, which are financed by my Department and delivered locally by VECs, are geared to the needs of adults who wish to do so. For example, the Back to Education Initiative (BTEI) is aimed primarily at adults who have not completed upper second-level education. This initiative is being provided on a part-time basis.

A key aim of this arrangement is to increase the flexibility and responsiveness of the system (e.g. provision in the mornings, night-time, weekends etc. as needed, in a way which enables learners to pursue individual modules and accumulate credits towards full awards in line with their needs). The eligibility criteria for participation in the BTEI have recently been amended to allow free tuition to any adult with less than upper second level education. Childcare support is available to BTEI learners.

Persons considering returning to full-time education should contact the Adult Education Officer of the local vocational education committee to find out what courses and supports are available to them.

Schools Building Projects.

177. **Deputy Michael Creed** asked the Minister for Education and Science the amount of funding available under the summer works scheme for schools in 2008; and if she has received an application from a school (details supplied) in County Cork. [34666/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy may be aware, the Summer Works Scheme was introduced in 2004. Since then, over 3,000 projects costing in excess of

€300 million have been completed. Considerable extra investment has been provided in the Budget to increase funding for school buildings to almost €600 million next year. With so many small projects having been completed over the past few years, I intend to focus on delivering as many large projects as possible in 2008. There will not, therefore, be a new Summer Works Scheme as part of our building programme next year.

Special Educational Needs.

178. **Deputy Michael Kennedy** asked the Minister for Education and Science the measures being taken to ensure that funding is available for autism support at schools in north Dublin; her proposals for the future funding of schools which provide ABA facilities to children; and if she will make a statement on the matter. [34668/07]

179. **Deputy Michael Kennedy** asked the Minister for Education and Science the grants available for parents of autistic children for home schooling; the grants available for parents who take the initiative to set up their own ABA schools, such as a school (details supplied) in Dublin 13; and if she will make a statement on the matter. [34669/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 178 and 179 together.

The Deputy will be aware of my commitment to ensuring that all children, including those with special needs, can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers who have received additional training in autism, special needs assistants, and the appropriate school curriculum with the option where possible of full/partial integration and interaction with other pupils. As each child with autism is unique it is important that teachers can draw from a range of interventions, including ABA, so their pupils' broader needs can be met.

In excess of 275 autism-specific classes have now been sanctioned around the country, including North Dublin, by my Department in conjunction with National Council Special Education (NCSE). The NCSE will sanction additional classes as required. These classes are funded in respect of teacher and special needs assistant salaries and receive grants for equipment and significantly enhanced rates of capitation. In addition, my Department has invested significantly in the provision of autism-specific training courses for teachers of these classes.

My Department does not provide grants for parents who choose to home educate their children outside of the school system or who wish to establish their own schools outside the normal school processes. My Department does provide

[Deputy Mary Hanafin.]

grants, through the home tuition scheme, to parents to provide 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 also to provide early educational intervention for pre-school children with autism.

I am aware that the facility in question has sought inclusion in an expanded pilot scheme which funds a number of facilities for children with autism. This scheme was established in the absence of a network of school-based special classes for children with autism. The Programme for Government commits to the long-term funding for the centres that are currently in the ABA pilot scheme subject to agreement with my Department on standards that will enable the Department to support them as primary schools

for children with autism. I am pleased to advise that the issue is being actively progressed.

In terms of autism provision in other locations, we will continue to work to ensure that all children can have access to a broad programme, with provision for ABA as appropriate, in special classes.

Decentralisation Programme.

180. **Deputy Leo Varadkar** asked the Minister for Education and Science the number of posts that have been decentralised as part of the current decentralisation programme with respect to her Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if she will make a statement on the matter. [34716/07]

Minister for Education and Science (Deputy Mary Hanafin): The details requested by the Deputy are provided in the table.

No of posts	Date decentralised	Travel costs associated with post(s) previous full year	Overtime costs associated with post(s) previous full year	Travel costs associated with post since date of decentralisation	Overtime costs associated with post since date of decentralisation
		€	€	€	€
1	December 2006	200.05	Nil	2,168.28	Nil
1	January 2007	38.23	Nil	1,054.34	Nil
8	July 2007	6,387.06	3,681.35	1,766.42	11,970.35
2	September 2007	12,303.99	Nil	Nil	Nil
2	October 2007	552.95	145.46	157.64	Nil
1	November 2007	3,529.90	Nil	Nil	Nil

Departmental Expenditure.

181. **Deputy Leo Varadkar** asked the Minister for Education and Science if her Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if she will make a statement on the matter. [34730/07]

Minister for Education and Science (Deputy Mary Hanafin): In making its payments my Department is mindful of Sections C.5.3 to C.5.7 of the Department of Finance's Public Financial Procedures which outline the appropriate procedures for payments. In line with these Public Financial Procedures it may be necessary, due to contractual commitments, to make advance payments.

The information on advance payments as sought by the Deputy is not routinely maintained by my Department but composite details of pre-payments are produced in conjunction with the annual accounts which are prepared for the statutory deadline of 31st March annually. If the

Deputy requires details of the Departments pre-payments they can be supplied to him when the 2007 accounts are completed. Day to day expenditure details for the Agencies under the aegis of my Department are a matter for the individual Agencies.

School Curriculum.

182. **Deputy Michael McGrath** asked the Minister for Education and Science her views on criticisms in relation to Department circular 0044/2007; and her further views on the NCCA's proposals regarding language and literacy in Irish-medium primary schools. [34741/07]

Minister for Education and Science (Deputy Mary Hanafin): The Circular 0044/2007 relates to Language and Literacy in the infant classes in Irish medium schools. It requires such schools to implement arrangements under which minimum timeframes set out in the curriculum are provided for, and the introduction of English as a second language is not delayed beyond the start of the second term in junior infant classes.

The revised primary curriculum was launched in 1999 after extensive consultation with the partners in education. Page 27 in the Introduction to

the Curriculum states “It is a particular feature of Irish primary education that children, from the beginning of schooling, have experience of language learning in two languages.” It also sets out a suggested minimum weekly time framework for tuition. This provides that where a first language is being taught, there should be four hours instruction per week, and 3 hours per week where there is a shorter day for the infant classes. Where a second language is being taught, the suggested minimum timeframe is 3.5 hours per week, and 2.5 hours per week for infant classes with a shorter day.

Some time ago my Department sought the advice of the National Council for Curriculum and Assessment on issues relating to emergent literacy in Irish medium schools. The NCCA produced a series of reports on the matter, including a consultation paper, a literature review of research, and a report on the consultation process. The Council presented its final advice in February 2007.

Having considered the advice in full, I have determined as a public policy issue that the position as set out in the curriculum, and in previous Parliamentary Questions, should remain unchanged i.e. that the minimum recommended timeframe set out for a second language in the curriculum should be adhered to. The fundamental issue in this case concerns upholding the rights of all children to access the full curriculum from the earliest possible stage. The Circular on this issue is now the subject of a legal challenge in the High Court, and it would not be appropriate to make any further comments about the matter.

Schools Refurbishment.

183. **Deputy Michael McGrath** asked the Minister for Education and Science if there is a funding scheme available in her Department for proposed works at a school (details supplied) in County Cork. [34742/07]

Minister for Education and Science (Deputy Mary Hanafin): It is open to the school referred to by the Deputy to use their minor works grant allocation.

Schools Building Projects.

184. **Deputy Michael Ring** asked the Minister for Education and Science the funding provided to a school (details supplied) in County Mayo; the details of each stage of this project; the breakdown of each stage of this project giving details of when it progressed from each stage; and if she will make a statement on the matter. [34769/07]

Minister for Education and Science (Deputy Mary Hanafin): I am pleased to inform the Deputy that the relevant Vocational Education Committee had indicated to my Department that the project in question is under construction.

185. **Deputy Michael Ring** asked the Minister for Education and Science the position with regard to a school (details supplied) in County Mayo; when she expects funding to be sanctioned for that school; the breakdown of each stage of this project giving details of when it progressed from each stage; and if she will make a statement on the matter. [34770/07]

Minister for Education and Science (Deputy Mary Hanafin): The progression of all projects to tender and construction, including the project in question, will be considered in the context of my Department’s multi-annual School Building and modernisation Programme. I intend to announce in January the first tranche of projects that will be proceeding to construction with further announcements throughout the year as the school building programme is rolled out.

Decentralisation Programme.

186. **Deputy Leo Varadkar** asked the Minister for Defence the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34715/07]

Minister for Defence (Deputy Willie O’Dea): The Government Decision on decentralisation, announced by the Minister for Finance in his Budget Statement on 3 December 2003, provides for the transfer of all my Department’s Dublin based Civil Service staff to Newbridge, Co. Kildare. The number of posts to be relocated to Newbridge is 200. No staff have yet transferred to that location. The Civil Defence Board, which is a State Authority under the aegis of the Department of Defence, transferred to its new purpose built Headquarters in Roscrea in May 2006 with a staff of 17.

The mileage paid to these staff members in the year prior to decentralisation amounted to €58,809.72. The mileage paid to these staff members in the year after decentralisation amounted to €32,219.53. The over-time paid to these staff members in the year prior to decentralisation amounted to €47,950.08. The over-time paid to these staff members in the year after decentralisation amounted to €29,763.10. Given the nature of Civil Defence activities, the amounts of mileage and overtime are greater than the generality of civil service staff.

Departmental Expenditure.

187. **Deputy Leo Varadkar** asked the Minister for Defence if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007

[Deputy Leo Varadkar.]

financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34729/07]

Minister for Defence (Deputy Willie O’Dea): My Department has not paid in advance for works or services that will not be commenced before the end of 2007.

Visa Applications.

188. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will reconsider the decision to refuse a visa in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [34784/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There is no change in the position in this case since my reply to the Deputy’s question of 4 December 2007. The application for a visa was refused by the Visa Officer in Cairo on 26 November 2007. The grounds for refusal were that the Visa Officer had concerns around the bona fides of the marriage and the applicant’s spouse’s capacity to support him financially in Ireland. It is open to the applicant to appeal against this decision. Any such appeal should reach the Visa Appeals Officer in Cairo within two months of the date of the original decision.

Citizenship Applications.

189. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform the status of an application for naturalisation made by a person (detailed supplied) in Dublin 7; and when a decision can be expected on this application. [34684/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An application for a certificate of naturalisation from the person referred to in the Deputy’s Question was received in the Citizenship section of my Department in March 2004. Officials in that section submitted the application for a decision in June 2006 and my predecessor decided to refuse the application. The reasons for the decision were disclosed to the applicant in a letter dated 17 July 2006. It is open to the person in question to lodge a fresh application if and when she is in a position to meet the statutory requirements applicable at that time.

Garda Deployment.

190. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of gardaí working in Tipperary South in 1997. [34688/07]

191. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of gardaí working in Tipperary South in 2002. [34690/07]

195. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of gardaí working in Tipperary South in 2007. [34749/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 190, 191 and 195 together.

The personnel strength of Tipperary Garda Division on 31 December 1997, 31 December 2002 and 30 November 2007 (the latest date for which figures are readily available) are as set out in the table.

	31/12/1997	31/12/2002	30/11/2007
Tipperary Division	297	314	362

The Deputy should be aware that Garda Divisional/District boundaries do not necessarily correspond to county or city boundaries.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the needs of Tipperary Division will be fully considered by him within the overall context of the needs of Garda Divisions throughout the country.

Departmental Correspondence.

192. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if he will reply to correspondence from a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [34705/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I wish to advise the Deputy that I have arranged to meet with the person concerned in the coming days.

Decentralisation Programme.

193. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34722/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Since 2004, under my Department’s decentralisation programme, three-hundred and fifty posts from six bodies attached

to my Department have transferred to six different locations around the country. The most recent transfer of these posts took place in November of this year.

Compiling the information sought in respect of overtime payments and other payments to the staff members who decentralised would involve a disproportionate and inordinate amount of time and effort to prepare. This could not be justified in current circumstances where there are other significant demands on resources.

Departmental Expenditure.

194. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34736/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Payments in advance for works and services are made in the ordinary course of Departmental business in certain circumstances under public financial procedures. These can arise for a variety of reasons and include advance funding to the Office of Public Works for building projects and other prepayments. The annual appropriation account includes details of all such payments as at the 31st December in each financial year. The work in compiling prepayment information for the current financial year will commence in January 2008 and conclude in March 2008. The appropriation account which is audited by the Comptroller and Auditor General is published in September of each year and reflects the financial position including advance and prepayments as at the previous 31st of December. To undertake the compilation of this information outside of the appropriation account work programme would involve a disproportionate amount of resources.

Question No. 195 answered with Question No. 190.

Garda Stations.

196. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform his proposals for improvement or replacement of the various Garda stations throughout County Kildare; the extent to which it is intended to modernise and upgrade in line with modern requirements; and if he will make a statement on the matter. [34787/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There is a significant ongoing programme of replacement and refurbishment of Garda stations and other Garda

accommodation around the country, including County Kildare. The Garda accommodation programme is based on agreed priorities established by An Garda Síochána and is brought forward in close co-operation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation.

I am informed by An Garda Síochána that one of the current building and refurbishment projects in County Kildare is the construction of a new Garda Station at Leixlip; this is progressing well and is due for completion in 2008. Extensive improvement works to Celbridge Garda Station are nearing completion and works are planned for Castledermot and Clane Garda Stations in 2008. Major funding of the Garda Building Programme will continue with €260 million from the National Development Plan. The Garda authorities are working on the development of a strategic, multi-annual development plan as recommended in the Garda Inspectorate's third report. In addition, an annual maintenance budget is provided in the Garda Vote for the upkeep of stations including those in County Kildare.

Garda Deployment.

197. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when he expects an increase in Garda strength in Clane, Maynooth, Kilcock, Celbridge and Leixlip Garda stations; and if he will make a statement on the matter. [34788/07]

214. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which consideration is being given to increasing the Garda strength at each Garda station throughout County Kildare in line with population increase; and if he will make a statement on the matter. [34805/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 197 and 214 together.

The Garda stations referred to by the Deputy form part of the Carlow/Kildare Division. The total strength of the Carlow / Kildare Division, as of 30 November 2007, the latest date for which figures are readily available, was 404. The total strength of each station in the Carlow / Kildare Division as of the same date was as follows:

District	Station	30/11/07
Naas	Naas	98
	Celbridge	23
	Clane	7
	Kill	3
	Maynooth	15
Kildare	Kildare	31
	Robertstown	4

[Deputy Brian Lenihan.]

District	Station	30/11/07
Carlow	Kilcullen	4
	Monasterevin	5
	Rathangan	34
	Carbury	4
	Newbridge	4
	Carlow	72
	Leighlinbridge	1
	Ballon	1
	Myshall	1
	Muinebheag	8
Baltinglass	Athy	18
	Castledermot	2
	Baltinglass	31
	Blessington	16
	Dunlavin	1
	Hollywood	1
	Donard	1
	Shillelagh	1
	Tinahely	2
	Hacketstown	2
	Rathvilly	1
	Ballymore Eustace	1
	Tullow	11
	Ballytore	1
	Total	404

The detailed allocation of Garda resources, including personnel, is a matter for the Garda Commissioner to decide on. The Small Area Population Statistics, published by the Central Statistics Office and based on the 2006 Census, are currently being analysed by An Garda Síochána. Apart from demographics, the allocation of additional personnel is also determined by a number of factors including crime trends, other operational policing needs and priorities. The allocation of Garda resources is monitored and reviewed on a continual basis. When resources next become available, the policing needs of the Carlow / Kildare Division will be fully considered by the Garda Commissioner in the overall context of Garda Divisions throughout the country.

Organised Crime.

198. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which criminal gangs have infiltrated the security or financial services areas; and if he will make a statement on the matter. [34789/07]

206. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which he is aware of protection,

intimidation, racketeering and extortion by criminal gangs; the action he has taken or proposes to take to combat such issues; and if he will make a statement on the matter. [34797/07]

209. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent, in the context of the number of criminal gangs operating throughout the country, to which their whereabouts are known and identified; the number of occasions in which the leading personalities have been arrested in the past five years; and if he will make a statement on the matter. [34800/07]

210. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of times the members of the leading criminal gangs have been arrested in the past 12 months; the number of such criminal gang members who have not been arrested or interviewed by the gardaí in the past 12 months; and if he will make a statement on the matter. [34801/07]

212. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of known members of criminal gangs involved in drug trafficking and currently in exile; the extent to which contact has been made with the local police force with a view to extradition; and if he will make a statement on the matter. [34803/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 198, 206, 209, 210 and 212 together.

I am advised by Garda management that in general terms there are two broad categories of organised crime groups operating in this jurisdiction. The first category consists of individuals/groups that are well established and tightly structured and are involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and are involved in criminal activities which are mainly confined to Ireland.

The membership of organised gangs tends to be fluid and the nature of criminal activity is such that offences committed by members of gangs may or may not be connected with the individual's membership of such gangs. It is therefore not possible, without the expenditure of an inordinate amount of time and resources, to attribute specific figures to the membership or activity of such gangs.

Organised criminal gangs operating in this jurisdiction are targeted on an ongoing basis by An Garda Síochána and profiles regarding the personnel of such groups are continually updated. Their members, operating methods, criminal

interests and financial assets are likewise proactively targeted through the use of intelligence-led operations which are primarily undertaken by specialist units of An Garda Síochána acting under the remit of the Assistant Commissioner, National Support Services. A number of organised crime groups have been successfully targeted in this manner recently with firearms and drugs being recovered. This has led to a number of people from these organised groups being prosecuted and convicted before the Courts.

In November 2005 the Organised Crime Unit at the National Bureau of Criminal Investigation was set up to combat the growth of organised crime, and in particular armed criminal gangs. This Unit has been expanded and now comprises of 70 members working full time to proactively target the various criminal groups throughout the city. The Unit continues to work closely with other specialist units including the Garda National Drugs Unit and the Special Detective Unit / Emergency Response Unit in targeting those suspected of involvement in organised criminal activity.

The National Bureau of Criminal Investigation is also closely involved in Operation 'Anvil', particularly within the Dublin Metropolitan Region. Local initiatives under Operation 'Anvil' are now in place in all regions nationwide in order to address more comprehensively at a national level increases in violent crime. This operation has successfully targeted a number of criminals gangs involved in gun crime. Operation 'Anvil' commenced in the Dublin Metropolitan Region in 2005 and was extended nationally during 2006. It is an intelligence-led policing initiative, the focus of which is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity, through extensive additional overt patrolling, static checkpoints, by uniform mobile and foot patrols, supported by armed plain-clothes patrols, in conjunction with other, covert, operations.

The Criminal Assets Bureau has been successful in identifying, targeting and seizing funds accumulated by criminals, thus depriving them of the profits of their criminal activity. A dedicated unit within the Garda National Drugs Unit has been established to liaise with the Criminal Assets Bureau to target those criminals and criminal groupings believed to be deriving profits and assets from drug-related criminal activity. The multi-unit, integrated approach adopted by An Garda Síochána reflects best international practice and continues to use, in a coordinated manner, specialist resources and available criminal legislation to its fullest extent. Operations are reviewed on an ongoing basis to ensure their effectiveness.

Within the National Bureau of Criminal Investigation, the Anti-Racketeering Unit is involved

in the prevention and detection of this type of criminal activity on a national basis. An Garda Síochána complies with the provisions of Section 34 of the Private Security Services Act, 2004 in that it provides information on applicants for a licence to the Private Security Authority on request. While there have been instances where persons involved in the security industry have been charged with criminal offences, there is no evidence to support the view that there is any orchestrated infiltration of security industry.

The Garda Bureau of Fraud Investigation has carried out a number of investigations where organised crime groups have used employees of financial institutions to obtain data to enable them to commit fraud. Such groups have also used members of their group to gain employment in financial institutions for the same purpose. There is no substantive intelligence to indicate that organised criminal groups have infiltrated the financial services area from a money-laundering perspective. However, there is substantive evidence to indicate that these groups are prone to use alternative banking systems and cash 'couriers' to transport large amounts of cash out of the jurisdiction thus avoiding the use of conventional banking systems.

In this respect, current legislation, Section 38(1) of the Criminal Justice Act 1994, empowers a member of An Garda Síochána or Customs Officer to seize and detain cash which is being imported or exported from the State if the amount is greater than the prescribed sum (€6,250) and there are reasonable grounds for suspecting that it directly or indirectly represents the proceeds of, or is intended by any person for use in, drug trafficking. Furthermore EU Regulation 1889/05, which came into force in June 2007, requires a declaration by any person importing or exporting cash from the EU above a prescribed amount (€10,000) to an official from the appropriate Customs Authority. Where information comes into the possession of An Garda Síochána indicating the involvement of criminals in the type of activity suggested in the question it is subject of thorough investigation.

In terms of Irish criminals operating in foreign jurisdictions, An Garda Síochána works closely with International law enforcement agencies in targeting the activities of these individuals and the offices of Europol are used extensively to coordinate the exchange of intelligence in the targeting of these criminals. An Garda Síochána has liaison officers posted in a number of European countries including London, Paris, and Madrid, in addition to officers posted to the Hague and Europol. It is the function of these staff to liaise with the police and judicial authorities in those and neighbouring jurisdictions in the context of serious and organised criminal activity with an Irish dimension. Garda management continue to review operational activities to ensure that the

[Deputy Brian Lenihan.]

most effective response to criminal activity is in place and to counter new and emerging trends.

Residency Permits.

199. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [34790/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Questions No. 545 of Tuesday, 4 December, 2007 and No. 1028 of Wednesday, 26 September, 2007 and the written replies to those questions. The position remains unchanged.

200. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress to date in the matter of an application for family reunification in the case of persons (details supplied) in Dublin 15; and if he will make a statement on the matter. [34791/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person referred to by the Deputy has applied for leave of the High Court to seek a Judicial Review of the decision in their case. In the circumstances, it would be inappropriate for me to make any further comment in relation to the case until the judicial review proceedings have been determined.

201. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress of the determination of residency status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [34792/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my previous reply of 24 April 2007 in relation to the persons in question. As the persons in question have failed to reply to the correspondence issued on 5 April 2007, their applications are now deemed abandoned. The correspondence of 5 April 2007 was the fourth attempt by the Immigration Division of my Department to obtain the documentation required to make a decision in respect of the persons referred to.

Citizenship Applications.

202. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when naturalisation will be approved in the case of a person (details supplied) in Dublin 22 and residency status in the case of their spouse whose

children possess Irish passports; and if he will make a statement on the matter. [34793/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my previous answer to Parliamentary Question No. 163 put down for answer on 29 November, 2007. I am informed by the Immigration Division of my Department that the person in question made a Family Reunification application in March 2005. A request for documentation recently issued to the legal representative of the person concerned. On receipt of the requested documentation, the application will be considered further and a decision will issue in due course.

Residency Permits.

203. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if, in the case of a person (details supplied) in Dublin 22 who has applied for residency status and is carer for their mother who has a disability, this might be borne in mind in the context of consideration of their case; and if he will make a statement on the matter. [34794/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Questions No. 153 of Thursday, 25 October, 2007 and No. 179 of Thursday, 22 November, 2007 and the written replies to those questions. The position remains unchanged. The person's case file, including family and domestic circumstances will be considered under Section 3 of the Immigration Act 1999, as amended and Section 5 of the Refugee Act 1996 (Prohibition of Refoulement), as amended before a final decision is made.

Questions Nos. 204 and 205 answered with Question No. 87.

Question No. 206 answered with Question No. 198.

Questions Nos. 207 and 208 answered with Question No. 87.

Questions Nos. 209 and 210 answered with Question No. 198.

Organised Crime.

211. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he is satisfied regarding the adequacy of cooperation between the Garda Síochána and other police forces through Europol or Interpol in the context of action against criminal gangs involved in drug trafficking; and if he will make a statement on the matter. [34802/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am satisfied that there is effective ongoing co-operation between the Garda Síochána and police forces in other jurisdictions which is facilitated and enhanced through Ireland's participation in the activities of Europol and Interpol.

An Garda Síochána continues to target the activities of criminal gangs involved in drug trafficking at home and abroad in cooperation with other international law enforcement agencies. This is achieved through several means including conducting targeted operations against individuals and organisations operating within this jurisdiction with known linkages to international drug traffickers, including Irish Nationals residing abroad, and exchanging strategic and operation intelligence with foreign law enforcement agencies, including Europol and Interpol.

In order to facilitate the exchange of information and intelligence on criminal matters including drug-trafficking, An Garda Síochána has Liaison Officers posted in a number of locations throughout Europe, as well as officers on secondment to Europol and Interpol.

In June 2004 the President signed into Law the Criminal Justice (Joint Investigation Teams) Act which legislates for the competent authorities of two or more EU Member States to carry out criminal investigations with a cross-border dimension. This legislation further enhances law enforcement agencies within Member States to carry out criminal investigations with an international perspective.

In September 2007, I signed an Agreement formalising Ireland's participation in the Marine Operations Analysis Centre (Narcotics) in Lisbon. The purpose of the centre is to better enhance international cooperation in the suppression of illicit drug trafficking across the Atlantic towards Europe and the West African Seaboard. The centre will collect and analyse operational information, enhance intelligence through better information exchange, and ascertain the availability of naval assets to facilitate interdictions in accordance with the national laws of the participants involved.

Question No. 112 answered with Question No. 198.

Garda Investigations.

213. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of criminals currently living overseas and possibly the subject of the extradition process; and if he will make a statement on the matter. [34804/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): With free movement of

persons within the European Union, in particular, it is difficult to assess the number of those suspected of involvement in criminal activity living overseas. Where information exists that a person, who is wanted in relation to a particular crime in this jurisdiction, is living abroad and where the particular legal requirements apply, surrender of the person from the relevant Member State of the European Union or extradition from the relevant country are sought in accordance with the provisions of the European Arrest Warrant Act 2003 as amended or Part II of the Extradition Act 1965 as amended respectively.

Currently there are 56 active requests for surrender in accordance with the European Arrest Warrant Act 2003. There are 4 active requests for extradition in accordance with Part II of the Extradition Act 1965. In 2003 there were 23 extradition requests to the United Kingdom under the provisions of Part III of the Extradition Act 1965 and 8 cases are still outstanding. Part III of the Extradition Act 1965 has been repealed and there have been no Part III requests to the United Kingdom since 2003.

Question No. 214 answered with Question No. 197.

Public Order Offences.

215. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of anti-social behaviour incidents reported to each Garda station throughout County Kildare in the past 12 months; the number of prosecutions and convictions arising therefrom; and if he will make a statement on the matter. [34806/07]

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 comprehen-

[Deputy Brian Lenihan.]

sive. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Prison Building Programme.

216. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform if, in view of proposals to build a new prison in Kilworth, County Cork, he will meet with community representatives to allow them to air their concerns before construction begins; and if he will make a statement on the matter. [34815/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am happy to be in a position to inform the Deputy that to date two meetings have taken place in recent months between representatives of the community at Kilworth and officials from the Irish Prison Service. These meetings have been extremely useful both in terms of informing the community in relation to the proposed development, which must be noted is at a very early stage, and listening to the concerns expressed in relation to the project. I will of course be happy to facilitate further meetings as appropriate over the course of the development of the project.

Architectural Heritage.

217. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government the funding the Government has made available to the Irish Heritage Trust; and if he will make a statement on the matter. [34686/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Irish Heritage Trust was established in 2006 with a mandate to acquire for public access major important heritage properties where the State does not wish to acquire them directly and where there is imminent risk to their heritage value.

In 2006 my Department provided a sum of €430,998 to meet the establishment and initial running costs of the Irish Heritage Trust. In the current year a further €500,000 was provided from my Department's Vote for the day to day operational costs of the Trust as well as endowment funding of €5 million to enable the Trust to acquire its first heritage property, Fota House and Gardens.

With regard to 2008, I have allocated €520,000 towards the operational costs of the Irish Heritage Trust in addition to further endowment funding of €5 million for property acquisition during the coming year.

Decentralisation Programme.

218. **Deputy Leo Varadkar** asked the Minister

for the Environment, Heritage and Local Government the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34718/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Under the decentralisation programme, all Dublin based operations of my Department are being decentralised, with the exception of Met Éireann, ENFO, the Private Rented Tenancies Board and a small co-ordination section which it is proposed to retain in Dublin to assist with the Department's Dáil and other business. A total of 682 Dublin based posts will be transferred to four locations in the South East: Wexford (270 posts); Waterford (225 posts); New Ross (125 posts) and Kilkenny (62 posts).

As outlined in the updated Progress Report (September 2007) from the Decentralisation Implementation Group, the indicative timescales for the completion of the Department's offices in Wexford, Kilkenny, New Ross and Waterford are Quarter 3 2008, Quarter 4 2009, Quarter 2 2010 and Quarter 3 2010 respectively.

My Department established an advance office in Wexford, now comprising 41 posts, which has been operational since 25 June 2007. The cost of mileage and overtime paid to the holders of these posts for the year prior to and since decentralisation is being compiled and will be forwarded to the Deputy.

Departmental Expenditure.

219. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34732/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

With the exception of payments of €6,410 to Dublin City Council in respect of waste collection and €7,300 to Veolia (Luas Company) in respect of the of the Departments staff Travel Pass scheme no other advance payments have been made in respect works or services commissioned by my Department. As I have no function in the matter, information is not available in my Department on such day-to-day operational matters in

relation to local authorities or bodies under the aegis of my Department.

Wildlife Conservation.

220. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government when the derogation order for the current period (details supplied) will be renewed in accordance with Article 9 of 79/490 birds directive. [34777/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Council Directive No. 79/409/EEC on the conservation of wild birds is implemented in Ireland under the Wildlife Acts. Under the terms of the Directive all EU member States, including Ireland, are bound to take measures to protect all wild birds and their habitats. The Directive allows member States to make derogations from its protective measures in certain circumstances.

While there are no derogations currently in place it is my intention to renew the derogations with effect from 1 January, 2008. The new derogations will, for the first time, exclude the use of meat baits for the purposes of the control of pest species by means of poison. This is to prevent accidental killing of birds of prey.

Departmental Properties.

221. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the number of compact fluorescent light bulbs and light emitting diodes bulbs fitted in his Department's offices in the Custom House. [34782/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I am advised by the Office of Public Works (OPW), who have responsibility for maintenance work in the Custom House, that 33% of the bulbs are compact fluorescent light bulbs and 5% are light emitting diode bulbs. The OPW is due to carry out a survey of all lighting in the Custom House shortly with a view to installing energy efficient lighting throughout the building.

Decentralisation Programme.

222. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the number of posts that have been decentralised as part of the current decentralisation programme with respect to his Department and agencies; the cost of mileage and overtime paid with respect to the holders of these posts in the year prior to decentralisation and the year after decentralisation; and if he will make a statement on the matter. [34713/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): During the period October 2006 to date, 42 staff working in the Corporate Services and Finance functions of my Department have relocated to Cavan as part of the Government's Decentralisation Programme. Due to the staggered nature of the staff moves to Cavan, it has not been possible to compile the overtime and mileage costs in the time available. I will provide this financial information to the Deputy as soon as it is finalised.

Sustainable Energy Ireland is in discussion with OPW regarding an advance move of staff to Dundalk in the coming months. The Central Fisheries Board has liaised closely with OPW on site options for its proposed move to Carrick-on-Shannon.

Departmental Expenditure.

223. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources if his Department or any of its agencies has paid in advance for works or services that will not be commenced before the end of the 2007 financial year; the reasons for doing this; the amount of the payments; the recipients and the nature of the works or services; and if he will make a statement on the matter. [34727/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department has paid €300,000 to Tipperary (North Riding) County Council for the provision of roads in connection with the project of rehabilitation of disused mining areas at Silvermines, County Tipperary. This funding arises out of the 2005 Government decision to commence the project. Tipperary County Council manages the project and a certain level of prepayment is necessary as the council is not undertaking the work from its own resources.

My information is that other than contracts for the maintenance of equipment or other services, which normally include prepayment terms, my Department does not pay for works or services until after they are delivered. Subject to that, the Department does not plan to pay for works or services that will not be commenced before the end of the 2007 financial year.

Payments for works and services by State agencies, is a day-to-day operational matter for the agencies and I have no function in that regard.

Alternative Energy Projects.

224. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the funding available to a person to construct a wind turbine for either domestic or commercial operation; and if he will make a statement on the matter. [34747/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Grant aid to support the increased use of renewable energy resources is targeted at the heat market at this time. There is no grant aid available for the construction and operation of wind-turbines.

The construction and commercial operation of renewable energy powered turbines, including wind-powered turbines, in electricity production, is assisted by the Renewable Energy Feed In Tariff (REFIT) support programme. The scope for supporting domestic-scale production from wind-powered turbines with an option to sell electricity back into the grid will be considered in the context of microgeneration and net metering initiatives progressing.

Departmental Properties.

225. **Deputy Joanna Tuffy** asked the Minister

for Communications, Energy and Natural Resources the number of compact fluorescent light bulbs and light emitting diodes bulbs fitted in his Department's offices in Adelaide Road. [34783/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department's office at Adelaide Road is a large modern building with six floors of offices, the artificial light in which is provided almost exclusively through compact fluorescent lighting. It is not feasible to provide a figure as to amount of these lights in place. The small number of exceptions is in the reception area where there are five halogen spot lights and 28 other units with energy saving lamps installed in them.