



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Tuesday, 18 December 2007.*

Ceisteanna—Questions	
Taoiseach ... ..	525
Minister for the Environment, Heritage and Local Government	
Priority Questions ... ..	537
Other Questions ... ..	549
Adjournment Debate Matters ... ..	558
Leaders' Questions ... ..	560
Requests to move Adjournment of Dáil under Standing Order 32 ... ..	568
Order of Business ... ..	569
Appropriation Bill 2007: Second and Subsequent Stages ... ..	577
Health (Miscellaneous Provisions) Bill 2007: Second Stage ... ..	577
Private Members' Business	
Competition (Amendment) Bill 2007: Second Stage ... ..	608
Health (Miscellaneous Provisions) Bill 2007:	
Second Stage ( <i>resumed</i> ) ... ..	639
Committee and Remaining Stages ... ..	649
Adjournment Debate	
Medicinal Products ... ..	673
Schools Building Projects ... ..	676
Schools Amalgamation ... ..	682
Questions: Written Answers ... ..	685

## DÁIL ÉIREANN

*Dé Máirt, 18 Nollaig 2007.  
Tuesday, 18 December 2007.*

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

*Paidir.  
Prayer.*

### Ceisteanna — Questions.

#### Northern Ireland Issues.

1. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on his plans for the future of the Forum for Peace and Reconciliation. [29415/07]

2. **Deputy Enda Kenny** asked the Taoiseach if he plans to convene a meeting of the Forum for Peace and Reconciliation; and if he will make a statement on the matter. [30768/07]

3. **Deputy Enda Kenny** asked the Taoiseach the position in respect of the establishment of the North-South parliamentary forum as envisaged by the Good Friday Agreement; and if he will make a statement on the matter. [30769/07]

4. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the future role planned for the Forum for Peace and Reconciliation; and if he will make a statement on the matter. [30967/07]

5. **Deputy Enda Kenny** asked the Taoiseach if he has been in contact with the family of a murder victim (details supplied); and if he will make a statement on the matter. [34141/07]

6. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the discussions he has had with the British Prime Minister, Mr. Gordon Brown, regarding the peace process since 12 December 2007; and if he will make a statement on the matter. [35288/07]

**The Taoiseach:** I propose to take Questions Nos. 1 to 6, inclusive, together.

With the restoration of the devolved institutions in Northern Ireland, there are no current proposals to reconvene the Forum for Peace and Reconciliation. The development of a North-South parliamentary forum was discussed at the

North-South Ministerial Council, NSMC, in July, where we agreed it is a matter best progressed by the two elected institutions. It was agreed at the NSMC meeting that officials from the two Administrations will make contact with the Northern Ireland Assembly and the Houses of the Oireachtas and report back to the NSMC at the earliest opportunity on the prospects of developing such a forum.

On 10 October, I received a courtesy call from the Speaker of the Northern Ireland Assembly, Mr. Willie Hay, during which we touched on the issue of establishing a North-South parliamentary forum. Mr. Hay also met with the Ceann Comhairle during his visit to Dublin and had preliminary discussions on the potential for the establishment of a joint parliamentary forum. I understand there will be further contact on this matter between the two institutions in the future. There are complex issues to be addressed, including the east-west arrangements, but I hope that in the new atmosphere we can make progress in a way with which everyone is comfortable.

I had a bilateral meeting with the Prime Minister, Mr. Gordon Brown, on the margins of the European Council in Brussels last Friday. We discussed recent developments in Northern Ireland, the prospects for 2008 and other matters of mutual interest.

I have not been in direct contact with the family of murder victim, Paul Quinn, but I have extended my sympathies to them on their tragic loss. The Minister for Foreign Affairs met with the family yesterday and the Minister for Justice, Equality and Law Reform is meeting them tomorrow. I have also agreed to meet Mr. and Mrs. Quinn if that would be helpful. There is an ongoing police investigation into the murder and the Garda is working very closely with the PSNI to ensure that everything possible is being done to bring the perpetrators to justice. I urge anyone with information to co-operate fully with the police investigation. It is only through full co-operation with the law enforcement agencies that the perpetrators of this vicious crime will be brought to justice.

**Deputy Eamon Gilmore:** I have two questions for the Taoiseach arising from his reply. With regard to the North-South parliamentary forum, my understanding of the communiqué issued on 17 July following the North-South Ministerial Council meeting in Armagh was that the two Governments would take the initiative to contact the Northern Ireland Assembly and the Oireachtas with a view to progressing the establishment of the forum. I would like to know whether that initiative was taken. The Taoiseach's reply referred to contacts but these appear to have been initiated in the case of Northern Ireland by the Speaker of the Assembly.

In regard to the murder of Paul Quinn, the Taoiseach will recall the considerable hurt experi-

[Deputy Eamon Gilmore.]

enced by the Quinn family and the anger in the locality due to comments he made on the matter in this House in October. He stated that the murder appeared to be linked to local criminal activity and was not paramilitary but pertained to feuds about criminality. He referred today to the meeting the Quinn family held yesterday with the Minister for Foreign Affairs, about which they expressed their satisfaction that the Minister accepted on behalf of the Government that Mr. Quinn had not been involved in criminal activity. Will the Taoiseach take this opportunity to withdraw the remarks he made about the matter in October in order to correct the record and confirm what the Minister, Deputy Dermot Ahern, told the family yesterday?

**The Taoiseach:** In regard to the development of the parliamentary forum, as Deputy Gilmore noted it was discussed and included in the communiqué in July. We agreed at the time that it would be best progressed by the two elected institutions. It was decided at the North-South Ministerial Council meeting that officials from the two Administrations would make contact with the Northern Ireland Assembly and the Houses of the Oireachtas and would report back to the council meeting in February. I understand that is currently taking place. I took the opportunity when I met the Speaker of the Assembly, Mr. Hay, to discuss how we could progress the issue. Clearly, there are sensitivities around how we do that but he is anxious that we make progress. We are also anxious to make progress and I hope we can address the matter in the council in February and progress it in early 2008.

On the Deputy's second question, the Minister for Foreign Affairs met Paul Quinn's family yesterday and the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, will meet them tomorrow. I fully support everything the Minister for Foreign Affairs had to say to the family. As I previously stated when asked about this matter, albeit not on the occasion to which Deputy Gilmore referred, the only people in this case who are criminals are the ones who murdered Paul. In dealing with questions in this House and elsewhere, I shared certain information about the lines of inquiry being pursued and in speaking about criminality I was responding to questions asked on whether the murder had a political motivation or implications for the Northern Ireland Executive. I did not in any way intend to make an issue out of the character of Paul Quinn and I am happy to make that clear to the House.

It remains the case that no information is available to me from the Garda Commissioner to suggest this attack was authorised or sanctioned by the IRA, a question I am continually asked outside the House.

I understand that the Chief Constable of the PSNI gave an interview on Saturday in which he

said the same thing. I of course am aware that questions have been raised about the involvement of local people with IRA associates and IRA associations. It is a matter for the police investigation to follow that through and hopefully the killers will be brought to justice as soon as possible. I acknowledge the enormous amount of co-operation in this case. On the last occasion, I urged people to co-operate with the Garda and the PSNI investigations on both sides of the Border and people are doing that.

**Deputy Eamon Gilmore:** I fully understand the position in which the Taoiseach finds himself on this matter. I can understand the various signals and messages he must give in this regard. I was pleased to hear what he said, namely, that he was not reflecting in any way on the character of Paul Quinn when he made his remarks. Will the Taoiseach confirm on the record of the House that, as Paul Quinn's family stated yesterday, the Minister for Foreign Affairs, Deputy Dermot Ahern, accepted on behalf of the Government that Paul Quinn was not involved in criminal activity?

**The Taoiseach:** I am glad to state what the Minister told the family yesterday, that we have no evidence whatsoever that Paul Quinn was involved in criminal activity.

**Deputy Enda Kenny:** There is something very wrong here as words mean much to families in these circumstances. I accept the Taoiseach's statement that in the view of the Government, the late Paul Quinn was not a criminal. It is important to clear up that matter. Words are important because Paul Quinn was murdered and the persons who murdered him sought authorisation to carry out the punishment beating that resulted in his life being taken with iron bars in a shed. In the case of the late Jerry McCabe, for instance, while his death was not authorised by the IRA, according to the statement at the time, the go-ahead was given by an authorised person. In this case, authorisation or permission was sought by a person or persons to carry out a punishment beating on Paul Quinn, and that resulted in his murder.

Based on information available to him from the Garda, the Army or the PSNI, is it the Taoiseach's view that the persons who authorised that punishment beating, that is, the murder of Paul Quinn, were members of the IRA or, in their granting of this dastardly authorisation, that they still constitute that body? There was a huge reaction to this murder, not only by the family for whom it caused great trauma, but also because of the perception of the damage it could do to the ongoing peace process, which everyone supports. Is it the Taoiseach's view that the person or persons who gave that authorisation were members of the IRA or still constitute a group that represents what the IRA stood for? While I know

this is a difficult point, Paul Quinn lies dead as a consequence.

The British Government has rejected the equalisation of corporate tax rates North and South. Although we talk about an economic entity for the island of Ireland, Sir David Varney's report published yesterday stated that this is not the way forward. What is the Taoiseach's view on that? First Minister Paisley and Deputy First Minister McGuinness visited the United States to make a case for foreign direct investment in Northern Ireland. Obviously a much higher rate of corporate tax will make doing so less feasible than in the South. When referring to the development of the economic entity of Ireland in the future, is it not feasible to suggest that from an economic perspective, such foreign direct investment on the island of Ireland from a country as great as the United States would be very much enhanced by having an equivalent rate of corporate tax North and South?

**The Taoiseach:** As I stated, the only criminals I know in this case are those who murdered Mr. Paul Quinn. We all agree on this point. Deputy Kenny will accept and appreciate that there is considerable anecdotal evidence about his murder and many comments have been made. Our own contacts have made comments to me. I can only base my view on the findings of the Garda investigation, which has not given me reason to say any more than what I have said.

The official position is that there is no information available to me from the Garda Commissioner to suggest that this attack was authorised or sanctioned by the IRA and this remains the position. As I said when last speaking about criminality, the crime in question does not arise from paramilitary activity, nor was it sanctioned or condoned by the republican movement. This remains the position of the Garda investigating officers and that is the information given to us officially and restated officially in advance of the Minister's meetings with the Quinn family yesterday and tomorrow.

A few murders of this kind over the past few years — I am thankful that there have not been too many, although one is one too many — have led to an enormous number of questions and to tension. From our perspective, we listen carefully and methodically to what the Garda tells us about anecdotal evidence. The Garda's position on the murder of Mr. Paul Quinn remains the same and, if it changes, I will obviously inform the House.

Deputy Kenny will know we have taken a strong line on the Varney report over the past two years and have supported the efforts of the various business communities of all traditions in the North working collectively which have made a coherent case to the British Government to lower their tax liability in the interest of business and direct investment in Northern Ireland. We are all familiar with the arguments of the British Government, particularly over the past 18

months. The Varney report did not achieve as much as we wanted it to achieve but it has recommended that there be a reduced state sector in the North and North-South trade investments. Issues of science and research would have to be addressed.

There are some worthy initiatives in the Varney report, but not the one that the business groups would want. We must explore all the recommendations of the report to determine how they can help. When I discussed this issue with the UK Prime Minister, Mr. Gordon Brown, on Friday afternoon, he said aspects of the report would lead to further examination and discussion. He was obviously aware of its content but did not disclose this fully to me. I obviously stated I would welcome further discussion and that we would continue to support the very coherent business case that has been put by the people in Northern Ireland.

As I have stated many times, both in the United States and Europe, the island of Ireland is a small place. It is as easy for our agencies to project a positive image of the whole island in order to attract investment and promote tourism and the export of goods as it is to project a positive image of part of the island. Our position since the Good Friday Agreement, under which we offered to establish one industrial development authority and one tourism authority, remains the same, which is to promote these activities in every way possible. We will continue to do that. It is not to say that I do not understand the arguments of the British Government about these issues, but I still think the arguments we put forward are better when trying to generate investment, employment and better relations in Northern Ireland.

**Deputy Enda Kenny:** Is it the Taoiseach's intention to meet the parents of Paul Quinn? I intend to meet them when I get an opportunity.

When does the Taoiseach expect the North-South parliamentary forum to be set up? Given what he just said about the presentation of the island of Ireland abroad, be it for tourism or business and so on, does he see the decision of the House to offer unanimous support for building a bilateral arrangement between Ireland and the US as being relevant to presenting Ireland as an island that welcomes the US? Many American business leaders of Irish extraction in the Fortune 500 are moving on in years so it will be necessary to keep the link between Ireland and the US long after we have left this House. The decision of the House to support a bilateral agreement could also come from the North-South parliamentary forum. I know this does not deal directly with the undocumented Irish, but has the Taoiseach considered that possibility?

The Orange Order in Portadown is claiming that a systematic and orchestrated campaign of intimidation and arson is being carried out against their facilities. The Ballyworkan Orange

[Deputy Enda Kenny.]

hall in the Tandragee Road near Portadown was burned last Friday. Will the Taoiseach join me in condemning this kind of activity? Both communities will find it very difficult to live together, work together and be in harmony for the development of the communities in Northern Ireland when this kind of activity goes on. It should be condemned outright.

**The Taoiseach:** Both of my colleagues have set out my position but, as I said in my reply, if it helps I will meet the Quinn family.

The bilateral agreement has its merits and it is our view that we should keep arguing that case. It does not solve all the issues, but we have always seen this as an all-island issue. The Minister for Foreign Affairs, Deputy Dermot Ahern, has argued that we should look at it in that context. He has raised all the points made by the Deputy. It is a changed position. We have had very little emigration for the past 17 or 18 years and that generation of people in their early 20s have already moved into the over 40 age bracket. A time will come when we will not have the numbers we previously had, particularly key people across business. We will continue to pursue that issue. With the Varney report and other reports of the agencies, as well as the North-South bodies, I have always believed, since we agreed the first implementation bodies, that the more co-operation and engagement between the agencies, the better. We have taken the progressive view that we would engage actively to promote investment, tourism and export markets on an all-island basis. The same applies to our arguments on emigration.

I join the Deputy in totally condemning the mischievous targeted activities against Orange halls that have been going on for some months. A number of them occurred on this side of the Border on the night of Hallowe'en. Many of these Orange halls are historic, ancient buildings that are used for community purposes. The hall on this side of the Border has been there for over 100 years. It is entirely disruptive to communities, big and small; and in some cases on our side we have tried to help them with the rehabilitation work to assist in restoring it. It is very hard to restore community buildings that have been there for so long and have been attacked so often. The Minister for Foreign Affairs, Deputy Ahern, raised the issue yesterday and was strongly supported by the Deputy First Minister, Martin McGuinness, and Ian Paisley Jnr., MLA. A group is currently targeting halls and we must work with the Garda Síochána and the PSNI to see what can be done.

**Deputy Caoimhghín Ó Caoláin:** I join with other voices in once again unreservedly condemning the appalling and brutal murder of Paul Quinn. I wish to make it abundantly clear that this House is of one voice on this matter. There

can be no question on that matter. I join in the repeated calls for those with information to co-operate with the respective police services North and South to ensure those responsible are brought to justice. With the forbearance of the Ceann Comhairle I wish to say there can be no doubt where Sinn Féin stands on this matter, irrespective of the views held at any time by those who will hopefully one day be proven to have been involved. These views are irrelevant and it was an act of criminal brutality that must be condemned outright. There can be tolerance, no ifs or buts whatsoever, and this is the position of all elected Sinn Féin voices and our party activists throughout the country.

I add one point of difference. I note a tendency on the part of some to determine responsibility. I caution Members against jumping to conclusions. The family has a view, as do others who are articulating their view *ad nauseam*. It is only through the respective police authorities North and South that the truth and the full rigours of the law can be brought to bear on the event. It saddens me that we are addressing such a brutal event on the cusp of Christmas.

Regarding the important elements of the Good Friday Agreement that have yet to come to pass, what progress has been made on the all-Ireland parliamentary forum, the consultative civic forum and the framing of the all-Ireland charter of rights? Has the Taoiseach discussed them in the most recent meeting with the British Prime Minister, Gordon Brown?

Has the Taoiseach addressed the matter of collusion with Gordon Brown, specifically the murders of Pat Finucane, Rosemary Nelson and the extensive list of victims of the bombings in this city and in my home town, Monaghan, on 17 May 1974?

Has the Taoiseach sought to progress with the new British Prime Minister the need for a full proper cross-jurisdictional inquiry into all of these and whether the British Government will be fully compliant with the effort to establish the full truth and the extent of collusion as regards those terrible events, of which there are a number greater than those I have mentioned? Can the Taoiseach give the House an indication as to where matters stand and what progress he hopes to make in the coming year?

**The Taoiseach:** I have three points to make. I welcome what Deputy Ó Caoláin said on the Paul Quinn murder issue and reiterate that the Garda is receiving good co-operation. However, the assistance of everybody is needed in the gathering of information to help resolve what we all agree was an horrendous murder. It is important for the entire process, and more than anything else for the Quinn family, that this matter is brought to justice as soon as possible. Hopefully, we shall get some intelligence in that regard to help the Garda to proceed towards reaching such a position.

On the second matter to do with the North-South parliamentary forum, we continue to press fully in this regard. Discussions are taking place at different levels, since the autumn and this initiative will continue. It would be nice if these matters were resolved in the new year so that they are in place for around the tenth anniversary of the Good Friday Agreement. I should like them to be completed early in 2008. There is no resistance, as such. However, people have been very busy and engaged because of all the new work in the North. It is just a question of trying to get the remaining issues resolved. Most of the activities since the summer have focused around the Executive and the Northern Ireland Assembly and getting the system to work as regards the North-South ministerial council. Hopefully, these efforts will move on to encompass the other issues as well.

What was the third matter the Deputy asked me about?

**Deputy Caoimhghín Ó Caoláin:** That regarded the issue of collusion.

**The Taoiseach:** Yes, I had promised a debate on this and had tried to fit it in before Christmas, but there were just so many debates and so much pressure on time. However, I have asked the Government Whip to arrange for that debate at the beginning of February. My officials and I have continued, as has the Minister for Foreign Affairs, Deputy Ahern, to pursue all of the issues. We know the British Government's position on the Finucane case, and that has not altered with the change of Prime Ministers, I can assure the Deputy. The British have pressed for what they purport to be an independent investigation, and that is not a view that we share. We have continued to put forward the view in support of the family and in line with what the Corry report found. It was agreed many years ago, in the 2001 discussions, that these matters should be resolved on that basis. They have not pursued their proposed initiative because they know it has not received our support. Equally, they know this to be the situation as regards those cases that were part of the Weston Park agreement, in particular that the Irish position on this will not change. As officials and individuals have changed, we have continued to make our case trenchantly on this, consistently since the summer of 2001. While their Inquiries Bill was an advance, it was not in line with what the previous Attorney General, the Finucane family and various groups had sought. We have insisted on holding our position in this regard and continue to press it home. We will continue to fight our position. All that has happened because of that is that the British Government has not gone on with its basis. I have not pressed it to do that because it is not satisfactory.

On the other issues, we have had comprehensive reports and we made some progress. It is

hard to see if we will make any more progress on that. Recently, I had the opportunity to meet the entire Eames-Bradley group who came to Dublin for a day. I met them for some time and my officials met them for a considerable amount of the day. They also met the Garda Síochána and others. We outlined to them our views on the matters they are investigating, where we can help and how we can try to engage constructively with them and we will continue to do so. I believe they must report by the early summer.

**Deputy Caoimhghín Ó Caoláin:** I know these are very weighty matters we are addressing but, going back to your youth, a friend who told you to blow your nose was somebody you could depend upon. I know the Taoiseach is a great Dublin fan, but he is showing his colours and he should check his coat.

**The Taoiseach:** I thank Deputy Ó Caoláin.

**Caoimhghín Ó Caoláin:** The Taoiseach is very welcome. It is all very well for others to note it and giggle about it, but I will tell him.

To return to these other very important matters, on the Paul Quinn murder, the Taoiseach made his statement as the Government position on Mr. Quinn. Whatever the truth about Paul Quinn's involvement in criminal activity or otherwise — I understand it is very important to his family — for fear any confusion would arise, it is important that it is stated here today, not just based on the statements of the Taoiseach and the Minister for Foreign Affairs, Deputy Dermot Ahern, following his meeting with the family yesterday, that whether Paul Quinn was involved in criminal activity, what happened to him was an absolute outrage. I want to make that absolutely clear here today for fear that there would be some sense of difference in relation to whether he had or had not been so involved. It is absolutely important that it is clarified that irrespective of the full facts, which may reveal themselves in time, what happened was an outrage and should not have happened.

On the Taoiseach's contacts with the British Government regarding the need to initiate full inquiries into the various matters, I mentioned Pat Finucane and Rosemary Nelson, both of whom were within the Six Counties area of our country and therefore fell into that area currently under British jurisdiction. Regarding the Dublin and Monaghan bombings, however, and the murder of my party colleague, Councillor Eddie Fullerton, in his home in County Donegal, these are matters that occurred within this jurisdiction and there is clear evidence of collusion in relation to both of these matters and a number of other murders that occurred along the Border reaches and elsewhere.

Where stands the Government in the call of the Fullerton family and Justice for the Forgotten for the establishment of a full inquiry into the events

[Caoimhghín Ó Caoláin.]

of 17 May 1974, what led to it and what occurred subsequently, including the most incredible disappearance of the critical files from the so-called — I use that word purposely — Garda investigation? There is growing frustration and annoyance on the part of the families of the victims, those who suffered in those events and the family of my late colleague, Councillor Eddie Fullerton. Lives are moving on, people are getting older and the prospect of truth and justice being established in these cases appears even more remote with what appears to all those concerned and many others to be continued dithering on the part of the Taoiseach and the Government in taking the critical steps to establish the truth about those events.

**An Ceann Comhairle:** I remind the Deputy that this is Question Time.

**Deputy Caoimhghín Ó Caoláin:** I will conclude. Will the Taoiseach indicate his intentions in the course of 2008 with regard to the Dublin and Monaghan bombings, the Fullerton murder and other incidents in this jurisdiction?

**Deputy Fergus O'Dowd:** I welcome the Taoiseach's commitment to meet the family of the late Paul Quinn. I attended the meeting in Crossmaglen with Deputies Crawford and McManus and I am aware that the Minister for Foreign Affairs, Deputy Dermot Ahern, sent his apologies to the meeting. Not one Fianna Fáil Party Oireachtas Member attended the meeting, although some of its councillors were present. The absolute and clear conviction of those who attended was that the IRA had murdered Paul Quinn. It was stated publicly that Mr. Quinn's murder had been the result of a personal difference or altercation. There is no question that he was involved in any criminal activity. There is no "if", "but" or "because" in the case. The facts are that it was a personal issue which would normally have been dealt with by the police.

**An Ceann Comhairle:** Does the Deputy have a question?

**Deputy Fergus O'Dowd:** Is the Taoiseach aware that the firm view of the Quinn family and the absolute conviction of everybody who attended the meeting is that the IRA murdered Paul Quinn? Is he aware that Mr. Quinn was lured to his death by persons known to the family?

**Deputy Seymour Crawford:** I welcome the Taoiseach's commitment to meet the Quinn family and the meeting between the Minister for Foreign Affairs, Deputy Dermot Ahern, and the family. I also welcome the firm statement of my colleague, Deputy Ó Caoláin, and have no doubt he believes what he says. One must meet the

Quinn family in their own home, as I did, to realise the difficult position in which they find themselves. It is important the Taoiseach meets the family to clear up the statement he made in the House some time ago. Does he believe this murder could have taken place without a degree of organisation? Could so many people have come together to organise and brutally murder Paul Quinn without the involvement of an organisation?

I am vice chairman of the British-Irish Interparliamentary Body, of which the Minister for Foreign Affairs was once co-chairman. Has the Taoiseach had any consultation with either of the Unionist parties about sending members to meetings of the body which is the basis for the east-west link of the Good Friday Agreement?

**The Taoiseach:** On the questions raised by a number of Deputies, I cannot judge on the basis of hearsay and anecdotal evidence or views but on the investigation of a very substantial team of gardaí involved in the case. I have to await their judgment and the outcome of their investigation of the matter. I have heard all the comments on the issue. There is no doubt that bringing a substantial number of people together and using various ways of cleaning the evidence required organisation. That is obvious but does not imply who was involved. The biggest issue is to ensure evidence can be given and some of it can stand up. In a democracy prosecutions must be based on evidence. If people have views — obviously there are strong views in this case — it is a matter for them to make statements to the Garda. A process is available to do this.

On Deputy Crawford's question on the British-Irish Interparliamentary Body, we are pressing ahead to try to get the Unionist community to fully participate. I met the family of Eddie Fullerton. I got the Garda at top level to engage with the family in the investigations to try to help move the case on. The family made its case to me, as many of these families have done. A large number of family members attended and gave me all the evidence they had, some of which was known to the Garda and some which they felt was new. I communicated all of that information through my senior officials to the Garda. To the best of my knowledge, the Garda has continued to work on the case. I will ask the Minister for Justice, Equality and Law Reform to follow up with the Garda as to the current position.

**Deputy Caoimhghín Ó Caoláin:** My question was if there would be an inquiry into the Dublin-Monaghan bombings, the Fullerton case and others in the course of the coming year.

**The Taoiseach:** We have followed right through on the Dublin-Monaghan bombings and I have committed to what I am doing, based on the Barron reports and the investigations of the Oireachtas. We have continued to pursue that

issue. The Eddie Fullerton case was in a different category. I did meet the family at the Deputy's request and I will speak to the Minister for Justice, Equality and Law Reform as to the current position.

### Priority Questions.

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#### Greenhouse Gas Emissions.

61. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the policy framework in which he intends to reach Government targets of reducing emissions by 3% a year and to bring the country in line with Kyoto emission targets; and if he will make a statement on the matter. [35488/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Ireland's commitment under the Kyoto Protocol is to limit emissions to 13% above 1990 levels. The Government's policy framework for meeting this commitment is set out in the National Climate Change Strategy 2007-12, published in April 2007. The strategy addresses emissions across all sectors of the economy and sets out a series of measures that, collectively, will reduce emissions by over 17 million tonnes each year over the period 2008 to 2012. This will enable Ireland to meet its Kyoto Protocol commitments. Furthermore, of the 17 million tonne reductions each year, 13.6 million tonnes relate to reductions in domestic emissions.

The programme for Government sets a challenging target of a 3% reduction per year on average in our greenhouse gas emissions over the lifetime of the Government. Ireland will fulfil its Kyoto Protocol commitment as far as possible by emissions reductions through domestic action rather than the purchase of credits and, therefore, achieve the 3% annual reduction on average between now and 2012. As I set out in this year's carbon budget, meeting this commitment will enable the Government to limit its purchase of credits to no more than 1 million tonnes per annum during the 2008 to 2012 period.

In future carbon budgets, I will be aiming at introducing further measures with a view to minimising the requirement to supplement domestic action with the purchase of credits through the Kyoto Protocol flexible mechanisms. As a result, Ireland will be better prepared to manage more demanding greenhouse gas emission reductions in the period to 2020 and beyond.

The programme for Government also seeks to establish cross-party agreement on longer-term emissions reductions. I look forward to achieving agreement in this regard through the Oireachtas Joint Committee on Climate Change and Energy Security.

**Deputy Phil Hogan:** Arising from the Minister's reply and his reference to the national climate change strategy, I acknowledge that is the ballpark at which we are aiming. In the programme for Government, a 3% reduction, as the Minister pointed out, is an ambitious target. The measures he took in the carbon budget and in the Budget Statement of the Minister for Finance did not clearly set out how we are to achieve a reduction of 2 million tonnes of carbon emissions in 2008. I ask the Minister to set out explicitly how we are to achieve his objective of a 3% reduction in the first year, 2008? We have seen some changes in vehicle registration tax which will achieve a reduction of only 50,000 tonnes. How are we to achieve a reduction of 2 million tonnes of carbon emissions in 2008?

**Deputy John Gormley:** As the Deputy rightly said, I mentioned many of these things in the carbon budget. The Deputy was at the press conference, where he was very welcome.

**Deputy Phil Hogan:** I was not put out.

**Deputy John Gormley:** The Deputy's party leader specifically requested that the Deputy be present and I was more than happy to facilitate him.

**Deputy Enda Kenny:** The Minister is always courteous.

**Deputy John Gormley:** I detailed at that stage that the measures leading to additional savings referred to additional savings by the emissions trading sector, following the commission's decision on Ireland's national allocation plan in July of this year, which were included in the draft energy efficiency action plan published by my colleague, the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan. These measures included funding for an initial pilot programme to encourage the owners of older housing stock to upgrade the energy performance of their homes, SEI support for new and retrofit public sector building initiatives, SEI support for small businesses through its energy management schemes and the Dundalk sustainable energy zone, and additional funding for a further phase of the highly successful greener homes scheme. The new phase of that scheme which was launched in October will promote a new range of additional renewable technologies which are ready for the market and will deliver almost double the emissions savings.

**An Leas-Cheann Comhairle:** To allow Deputy Hogan a supplementary question, I ask the Minister to conclude.

**Deputy Enda Kenny:** The Minister will have to learn to discipline himself if he is to reduce his verbiage by 3%.



**Deputy John Gormley:** I will try.

**Deputy Phil Hogan:** The Minister outlined a number of measures taken or announced by the Minister for Communications, Energy and Natural Resources. The measure he referred to with regard to the changing of light bulbs will take effect in 2009. Will the Minister quantify the amount of greenhouse gas emissions reduction for each measure he is announcing? With regard to agriculture, transport, energy and enterprise and employment, I want to get a fix on the impact of each individual initiative the Minister is taking to meet the objective he has set for 2008.

**Deputy John Gormley:** The Deputy will be aware there is a separate question in regard to the phasing out of incandescent light bulbs, which will lead to a saving of approximately 700,000 tonnes per annum. The other measures are ones I have announced, including with regard to greater energy efficiency in housing, which will lead to 40% greater energy efficiency and a saving of 40% in CO<sub>2</sub> emissions.

Reference was made to the question of more sustainable transport. As I said on the day, as I am quite open about this, we in the House face an uphill battle with regard to transport. Deputy Barrett, who is Chair of the Joint Committee on Climate Change and Energy Security, was with me in Bali. I want to work with him and the committee because we can only achieve these deep emissions cuts by working together. A 3% annual reductions target is hugely ambitious but if one considers the fact that transport has increased by approximately 180% since 1990, and a figure I saw just today suggests it may increase as to as much as 256% by 2020, it will be understood that we have real difficulties. The carbon budget is a start but we must move from there and work with the joint committee, not just on targets but on measures. The introduction of a carbon levy is vital.

**Deputy Phil Hogan:** The Minister has indicated a number of measures but we will judge him on the basis of his targets — that is why he is Minister.

**Deputy John Gormley:** I hope the Deputy will support the measures as well.

**Deputy Phil Hogan:** We will come back to that. Does the Minister agree that the policy on VRT which the Minister introduced in the 2008 budget has achieved just 50,000 tonnes reduction? Transport statistics for 2006 show an increase of 916,000 tonnes.

**Deputy John Gormley:** That is what I have just said.

**Deputy Phil Hogan:** I have asked the question twice but will ask it for a third time. Will the Minister tell me the measures he will introduce

and quantify what they will mean in terms of emissions reduction in 2008?

**Deputy John Gormley:** I have already answered that. The Deputy was present at the carbon budget presentation where I outlined the measures in detail.

**Deputy Phil Hogan:** Not on transport.

**Deputy John Gormley:** The Deputy is correct. Transport is the one area where I believe we have difficulty. The Deputy heard me say that on the day and I repeat it now.

**Deputy Phil Hogan:** I thought the Minister would have reflected on it since then.

**Deputy John Gormley:** I am discussing the issue with the Minister for Transport, Deputy Dempsey. He and I must work together on sustainable transport policy.

**Deputy Phil Hogan:** That is what worries me.

**Deputy Enda Kenny:** His neck is on the line due to the provisional licences.

**Deputy John Gormley:** Fine Gael is the party that continues to support the use of the private car and the building of all these motorways. That is the situation.

**An Leas-Cheann Comhairle:** We must move on to the next question. I call Deputy Ciarán Lynch.

**Deputy Enda Kenny:** Put the Garda escorts on bicycles instead of in a State car.

**Deputy John Gormley:** I am not in a Mercedes like Deputy Kenny.

**An Leas-Cheann Comhairle:** These are Priority Questions. The only person allowed to address a question is the Deputy in whose name the question is asked.

**Deputy John Gormley:** If Deputy Kenny stopped heckling me, I would be happy to facilitate the House.

**Deputy Enda Kenny:** I will leave the Minister alone.

#### EU Directives.

62. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government when he will ratify the public participation directive, Directive 2003/35/EC; if he anticipates areas of conflict between the directive and the Planning and Development (Strategic Infrastructure) Act 2006; if there are areas of conflict, if he will amend the Act in line with the directive; and if he will make a statement on the matter. [35280/07]

**Deputy John Gormley:** Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the convention is closely aligned with work at EU level and, in that context, the European Union has adopted two directives as part of the ratification process for the convention. These deal with public access to environmental information and public participation in certain environmental decision-making procedures.

Regulations transposing the European Communities (Access to information on the Environment) Directive came into effect on 1 May 2007. The process to transpose the public participation directive is well advanced, with legislation completed to amend the majority of the relevant consent systems, and the remaining work on the outstanding consent systems will be completed at the earliest possible date. Having regard to the above, I will ensure the instrument of ratification of the Aarhus Convention is submitted to Government and laid before the Dáil as soon as possible.

The Planning and Development (Strategic Infrastructure) Act 2006 is a key part of Ireland's overall transposition of the directive insofar as the planning code is concerned. A number of key features of the Act, relating to appeals, judicial review procedures and amendments to the EIA directive, specifically transpose provisions of the public participation directive. I do not anticipate any conflict between the implementation of the public participation directive and the Planning and Development (Strategic Infrastructure) Act 2006.

**Deputy Ciarán Lynch:** I compliment the Minister on his return from Bali. He is looking well. I am not sure whether it is the tan or whether he has taken, like the Taoiseach, to wearing make-up.

**Deputy John Gormley:** I am not wearing make-up.

**Deputy Ciarán Lynch:** I thank the Minister for his reply. He is correct to state there are two directives relating to the Aarhus Convention and that the access directive has been transposed. The directive to which I refer is the public participation directive. As the Minister will know, Ireland is the only EU member state not to have ratified the Aarhus Convention. It has been conceded by the Government that legislation will be required to transpose the public participation directive and that amendments may arise. Furthermore, the European Commission has referred Ireland to the European Court for having failed to transpose the directive to date.

As the Minister knows, three issues arise: the substantial interest, the judicial review and the prohibited costs which arise from the judicial

review. Since the Planning and Development (Strategic Infrastructure) Act 2006 has come into force, 64 applications have been made to An Bord Pleanála on this matter, with a number of these having been granted. Speaking to the chairperson of An Bord Pleanála last week, I asked him the position with regard to oral hearings, which are a key aspect of public participation. He informed me that the board is granting oral hearings on applications that are proceeded with. However, this is as a gift of An Bord Pleanála, not as a policy position.

The Minister tells us the matter is well advanced and will be dealt with as soon as possible. There was a Green Paper that was well advanced and was supposed to be dealt with in the Chamber two days ago. In what timeframe does the Minister intend to implement the details referred to in his reply? Can he give a specific date when the legislative framework will come before the House? In the absence of the implementation of the public participation directive, does the Minister concede that planning permissions sought under the Planning and Development (Strategic Infrastructure) Act 2006 may be in legal jeopardy? As I said, 64 applications have been made to date.

**Deputy John Gormley:** I do not know to which Green Paper the Deputy refers.

**Deputy Ciarán Lynch:** The programme for Government stated that within six months of coming to power, a Green Paper would be brought before the House. That should happen some day this week.

**Deputy John Gormley:** Yes and we are absolutely on time as regards that.

**Deputy Ciarán Lynch:** The Minister was to bring it before the House on 14 December but it is now 18 December. He was in Bali at the time.

**An Leas-Cheann Comhairle:** Please allow the Minister to continue.

**Deputy John Gormley:** We are absolutely on time as regards that Green Paper. As I told the Deputy before, some of his Labour Party colleagues are on that consultative committee. They asked for a small time extension to go through some of the details and I was happy to facilitate them. I want to be clear on that. I do not concede the Deputy's last point that these matters are in legal jeopardy. He said the European Commission referred Ireland to the European Court of Justice for non-transposition of the directive. However, while Ireland is now the only EU member state that has not ratified the convention, as the Deputy said, I understand that EU infringement proceedings for non-transposition of this directive remain open against a significant number of member states so we are not alone.

[Deputy John Gormley.]

This suggests that some member states have ratified the convention in circumstances a bit like Ireland's, and have not fully complied.

While there are some outstanding difficulties, I want to move on this as quickly as possible and I have committed myself to doing so. Access to environmental information and participation in the process are absolutely vital. I have been in contact with the Commission about this and it does not see a conflict. If there was a conflict there, the Commission would have alerted me immediately. I want to move as quickly as possible on this matter.

**Deputy Ciarán Lynch:** First, the Minister should read up on the matter because there are two current test cases concerning it. Second, Germany was the last European country, apart from Ireland, to ratify the Aarhus Convention in January this year so the Minister might do some further reading on that. Third, when will we see its full ratification? Will it be before autumn or December 2008? In what timeframe does the Minister envisage the matter coming before the House?

**Deputy John Gormley:** I would like to see a timeframe whereby we would ratify it in the new year. That is what I aim to do but there are outstanding difficulties. As the Deputy will appreciate, I am dealing with a number of different Departments. I have written to all the Departments asking them to get their acts together so I am depending on them to come to me. Those are the outstanding difficulties. If I had my way I would have done this last week but it was not possible. I am depending on others to clear it.

**Deputy Ciarán Lynch:** The Minister was in Bali last week.

### Waste Management.

63. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the action he proposes to take to make the Poolbeg incinerator project redundant and unviable; and if he will make a statement on the matter. [35489/07]

**Deputy John Gormley:** The waste-to-energy plant proposed for the Poolbeg area is being promoted by Dublin City Council, acting on behalf of the four local authorities, and is provided for in the statutory Dublin regional waste management plan already adopted by the local authorities concerned in accordance with the provisions of the Waste Management Act 1996.

The project has received planning permission from An Bord Pleanála and the Planning and Development Act precludes ministerial involvement in individual planning decisions. In addition, the project requires a waste licence which is, under the provisions of the Waste Man-

agement Acts, the statutory responsibility of the Environmental Protection Agency. The agency is in the process of making a determination in respect of this matter. Under section 60(3) of the Act, as Minister, I am specifically precluded from exercising power or control concerning an application for a waste licence.

My personal views on this project are a matter of public record, as is the emphasis, which I consider necessary in the context of the Government commitment to a waste review, on minimising waste going to landfill and incineration. However, in public comments I have made as a Minister, I have at all times been respectful of the statutory limitations under which I must act in particular instances and I have never suggested that I possess specific powers concerning this proposed development.

As Minister, I set policy and determine the implementation of policy on waste. I have a range of powers and functions under the waste management legislation which enables me to exercise this role. In particular, I have the power to issue directions on policy, to require changes to waste plans, although this power does not apply retrospectively, and to require the making of by-laws.

I have already signalled a fundamental change in waste and resources policy. This policy change will move the emphasis in waste management up the waste hierarchy. As part of this policy change I am commissioning an international study for the purposes of a waste policy review.

**Deputy Phil Hogan:** The Minister is wrong when he said he could do nothing, or would not attempt to do anything, to make the Poolbeg incinerator redundant. On Monday, 19 November, when the decision was announced, the Minister said he was very disappointed. He said he planned to review waste policy within the next nine months and expected that that review would find the incinerator was redundant and was not viable. The following day, the Taoiseach told the Dáil the Minister had no power to halt the Poolbeg incinerator. Either the Minister or the Taoiseach is wrong, which is it?

**Deputy John Gormley:** I was explicit in my reply to the Deputy if he listened to what I said.

**Deputy Phil Hogan:** I did.

**Deputy John Gormley:** As regards this project, I am not claiming that I have specific powers. However, while I am not pre-empting the outcome of the review, I said repeatedly in the House that if the review carefully examines the figures that have been supplied to me and which I have issued in the House concerning the total municipal waste arising, which is about 3.2 million tones, it can be reduced by recycling. If one has a 50% recycling rate, and with mechanical biological treatment or MBT, one can raise that substantially — it can be reduced to about 1.7 million

tonnes, and it can be reduced even further with MBT. The national figure I gave here was between 400,000 and 600,000 tonnes. The emphasis has to be on MBT.

As was mentioned, I was in Bali last week where the Austrian environment minister launched an MBT plant. That is the way to go. As regards climate change, I am conscious of the fact that replacing a hole-in-the-ground landfill simply by putting everything into a fire is not a sustainable method of dealing with waste in the long term.

**Deputy Phil Hogan:** Does the Minister accept that all his huffing and puffing before the election and since he became Minister is largely redundant? His words are not viable in the context of doing anything to stop the incinerator going ahead.

**Deputy John Gormley:** All the huffing and puffing is coming from the Deputy's side. Last night, I attended a meeting in Ringsend and was happy to take questions. Funnily enough, however, there was no one there from Fine Gael.

**Deputy Phil Hogan:** Deputy Gormley is the Minister so what did he tell them? Did he tell them the same thing?

**Deputy John Gormley:** The Deputy and his colleagues say they did X, Y and Z, but they voted for the incinerator in Ringsend. It is all documented there.

**Deputy Phil Hogan:** What did the Minister tell them? Did he tell them he would make it redundant?

**Deputy Terence Flanagan:** The Minister should answer the question and be direct.

**Deputy Phil Hogan:** Answer the question.

**Deputy John Gormley:** I believe the Leas-Cheann Comhairle was the Minister at the time the waste management legislation was introduced.

**An Leas-Cheann Comhairle:** The Minister knows it is not proper to involve the Chair in the debate, but accolades are all right.

**Deputy John Gormley:** It is not proper but it is a fact that he did a wonderful job as Minister for the Environment and Local Government.

**Deputy Phil Hogan:** Answer the question.

**Deputy John Gormley:** I must say, however, that when incineration was included in that legislation, Fine Gael voted for it.

**Deputy Phil Hogan:** Will the Minister answer the question he was asked? If not, he can do nothing.

### Homeless Persons.

64. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he will make further funding and resources available for long-term supported accommodation for those homeless with high support needs; and if he will make a statement on the matter. [35490/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):** Significant progress has been made in recent years in tackling homelessness. In the Housing Needs Assessment 2005, local authorities recorded a 46% fall in the numbers of homeless persons nationally, from 5,581 persons in 2002 to 3,031 persons in 2005. A recent survey carried out by the Homeless Agency found that the numbers of rough sleepers in Dublin city had declined from 185 in 2005 to 104 on 20 November 2007.

This progress has been facilitated by close co-operation by all the agencies involved in addressing homelessness, including my Department, the Department of Health and Children, local authorities, the Health Service Executive and the voluntary sector. Their efforts have been underpinned by significant resources, totalling €450 million since 2000, through my Department and the Department of Health and Children. This has delivered a wide range of accommodation and services for homeless persons across the country, from emergency hostels and transitional accommodation programmes to outreach and resettlement services and long-term supported accommodation.

In 2008, over €1.7 billion will be available to my Department for housing, representing an increase of 16% on the 2007 Estimate. This enhanced overall level of resources will allow my Department to continue to provide capital funding to assist voluntary and co-operative housing associations to deliver high quality housing for vulnerable groups, including homeless persons. It will also support the implementation of the increase in grant assistance, which I recently announced, from 95% to 100% of project costs where all tenants are drawn from the local authority social housing list.

Work is at an advanced stage in my Department on the preparation of a revised Government strategy to address adult homelessness, which will include a refocusing on the provision of long-term accommodation through the social and voluntary housing programmes and in the private rented sector, including through the rental accommodation scheme, and ensuring the availability of appropriate outreach and resettlement support as required. The new strategy will provide a compre-

[Deputy Batt O'Keeffe.]

hensive framework for the achievement of the commitment in the Towards 2016 agreement to eliminate long-term occupancy of emergency homeless accommodation by 2010. I expect the new strategy to be finalised and published in spring 2008.

**Deputy Phil Hogan:** Under the national development plan, 9,000 social housing units were supposed to be provided annually over the past few years but only 5,000 were delivered. The Minister of State received documentation prior to the budget from Focus Ireland, the Simon Community and other organisations that work with the homeless. Between 50 and 100 people sleep rough in Dublin city every night and they will not accept only a social housing unit. Does the Minister of State agree independent living accommodation to meet specific purposes and circumstances is required for this category of people and not only bed and breakfast accommodation, which is not suitable as an emergency measure? Will he outline the number of units he has targeted to be provided in the coming year or two to address the homelessness issue? I accept hard cases are involved but they urgently need the attention of the State.

**Deputy Batt O'Keeffe:** Liaising with, and in partnership with, the various voluntary groups, our spending on homelessness increased from €15.84 million in 2000 to €52 million in 2006. In the coming year, the Government will spend €1.7 billion on housing, €114 million of which will be invested in homelessness. Under Towards 2016 and the housing agency's strategy, we aim to move people on from emergency and transitional accommodation to permanent accommodation with supports. We have put a programme in place and we are examining it currently. It will be important going forward that the review, which will be published next spring, should examine supports, apart altogether from the accommodation. Joined up thinking involving the HSE and other State bodies is needed to ensure supports are in place and education and training is provided for the homeless so they can sustain themselves better as part of overall independent living.

### Social and Affordable Housing.

65. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will fast track the implementation of the commitments in Towards 2016 to reform social housing including adequate funding to cover capital, maintenance and management costs for community and voluntary organisations that are providing social housing; and if he will make a statement on the matter. [35491/07]

**Deputy Batt O'Keeffe:** My Department, in conjunction with the housing forum and related

groups, has been active in progressing the social housing reform programme outlined in Towards 2016 and elaborated upon in the Government's housing policy statement, *Delivering Homes, Sustaining Communities*, published in February 2007. Work is well under way on the drafting of a new housing Bill to underpin the reform process. The housing forum has been consulted on developments in a number of areas, including the proposed approach to a new means of assessing housing need and housing allocation policy, both of which will be central to the transformation of housing services over the medium term. Good progress is being made also on delivery of social housing programmes with indications that there will be some 9,000 new social housing starts in 2007, which is absolutely in line with the commitment in Towards 2016 to achieve 27,000 starts in the period 2007 to 2009. Output by the voluntary and co-operative housing sector is expected to reach record levels in 2007.

In line with commitments in Towards 2016, funding levels under the capital assistance scheme were increased to 100% of project cost earlier this year where all tenants are drawn from the local authority social housing list. In addition, new streamlined arrangements for the assessment and approval of schemes will be introduced early next year with the objective of speeding up the delivery of projects on the ground. Record levels of funding in 2008, when more than €2.5 billion will be available for housing programmes, are also in line with the commitments to housing in Towards 2016 and the national development plan and will enable local authorities to achieve the ambitious targets set for next year.

**Deputy Terence Flanagan:** I thank the Minister of State for his reply. As he will be aware, delivering increased social housing will prevent and alleviate homelessness. The National Economic and Social Council estimated 73,000 units would be needed between 2005 and 2012. However, the Government has failed to meet its target under the national development plan to provide 9,000 social housing units annually. The number of units delivered over the past two calendar years did not exceed 5,000, as Deputy Hogan stated. A shortfall of 13,000 units, therefore, has arisen between the Minister of State's commitment and delivery, which is not good enough.

Even the commitment made by the Minister for the Environment, Heritage and Local Government in the social partnership agreement, Towards 2016, to provide an additional 23,000 social rented dwellings over the next three years will fall well short of what is needed. Most social housing tenants pay relatively low rents and, therefore, rental income does not meet management maintenance costs. The Government needs to provide other adequate funding to cover maintenance and other essential costs. Given the lull in the housing market and the glut of apartments

on the market, especially in my own constituency of Dublin North-East, what measures will the Minister of State take in conjunction with developers to ensure people who have been on local authority waiting lists for years are looked after? What new initiatives will he undertake?

**Deputy Batt O'Keeffe:** This is a good news story. We set out to deliver 27,000 units between 2007 and 2009. This year we will deliver 9,000 units, which is on target. Record funding of €1.7 billion will be provided in 2008, which is a 16% increase on last year. Local authorities will deliver 6,500 social housing units and in the first nine months of the year, they delivered almost 4,500. The voluntary and co-operative sector was due to deliver 2,000 units and it has delivered in excess of 1,500 already, while RAS, which was due to deliver 500 units, has delivered 796. As a result, output has increased by 66% compared to the first nine months of 2006, which is a record achievement. More than 11,000 social housing units will be under construction at the end of 2007. This programme will continue in 2008. Local authorities will provide 6,600 units while the voluntary and co-operative sector will provide 2,000. We will continue the implementation of RAS and I have also asked the affordable homes partnership to lease 1,000 accommodation units in the Dublin area under the scheme over a three-year period to meet the need outlined by the Deputy.

### Other Questions.

#### Energy Efficiency Standards.

66. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government the figures he used to determine that new minimum energy efficiency standards for lighting that he will introduce in 2009 that will save 700,000 tonnes of carbon dioxide emissions every year; the breakdown of the figures used in watts and tonnes; and if he will make a statement on the matter. [35157/07]

111. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the discussions he has held or is holding with the European Commission on his proposal to introduce minimum energy efficiency standards for lighting or a ban of incandescent lightbulbs; and if there are European directives he must comply with to proceed with this proposal; and if he will make a statement on the matter. [35159/07]

116. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the way he proposes to introduce minimum energy efficiency standards for lighting or a ban

of incandescent lightbulbs from January 2009, including the steps he will take and a timetable for these steps; and if he will make a statement on the matter. [35158/07]

**Deputy John Gormley:** I propose to take Questions Nos. 66, 111 and 116 together.

The potential savings from the introduction of an energy efficiency standard for lighting are based on emissions attributable to lighting in the residential sector. Sustainable Energy Ireland figures indicate that approximately 18%, or 1,323 gigawatt hours, of electricity use in the residential sector was accounted for by domestic lighting in 2004, equivalent to 860,000 tonnes of carbon dioxide emissions. Given that modern compact fluorescent lamps typically use only 20% of the energy consumption of their incandescent alternatives, this indicates that savings of the order of 700,000 tonnes per annum could be achieved from domestic lighting if incandescent lamps are fully replaced in all domestic light fittings.

To put this into perspective, 700,000 tonnes is equivalent to 1% of annual emissions at present, so it is clear that the proposed measure could make a significant contribution to the Government's target of an annual average reduction of 3% in greenhouse gas emissions. It will also mean very big savings for households, as the longer life-span and lower running cost of the CFL bulbs far outweigh their higher initial cost.

I intend shortly to establish an inter-departmental group representative of relevant Departments and agencies to advise me on the technical basis on which a standard should be developed, any requirements in EU legislation with which I must comply and the potential impacts of the proposal on specific groups. I intend to consult fully on any proposed standard, including with the European Commission, prior to finalising the measure.

**Deputy Joanna Tuffy:** In regard to the Minister's first point on the savings that will be attained from the introduction of this measure, I had an idea that what he outlined was the way in which he made those calculations. His calculation of the level of savings in tonnage of CO<sub>2</sub> emissions from the introduction of this measure are faulty. He made an assumption that 80% of energy generated from incandescent lightbulbs will be wasted, but that is not the case. Much of the 80% of energy that does not generate light generates heat in homes. A change from the use of incandescent bulbs to other types of lightbulbs will reduce the level of heat in homes, and the heating system in homes will have to compensate for that shortfall. For example, a heating system with a thermostat will detect the difference in the level of heat in the home and compensate for any loss by increasing the domestic heating output. This will mean that more energy will be generated by way of domestic heat output. Therefore,

[Deputy Joanna Tuffy.]

the Minister's figures are wrong and to prove that——

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

**Deputy Joanna Tuffy:** If the Minister were to talk to a scientist, he or she would tell him that his calculations are way off the mark. The savings figure for such a measure in Australia is 800,000 tonnes of CO<sub>2</sub> emissions a year. What is its population compared to ours? What will the Minister do to address the calculations he gave which are way off the mark? There is no way the level of energy emissions he predicted will be saved by the introduction of a ban on the use of incandescent lightbulbs. It is important he gets his calculations right. That brings me on to the issues——

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

**Deputy Joanna Tuffy:** Okay.

**Deputy John Gormley:** I am happy for the Deputy to continue.

**An Leas-Cheann Comhairle:** I was hoping that the Minister would answer the question.

**Deputy John Gormley:** If people are using lightbulbs to heat their houses, that represents a very inefficient use of a lightbulb. The calculations I received are from reliable people in Sustainable Energy Ireland who have done much work in this area and I will call on them again when we set up the consultative group. I am convinced about the value of this initiative. I spoke to my counterparts, including Hilary Benn and others, last week and to those in Greenpeace in Europe who are impressed that Ireland is leading the way in introducing this initiative. We led the way in introducing the plastic bag levy and the smoking ban. Those in Greenpeace have said to me that this is a fantastic opportunity for Ireland to also lead the way in terms of sustainability. I am proud to be part of a Government that will bring forward this initiative. While it is the role of the Opposition to put a damper on and be critical of proposals——

**Deputy Phil Hogan:** The Minister was in Opposition not too long ago but he has changed his mind on many issues.

**Deputy John Gormley:** ——it would be great if its members were to share our enthusiasm for this measure to enhance sustainability.

**Deputy Joanna Tuffy:** The reason the Minister came up with this idea was to mask the fact that there was nothing green in the budget. It was predicted that the introduction of a similar measure

in Australia, which has a population of 21 million, would result in a saving of 800,000 tonnes of CO<sub>2</sub> emissions, yet the Minister calculates that the introduction of this measure here with our population of 4 million would result in a saving of 700,000 tonnes of CO<sub>2</sub> emissions. Therefore, his calculations could not possibly be right.

Australia, Britain and other countries are consulting on and phasing in the introduction of this type of ban because there are many issues to be considered, including savings in emissions. The Minister cannot possibly meet the deadline of January 2009 set for the introduction of this measure because Europe has a proposal on the table to phase in the ban on the use of incandescent lightbulbs. The Minister has to keep to its timetable.

**Deputy John Gormley:** No.

**Deputy Joanna Tuffy:** The Minister cannot introduce this measure for at least another 18 months following publication of the legislation under EU law. Also the eco-design directive would prevent him from introducing it without consulting the stakeholders involved in terms of the cost of replacing the lightbulbs. The need to purchase lightbulbs that are ten times more expensive than those households currently used and the need to replace expensive light fittings will impose a major cost on households. Those issues need to be addressed. People, for example, those who have epilepsy, have health issues concerning the use of CFL bulbs. Other issues to be addressed including the free movement of goods and people's livelihoods. The Minister cannot do what he said he would do. The reason he said he could do this was to distract from a budget that had nothing green in it. He did not think through the introduction of this measure, which is not unusual.

**An Leas-Cheann Comhairle:** I am sure that is a question for the Minister. Does the Minister agree?

**Deputy John Gormley:** I do not agree. If the Deputy is saying that the introduction of motor taxation based on CO<sub>2</sub> emissions is not a green initiative——

**Deputy Joanna Tuffy:** It has not happened yet.

**Deputy John Gormley:** It will happen in July. While I am speculating, I would like to think it is our participation in government that has resulted in such initiatives.

I concede the Deputy has made some valid points on some difficulties in this regard that must be examined. One concerns the question of the light fittings. That is the reason we have allowed a year for the introduction of this measure. However, the Deputy was incorrect in saying that we cannot introduce this ahead of the European

Union's proposal. We can. I have consulted the Attorney General and others on this.

**Deputy Joanna Tuffy:** The Minister should ask the Minister, Deputy Martin, what happened with the introduction of the smoking ban and how the Government was delayed in its introduction of it because it did not take into account its EU obligations.

**Deputy John Gormley:** The then Government went ahead with it——

**Deputy Joanna Tuffy:** A year later.

**Deputy John Gormley:** ——and it was an enormous success. People said it could not be done but it was done. Believe it or not Deputy, I consulted the Minister, Deputy Martin, on this issue and we had a long meeting on it.

The Deputy raised the issue of the cost of the bulbs. One CFL bulb can save €170 over the lifetime of a bulb. The cost of the bulbs are reducing all the time. By the time we introduce this measure, many of these bulbs will be in use. The bulbs will be available. Offers are being made now in regard to them. I do not accept that the use of these bulbs would involve a disproportionate cost for the poorer sections of the community. I understand the Deputy's concerns, but it believe this measure will be introduced on target, that the target is achievable and that this is an exciting initiative.

#### **Private Rented Accommodation.**

67. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to ensure that all rented accommodation is inspected by local authorities; and if he will make a statement on the matter. [30544/07]

**Deputy Batt O'Keeffe:** All landlords have a legal responsibility to ensure that their rented properties comply with the Housing (Standards for Rented Houses) Regulations 1993. Responsibility for enforcing the regulations rests with the relevant local authority. I have no function in the day-to-day operation of the inspection function in local authorities.

Good progress is being made with the action programme announced in September 2006 to promote improvement in standards of private rented accommodation, involving a range of measures including improved regulation, enforcement, funding and information. Enforcement is a key element of the programme and funding provided to local authorities for inspection purposes, from the proceeds of tenancy registration fees, is increasingly being linked to enforcement performance. Two reports recently published by the Centre for Housing Research on measures to promote improvement in private rented accommodation standards, particularly good practice

guidelines for local authorities on enforcement, will also help to improve effectiveness in this area.

Housing authorities are giving greater priority to enforcement of the regulations. The number of inspections carried out in 2006 increased by 44% over 2005, reflecting the impact of the action programme on standards and progress with the rental accommodation scheme. The rate of compliance with the regulations reported by local authorities has also improved.

I have taken a number of opportunities, when meeting local authorities, to emphasise my determination to ensure that the good progress being made in the enforcement area is built on further. I will continue to assign a high priority to this area in the period ahead.

**Deputy Terence Flanagan:** The Minister will be aware that legal action was taken in only 11 cases this year, which is unacceptable. A survey conducted in 2005 found that 30% of private rented accommodation was substandard. Some of the premises did not have, for example, proper central heating, refrigerators or even cookers. The Minister spoke about reviewing the standards in September 2006 but he has not yet published revised standards. Can he update the House on when the new standards will be published? A total of 38% of the people on waiting lists are single. They appear to have been left at the bottom of the pile. Does the Minister have any initiatives to house these people? The affordable housing scheme is clearly not working in view of the number of people on housing lists. Are there any new initiatives in this regard?

**Deputy Batt O'Keeffe:** I thought I already answered that question when I said we are meeting the targets for social housing. With regard to the standards for private accommodation, there were 30,000 rented accommodation properties registered in 2003. The figure for 2007 is 200,000. There has been a dramatic improvement in this area. With regard to standards, a total of 700,000 new units have been built in the past ten years so those units are, by and large, in good condition. That is not to say there are not other properties that require upgrading. The Deputy has made the point that local authorities are not required to inspect all accommodation. It would be a waste of the local authorities' resources to inspect new properties. The best use of those resources is to target them at the categories where one is most likely to find non-compliance.

I have allocated €7 million for enforcement since 2004. This year I allocated €3 million, a 50% increase on last year's allocation. The first tranche of €1.5 million was paid out at the end of November to the local authorities that were meeting targets and appeared to be working well in this area. The balance of €1.5 million will be given to the local authorities that achieve inspec-



[Deputy Batt O’Keeffe.]

tion targets to ensure there is compliance. A fine system has been introduced for people who have not registered. The fine has increased significantly, from €1,270 to €3,000, and imprisonment can follow in cases where there is continued non-compliance.

**An Leas-Cheann Comhairle:** I remind the Minister and Members that there is one minute each for each reply and supplementary question.

**Deputy Ciarán Lynch:** We appear to be back in the same situation as a month ago, with the Minister confusing registration with licensing. The key issue is standards. According to today’s *Irish Independent*, a report from the Institute of Public Health in Ireland warned that the death rate linked to damp houses in this country is among the highest in Europe. More than 2,800 Irish people die every winter after suffering the ill effects of living in cold and damp houses. Another report published in November by the State-funded Centre for Housing Research found that substandard housing is far more common among rent supplement properties than in the rest of the private housing sector. This demonstrates that there is no base minimum line for the rental sector, be it local authority or private. Local authorities should be operating minimum standards. The Minister is well aware that some local authority properties are well below an acceptable standard.

As I asked the Minister a month ago, will the Government consider introducing a licensing system for letting properties, both in the private and local authority sectors, which would guarantee key fundamental requirements such as, for example, central heating, proper insulation and hot and cold running water? A month ago the Minister confused the idea of registration with a licensing standard. He is correct that the PRTB has increased registration, but registration is an entirely different concept. We will continue to revisit this issue until the Minister deals with licensing. Will the Government consider the introduction of a licensing system?

**Deputy Batt O’Keeffe:** There are two issues and Deputy Lynch is now confusing regulation and licensing. I indicated that we intend to produce new, improved regulations early in the new year. The regulations will pertain to the outward appearance of private rented accommodation — the paths, driveways and so forth — and, in particular, to the type of heating and insulation levels in the house. These issues will be covered under the recommendations made in the new regulations.

**Deputy Ciarán Lynch:** That is a quantum leap from a month ago when the Minister gave no such indication when he was asked about it.

**Deputy Batt O’Keeffe:** The Deputy was mixed up at the time, not me.

**Deputy Ciarán Lynch:** The Minister was confused but he has now offered clarity, which I welcome. Fair play to the Minister, he has read his brief a little more since then.

**Deputy Batt O’Keeffe:** With regard to licensing, a report issued by the Centre for Housing Research suggested a pilot system for certification of compliance with private rented accommodation standards. We are examining the centre’s proposals at present. I do not anticipate them being introduced immediately because a great deal of research is required in this area. I will report to the Dáil as soon as we make a final decision on the issue.

### Waste Management.

68. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government if, in view of the green light for the Poolbeg incinerator, he will instruct local authorities, under section 24 of the Waste Management Act 1996, to review their regional waste management strategies; and if he will make a statement on the matter. [35218/07]

**Deputy John Gormley:** I refer to the reply to Question No. 63. As indicated, I, as Minister, set policy and determine the implementation of policy on waste. I have a range of powers and functions under the waste management legislation which enable me to exercise this role. In particular I have the power to issue directions on policy to require changes to waste plans, although this power does not apply retrospectively, and to require the making of by-laws.

I have signalled a fundamental change in waste and resources policy. This policy change will move the emphasis in waste management up the waste hierarchy. As part of this policy change I am commissioning an international study for purposes of a waste policy review. The result of increased success in minimising, reducing, reusing and recycling waste will be reduced arising from residual waste. The use of technologies such as mechanical biological treatment will further reduce volumes of residual waste available. This leads me to the inevitable conclusion that throughput will not be available to ensure the viability of all the incineration capacity that is currently foreseen.

**Deputy Phil Hogan:** The Minister indicated there is a fundamental shift in waste policy. We have not yet seen it. When is the international review he has commissioned likely to conclude? If the Minister is committed to reducing the number of thermal treatment plants for waste, he must be aware that eight incinerators are currently proposed in the eight regional waste management plans. Will he use his powers to instruct

the local authorities to review those waste management plans to remove the thermal treatment solutions included in them?

**Deputy John Gormley:** With regard to the Deputy's first question, the terms of reference for the review have been agreed and a steering committee has been appointed. I was anxious to ensure balance on the steering committee so I have appointed a number of people from non-governmental organisations, An Taisce and so forth to sit on it. This will ensure the procurement process is correct and that we get a policy that reflects the sustainable waste management policy I have tried to highlight in recent months.

In regard to the direction of waste management policy, Deputy Hogan raised this issue during the summer and it has been claimed by the Opposition on several occasions that I have the power to direct Dublin City Council.

**Deputy Phil Hogan:** To review.

**Deputy John Gormley:** That was incorrect. I received advice not only from the Attorney General, but also from an eminent senior counsel from outside the House, and both confirmed it was not possible. The question of whether it is possible in respect of other regional waste plans can be considered but a number of other options must also be investigated, such as financial arrangements for funding incineration. It is not simply a question of discouraging incineration because we must also consider how we can encourage other technologies, such as mechanical biological treatment, and incentivise waste minimisation. Progress is being made in regard to the latter in that I have received a positive response from the main players in Repak. I put down a challenge to them to reduce their waste and, under the Cortauld agreement, they have agreed to co-operate. Deputy Hogan and the Leas-Cheann Comhairle were present when I put down the challenge at the Repak dinner. This is good news from everyone's perspective.

#### **Motor Taxation.**

69. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government the extra resources he is providing to local authorities to operate a dual motor tax system; and if he will make a statement on the matter. [35199/07]

102. **Deputy Shane McEntee** asked the Minister for the Environment, Heritage and Local Government the projected costs of operating a dual motor tax system; and if he will make a statement on the matter. [35253/07]

**Deputy John Gormley:** I propose to take Questions Nos. 69 and 102 together.

At local motor tax offices, there will be no change in the arrangements for the processing of

motor tax applications. The national vehicle and driver file, NVDF, which is managed centrally by the vehicle registration unit in Shannon, will be adjusted to provide for the application of CO<sub>2</sub> based rates in respect of cars registered from 1 July 2008. The work involved will pertain to the first taxing of a vehicle as well as subsequent renewal of motor tax. Currently on first taxing or renewal of tax, the vehicle owner may attend the local motor tax office, correspond by post or make the tax application on-line at [www.motortax.ie](http://www.motortax.ie). Both the local and central systems are based on the NVDF and will be in a position automatically to apply both the old and the CO<sub>2</sub> based rates as appropriate.

Existing arrangements, under which each car's registration number, ownership details and vehicle particulars are electronically transferred from Revenue computer systems to the NVDF, will continue to apply. This means that when a person applies to tax a vehicle for the first time the necessary information, including CO<sub>2</sub> emissions ratings, will already be available on the NVDF to process the tax application. In respect of the subsequent renewal payment of tax, as applies at present, the tax renewal notice will be issued to motorists with the appropriate rates and the NVDF will be able to handle motor tax renewal applications where either the current engine capacity or CO<sub>2</sub> based rates are appropriate.

On the question of first taxing, the on-line motor tax service operated by the vehicle registration unit was extended in December 2005 to enable first licensing, or taxing, of new and second-hand imported vehicles over the Internet. Almost 94,500 first licensing transactions were conducted on-line from January to November 2007. This represents 30% of all new and imported vehicle transactions processed. The on-line service has enabled local authorities to deliver a more cost effective and efficient service to the motoring public.

Carbon dioxide is the main greenhouse gas contributing to climate change. When petrol or diesel is burnt for energy in a car engine, the main emissions are water vapour and CO<sub>2</sub>, which are directly proportionate to the amount of fuel burned. Moving to a CO<sub>2</sub> basis of assessment for motor tax fully captures the fuel efficiency of a vehicle.

*Written Answers follow Adjournment Debate.*

#### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Michael Creed — the issue of the forthcoming closure of a company in County Cork (details provided) with the loss of 120 jobs and to highlight the need for replacement indus-

[An Leas-Cheann Comhairle.]

try; (2) Deputy Tom Sheahan — whether the Minister will put funding in place (details supplied) to hold the invaluable services provided by a counselling service in County Kerry as a matter of urgency and if she will make a statement on the matter; (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 Shane McEntee — the provision of a new national school in Laytown, County Meath; (5) Deputy Olwyn Enright — the delays in the application process in respect of thalidomide victims; (6) Deputy Bernard J. Durkan — a matter of national and local importance, namely, the recent altercation between the Minister for Education and Science and the principal of a school (details supplied) with particular reference to the hurt, distress and anxiety caused to the principal teacher and the serious consequences likely in the event of a breakdown of trust between the Minister and her Department and principal teachers or boards of management in the wider educational sense, her plans to engage with and apologise to the teacher in question and the authorities concerned and if she will make a statement on the matter; (7) Deputy Michael Ring — to extend the salmon hardship scheme application closing date, as administrated by BIM, and ask that the Minister secure the same tax concession scheme for this group as that announced for the decommissioning payment for the white fishermen and that he make a full statement on the matter; (8) Deputies Liz McManus and Andrew Doyle — the need to sanction the provision of additional permanent accommodation at schools in County Wicklow; (9) Deputy Jimmy Deenihan — the need to approve tender documents and appoint a contractor for a proposed new primary school in County Kerry; (10) Deputy Chris Andrews — that the vaccine for pneumococcal disease be introduced by the Department of Health and Children as a matter of urgency; and (11) Deputy Catherine Byrne — to address the serious lack of home helps in the Rialto and Dolphin's Barn area due to lack of funding from the HSE, there being 37 people currently waiting on home helps in this area and some people who may not be able to get out of hospital for Christmas without access to a home help, which is unacceptable.

The matters raised by Deputies Olwyn Enright, Shane McEntee, Liz McManus and Andrew Doyle, and Jimmy Deenihan have been selected for discussion.

### Leaders' Questions.

**Deputy Enda Kenny:** I return to the question I raised with the Taoiseach last week on water charges in schools. The Minister for happiness, whom I assume is joining us directly from the Oireachtas Committee on Education and Science, threw her hands up in despair when this matter was raised last week, the Minister who is going to save the world single-handedly said we should speak with the local authorities, the Minister for wastage of public money said he would not do anything until he receives a full report and the Taoiseach said the European Union was to blame.

The Taoiseach is aware this affects hundreds of thousands of parents throughout the country because they will be screwed to pay for these charges. Everybody accepts the principle of conserving water and the intention behind the EU framework directive of introducing appropriate financial incentives so people can understand that point. The programme for Government sent the clear message that schools would be given a generous allowance and that charges would apply once the allowance was used up, but that has not been done.

Five minutes ago, the Committee on Education and Science voted by a majority of one to accept a woolly motion stating that people should talk to each other and the Minister should discuss the issue, in keeping with the commitment to a joint approach between the Departments of Finance, Education and Science and the Environment, Heritage and Local Government. That is not necessary because the programme for Government clearly commits to examining how local authorities might grant schools a reasonable level of usage of water and waste services without charge and states that charges would only apply where a school exceeds its allowance. That is in the programme for Government and it is what the Minister for happiness said to people around the country during the course of the election. Everybody who voted for the Government supported that principle but nothing has been done about it.

Does the Taoiseach agree that the water pricing measures and the provisions in the EU framework directive as agreed and adopted are not required to be fully implemented until the end of 2009 or the beginning of 2010? Does he agree that position is clearly outlined in the framework directive? Does he agree that Article 9, section 4, of the framework directive allows for the flexibility and discretion being sought by Fine Gael and the Labour Party? As head of Government, will he defer the implementation of these charges for two years, so that a decent subvention scheme can be put in place to provide for allowances to schools above which charges can apply and in respect of which pupils, teachers and everybody else can understand the necessity of conserving

water? Otherwise, the Government will bankrupt schools in the new year.

**An Ceann Comhairle:** I do not have to remind Deputy Kenny that the Minister for Education and Science must be referred to as such.

**Deputy Mary Hanafin:** I have been called worse.

**Deputy Billy Timmins:** The Ceann Comhairle is being very technical.

**Deputy Mary Hanafin:** It is a happy title.

**A Deputy:** The Taoiseach is no Ritchie Ruin anyway.

**The Taoiseach:** In reply to Deputy Kenny, the education section of the programme for Government contains a commitment under the approved funding for schools heading, which states that the Government will examine the provision of waste and water allowances to schools and that charges will become effective after those agreed allowances are exceeded. That is the commitment contained in the programme for Government.

I refer to the Deputy's question on the Government's commitment to the water framework directive. It is fully committed to the implementation of the directive on the basis discussed over many years, which I outlined to the House last Wednesday morning. This is appropriate and necessary given the importance of conserving water as a natural resource. While the debate on the water framework directive went on for many years, I agree with it and its vision for the future.

The issue of charging for water used by schools has arisen in the context of the introduction of water metering and full cost recovery based on actual usage. While installation of metering in schools is not complete, when it has been introduced the bills which have been generated will, in some cases, represent a major increase on the flat rate bills that were received previously. I refer to the examples I mentioned last week where water leaks exist. There were a huge number of them in the Gorey school and in other schools, such as the school in Foxrock, where the bills were massive. When the leaks were corrected for small amounts of money, the schools in question saved an enormous amount. While this can also reflect the overall levels of consumption, this was not the case in many of the schools that were investigated.

**Deputy Emmet Stagg:** Did he bring a bucket with him?

**The Taoiseach:** Given the need to manage the transition to an appropriate new system and to enable conservation measures to be implemented to deal with such issues, the Government is considering the implementation of a transition period. This would involve the payment by

schools of flat rate charges that are appropriate to the school size, which is what happens at present. During this period, schools would monitor water usage and institute necessary repairs and conservation measures.

**Deputy Bernard Allen:** Is the Taoiseach telling them to get a good plumber?

**The Taoiseach:** The Government has also sought legal advice from the Attorney General's office on its long-term options under the framework directive—

**Deputy Brian Hayes:** Seven years later.

**The Taoiseach:** —and, in particular, its entitlement to put in place a scheme that would apply to schools on an ongoing basis thereafter.

**Deputy Olivia Mitchell:** Another U-turn.

**Deputy Enda Kenny:** The Taoiseach did not answer any of the three questions I asked. First, does he agree there is no need to implement the provisions until the end of 2009? Second, does he appreciate there is discretion and flexibility in this regard? Third, is he disposed to suspending this provision pending a resolution of the problem?

I welcome his comment that the Government is now considering introducing a flat rate payment and a transition period. Will the Taoiseach elaborate in this regard? What will be the flat rate and how will it be applied? What will it mean for a school that is in receipt of a bill for €6,000 at present? What is the flat rate and what are the criteria? Will it be based on the number of pupils or on an allocation of litres of water per pupil to be used and metered in the school?

Given that the framework directive states that the implementations must be in operation by the start of 2010, will the transition period continue until the end of 2009? When will detailed announcements on this issue be made? In the meantime, are those schools which are in receipt of bills for water or for water and sewage combined now entitled to hold on to the bills and not pay them until details regarding the flat rate payment and the transition scheme are announced by the Government? When does the Taoiseach expect to do so?

**The Taoiseach:** Perhaps I did not answer the questions in sequence but I thought that I had given a clear indication of the Government's intentions. The answer to Deputy Kenny's first question is "Yes". The directive requires member states to ensure no later than 2010 that water pricing policies in each member state will provide adequate incentives for users to use water resources effectively and thereby contribute to the environmental objectives of the directive. This is the commitment contained in the directive.

[The Taoiseach.]

The Deputy's second question was whether I am in favour of flexibility and the answer is "Yes". This is the reason I have made this announcement. At present, a large number of schools are billed by local authorities and traditionally have been so billed. The reason they were unable to get a derogation in the first place was because of the existing practices that had taken place for years. Consequently, those schools that were paying a flat rate sum could not get a derogation, which is the reason they could not be excluded at the time of the negotiations on the directive.

However, there is a requirement for a transition period in order that the system can enable conservation measures to be implemented to deal with issues in which water is being wasted for one reason or another. The Government is considering the implementation of that transition period. While it can last until the end of 2009, we will see what transpires. It will involve the payment by schools of a flat rate that is appropriate to their size. While this must be worked out, clearly it will not resemble the increases that are being experienced at present from €300 to €6,000. That is not a reasonable position because it puts an enormous strain on schools.

In addition, the Government also must look at the legal issues. I have received a report from the Attorney General regarding the legal issues involved. While it is fairly clear, the Government must look at those issues. At some time during the school holiday period, the Government will issue a statement dealing with the other issues.

**Deputy Enda Kenny:** What about the bills in the meantime?

**The Taoiseach:** They should hold them.

**Deputy Enda Kenny:** Should they hold them and not pay anything?

**The Taoiseach:** No, they should just hold them until the Government issues a more detailed statement.

**Deputy Brian Hayes:** This is unbelievable.

**Deputy Bernard Allen:** That is a good climbdown.

**The Taoiseach:** Was that helpful?

**Deputy Enda Kenny:** That was very helpful.

**Deputy Dermot Ahern:** We are sorry to disappoint Deputy Brian Hayes.

**Deputy Olivia Mitchell:** Oh happy day.

**An Ceann Comhairle:** An ceannaire—

**Deputy Mary Hanafin:** The Minister for happiness is happy.

**An Ceann Comhairle:** Glaoim ar cheannaire an Pháirtí Lucht Oibre, an Teachta Eamon Gilmore.

**Deputy Bernard J. Durkan:** The Taoiseach is a new version of Santa Claus. He comes with good news before Christmas and then bad news after.

**Deputy Brian Hayes:** This is unbelievable.

*(Interruptions).*

**Deputy Joan Burton:** This constitutes quite a climbdown.

**Deputy Richard Bruton:** Does the Government ever consider such matters before making decisions?

**Deputy Finian McGrath:** Deputy Durkan will get the news on Christmas Eve.

**Deputy Bernard J. Durkan:** We got the news anyway.

**Deputy Brian Hayes:** That hit the back of the net.

**An Ceann Comhairle:** I call Deputy Gilmore.

**Deputy Eamon Gilmore:** How will they be described in the school accounts?

I wish to raise a different issue with the Taoiseach. Last Thursday, after the Order of Business in the House, the Opposition parties were informed of the Government's intention to introduce emergency legislation in the House this week to protect the legal status of 19 agencies established under one of the Health Acts because the Attorney General had raised questions about their legality or legitimacy. There is nothing new about emergency legislation, which is a fairly common feature of the manner in which the Government goes about its business, plugging legislative loopholes here, there and everywhere.

However, a number of things are somewhat odd about this particular emergency legislation. First, we learned that the Cabinet decided on this emergency legislation on 4 December last and did not tell anyone about it for ten days. I refer in particular to the other Members who will be obliged to deal with it. Second, we learned that the Attorney General gave this advice to the Government last October. It must be some emergency that would cause the Government to sit on it for two months and then introduce emergency legislation in the last week before Christmas. Third, a number of bodies such as the Fire Services Council, Irish Water Safety and the National Safety Council have been established under identical local government legislation and no issue has been raised about their status. This

emergency legislation looks doubtful, to put it mildly.

However, the Bill that was published last week contains a provision relating to the transfer of land from Beaumont Hospital and St. James's Hospital for the purposes of the co-located private hospitals. It appears that a legal obstacle has been raised regarding the right of the two hospitals, the Health Service Executive and the Government to transfer lands at the two hospitals for the proposed private clinics. It appears the legislation being introduced in the House later today is not to plug some legislative loophole but to provide a legislative basis, under the camouflage of emergency legislation, to allow the Government to hand over publicly owned hospital lands for privately run clinics at Beaumont Hospital in Deputy Finian McGrath's constituency and at St. James's Hospital. Why was nobody told about this legislation if a decision was made thereon on 4 December? Why did the Government sit on it for two months after the Attorney General gave his advice last October? If emergency legislation is required to deal with the health agencies, why is similar legislation not being introduced to deal with the agencies established under very similar local government legislation?

**The Taoiseach:** On the last question, the legislation referred to will be necessary and a separate Bill will have to be introduced by the Department of the Environment, Heritage and Local Government.

**Deputy Olivia Mitchell:** That is not an emergency.

**Deputy Eamon Gilmore:** That is not an emergency.

**The Taoiseach:** Yes, but the legislation must be prepared. It will probably have to be produced very shortly.

**Deputy Eamon Gilmore:** What is the hurry with the Health (Miscellaneous Provisions) Bill 2007?

**The Taoiseach:** I will explain that to the Deputy if he wishes.

**Deputy Finian McGrath:** More money for Beaumont Hospital.

**The Taoiseach:** And more beds.

*(Interruptions).*

**Deputy Finian McGrath:** Watch this space.

**An Ceann Comhairle:** Deputy Finian McGrath should let the Taoiseach reply.

**The Taoiseach:** In recent years there has been a growing preference for giving greater legal certainty to the underpinning of primary legislation. A number of powers have been exercised through secondary legislation and statutory instruments. The courts have given their judgment on the matter and the Attorney General has advised recently that the legislative basis for certain bodies created under the Health (Corporate Bodies) Act 1961 requires more secure grounding in primary legislation. We are bringing forward the required legislation for this purpose and it is necessary that we do so.

The legislation in question is the Health (Miscellaneous Provisions) Bill and it will deal with the legal issues in respect of the Health (Corporate Bodies) Act 1961 and amend the Medical Practitioners Act 2007. The Health (Corporate Bodies) Act 1961 provides that the Minister for Health and Children may establish bodies to perform functions regarding the provision of a health service, including any service relating to the protection, promotion or improvement of the health or welfare of people. The bodies established under the Act provide a wide range of important health and personal social services and involve substantial public expenditure. Nineteen bodies have been set up under the Acts under successive Governments since 1961.

Following long and detailed analysis, not only in this area but also in other areas given that the courts have raised the issue in respect of other areas, the Attorney General concluded that the powers conferred on the Minister for Health and Children by section 3 of that Health (Corporate Bodies) Act are so broad that there is a serious risk, in the event of a constitutional challenge to the provisions of the Act, that it would be held invalid having regard to the provision of Article 15.2 of the Constitution. The Attorney General has recommended, as a matter of urgency, that primary legislation be enacted to confirm the orders that have been made under the Act to date since 1961. That is the purpose of the proposed legislation. It is being taken at short notice and I therefore appreciate the assistance of the House in dealing with it.

**Deputy Eamon Gilmore:** I will assist the Taoiseach even more with it. I would be quite happy to reinforce the legal underpinning of the agencies in question quite speedily but the legislation that has been published contains an entire four pages that deal with the legal obstacle that arose regarding the transfer of the lands at Beaumont and St. James's hospitals for the purpose of establishing co-located hospitals. If the Taoiseach is prepared to remove this section from the Bill and deal with it separately at another time, we can agree to the legal underpinning without any problem.

The Taoiseach stated the Attorney General advised that the matter be dealt with as a matter of urgency. If he offered this advice last October,

[Deputy Eamon Gilmore.]

how come the matter only become urgent the week before Christmas? What on earth has the provision concerning St. James's and Beaumont hospitals to do with the legislation? The Bill represents a form of legislative camouflage to provide cover in the House. It is being stated there is some kind of emergency with regard to the legal underpinning of bodies in order to slip through legislation that will allow the Government hand over public hospital lands for use by private hospitals.

**Deputies:** Hear, hear.

**Deputy Eamon Gilmore:** When did the Government receive the original legal advice that there was a legal obstacle concerning the transfer of the lands at Beaumont and St. James's hospitals? I have been told it received it early last summer before it concluded a programme for Government with the Green Party and before Deputy Finian McGrath signed up to it. In order to save their blushes this evening over having to vote for legislation that would transfer the lands directly, the Government has devised this concoction of emergency legislation into which it has slipped a provision concerning St. James's and Beaumont hospitals. When did the Government receive the original advice that there was a legal obstacle to the co-location plans for the two hospitals? Will the Taoiseach remove the relevant section from the Bill, in which case we can save ourselves much time tonight?

**The Taoiseach:** What the Deputy alleges is not the case. There are 19 bodies included in the legislation. It covers establishment orders for St. James's, Beaumont, St. Luke's and Leopardstown Park hospitals, in addition to the Dublin Dental Hospital, the National Haemophilia Council and the Drug Treatment Centre Board—

**Deputy Jan O'Sullivan:** What about the co-located hospitals?

**The Taoiseach:** I will deal with co-location in a moment. These bodies are all covered by the legislation according to the judgment of the Attorney General. The Irish National Cancer Registry, the Women's Health Council, the National Council on Ageing and Older People—

**Deputy Ruairí Quinn:** We will agree on those.

**Deputy Eamon Gilmore:** We will agree on those.

**The Taoiseach:** I appreciate that. I will deal with the one the Deputy does not want included. Under the programme for Government, we are committed to providing an additional 1,500 public acute hospital beds. The co-location initiative aims to deliver 1,000 of these for public patients

through the development of private hospitals on public sites. The intention is to transfer private property activity to those hospitals, thereby freeing up the capacity for public patients. The 500 acute hospital beds in the balance are in various stages of planning under the HSE's capital plan. The co-location initiative is the most effective and fastest way to achieve this.

**Deputy Seán Barrett:** Fianna Fáil and the Progressive Democrats only got 80 seats and therefore did not get a mandate from the electorate.

**The Taoiseach:** It is expected that the co-located private hospitals will most likely open within three years of receiving planning permission. The board has approved the successful bidder status for Waterford, Cork, Limerick, Sligo and St. James's hospitals. The HSE and the board of St. James's Hospital are working with the preferred bidders to finalise the project arrangements for the sites.

St. James's Hospital is one of the bodies in question and there is no secret about this. It was stated clearly by the Minister for Health and Children. Legislation is needed to put all the bodies I have mentioned on a sound legal footing and it is therefore necessary.

#### **Requests to Move Adjournment of Dáil under Standing Order 32.**

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

**Deputy Catherine Byrne:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the crisis in the home help service. In the Rialto and Dolphin's Barn area alone, there are 37 people awaiting home help. Funding is not available from the HSE and it is unacceptable that a number of people will have to remain in hospital this Christmas because of the unavailability of the service. I ask the Minister to address their needs urgently.

**Deputy Dan Neville:** I request the adjournment of the Dáil under Standing Order 32 to discuss the following urgent matter, namely, the reduction in secure psychiatric beds at St. Brendan's Hospital by ten from 24, resulting in unacceptable circumstances in which there are no secure beds for very disturbed patients who cannot be accommodated safely in an open ward; and the fact that one disturbed person who recently appeared before the courts required a secure psychiatric bed but was released on bail when none was available.

**Deputy Arthur Morgan:** I seek the adjournment of the Dáil under Standing Order 32 to dis-

cuss the following matter of urgent national importance, namely, the ridiculous situation whereby the Minister for Education and Science is refusing to fund schools adequately while the Minister for the Environment, Heritage and Local Government is imposing massive water charges on already hard-pressed schools; and the need to achieve joined-up thinking at Government level and to clarify the situation whereby the Taoiseach is claiming the EU is imposing these excessive charges, while other members of the Government are stating the complete opposite.

**Deputy James Bannon:** I seek the adjournment of the Dáil under Standing Order 32 to discuss the following matter of national importance, namely, the threat to the education of primary school children in light of the financial burden placed on schools which are unable to meet the demand for excessive water charges levied on a piecemeal basis, without apparent logic or reason.

**Deputy Martin Ferris:** I seek the adjournment of the House under Standing Order 32 to discuss the following matter of urgent national importance, namely, the proposal by the EU Health Commissioner to impose restrictions on the importation of beef from Brazil on the basis of the report by the Food and Veterinary Office, and that this underlines the case for the Government to alter its position and call for a complete ban on Brazilian imports.

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

### Order of Business.

**The Taoiseach:** It is proposed to take No. 2, Appropriation Bill 2007 — Order for Second Stage, Second and Subsequent Stages; and No. 3 — Health (Miscellaneous Provisions) Bill 2007 — Order for Second Stage, Second and Subsequent Stages. It is proposed, notwithstanding anything in Standing Orders, that (1) the Dáil shall sit later than 8.30 p.m. and Business shall be interrupted not later than 10.30 p.m.; (2) No. 2 shall be decided without debate, and the Second and Subsequent Stages shall be decided by one question which shall be put from the Chair, and which shall, in relation to amendments, include only those set down or accepted by the Tánaiste and Minister for Finance; (3) the Second and Subsequent Stages of No. 3 shall be taken today and the following arrangements shall apply: (i) the proceedings on the Second Stage shall, if not previously concluded, be brought to a conclusion at 9 p.m. tonight; (ii) the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 10.30 p.m. tonight by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or

accepted by the Minister for Health and Children; (4) Private Members' Business which shall be No. 16 — Competition (Amendment) Bill 2007 — Second Stage, and the proceedings thereon shall also take place tomorrow on the conclusion of the Statements on the European Council, Brussels, and shall, if not previously concluded, be brought to a conclusion after 90 minutes on that day; and (5) Parliamentary Questions next for answer by the Taoiseach on EU matters shall be taken on the same day as the Statements on the EU Council meeting in Brussels, scheduled to be taken on Wednesday, 19 December 2007, and shall be moved to be taken first as ordinary oral questions to the Taoiseach on that day.

**An Ceann Comhairle:** Is the proposal that the Dáil shall sit later than 8.30 p.m. agreed? Agreed. Is the proposal for dealing with No. 2 without debate agreed?

**Deputy Enda Kenny:** When was the Appropriation Bill 2007 circulated?

**Deputy Bernard Allen:** Nobody knows.

**Deputy Bernard J. Durkan:** Nobody's at home.

**An Ceann Comhairle:** I understand it was this morning.

**The Taoiseach:** Yesterday.

**Deputy Enda Kenny:** There has been another breakdown in communications, because it has not been received by anybody on this side of the House. Whether he was in Opposition or in Government, many years ago a tall man known as Deputy Major de Valera used to say to the Ceann Comhairle that we were passing millions of pounds without any discussion. There was a tradition that the Appropriations Bill 2007 would always be discussed at the end of session, but it does not seem to be the case any more. Is there a reason for this? It was a kind of end of term motion of confidence in the Government that dealt with its wasted expenditure. Is there a reason we do not have a discussion anymore on appropriation Bills, in view of the fact that €50 billion is being passed on the nod?

**Deputy Eamon Gilmore:** We are dealing with taxpayers' money here. It is wrong in principle that the Appropriation Bill 2007 should be passed without debate. However, dealing with it in circumstances where it has only just been published, if it all, is extraordinary.

**The Taoiseach:** It is years since an appropriation Bill was discussed at any length in this House, but it is discussed in the Seanad, which is meeting on Thursday to debate the Bill. That has been the practice for the last 20 years. We have a committee system that looks at it. As Deputy Kenny remembers, we used to discuss the budget



[The Taoiseach.]

for weeks on end, but that was when it was bad news. Now the Opposition only want to discuss it for a day. Things move on.

**Deputy Seymour Crawford:** That is because the Taoiseach would not allow time for it to be discussed.

**Deputy Bernard Allen:** There was not much good news to discuss.

*(Interruptions).*

**An Ceann Comhairle:** Is the proposal to deal with No. 2 without debate agreed? Agreed. Is the proposal to deal with No. 3, Second and Subsequent Stages of the Health (Miscellaneous Provisions) Bill 2007 agreed?

**Deputy Enda Kenny:** No. Like Deputy Gilmore, I object to the way this is being done. The Minister for Health and Children was informed on 26 October that this matter needed to be dealt with. She chose not to inform any Member of the Opposition or the spokespersons on health about this matter. Waiting deliberately until the second last day of this session to bring in a Bill that deals with fundamental issues is not the way to do business. This Bill allows the Minister transfer extra powers to the HSE. It lessens her accountability to the House. It deals specifically with the issue of co-location and mentions places for that purpose.

I have no problem if the Government brings forward a version of a Bill that deals with the legal status of the 19 bodies mentioned in the legislation. Going back 41 years under the new Minister's regime, if a Minister did not know, then he or she was not responsible. That seems to be a new version of accountability from the Government. If the Government brings forward a Bill dealing with the legal status of the 19 bodies, then we can deal with that quickly and efficiently. However, this Bill goes way beyond that. It allows for less accountability from the Minister and more authority to the HSE which has proven to be unaccountable. It deals with 11 amendments to the Medical Practitioners Bill 2007, which was rushed through this House earlier this year and is an example of poor legislation. If it transpires that this Bill is again proven to be faulty, then everyone in the Government is responsible for deliberately having waited on an inadequate Bill and for choosing not to bring it in until the day before the House rises for the Christmas recess.

In Britain, Minister Kelly had to go before the House of Commons immediately and answer questions on the discovery that 3 million names and addresses were lost on CDs by some operator in the US. That is very different to waiting since 26 October, coming before the House a day before it rises and expecting a Bill to be passed

at all Stages. I object to this, unless the Taoiseach tells us that the Government will bring forward a Bill tonight or tomorrow that deals with the legal status of the 19 bodies. Otherwise I object to the transfer of greater powers to the HSE and less accountability from the Minister.

**Deputy Eamon Gilmore:** This Bill is being introduced in the form of emergency legislation to provide political cover for its real intent, which is to legislate for the transfer of public hospital lands for the construction of co-located hospitals. If it was a genuine emergency, the Government would have acted on it a while ago, since it received advice from the Attorney General on the issue back in October. There is no issue about legally underpinning the various health agencies. That can be agreed without any great difficulty. The issue is the provision that deals with the transfer of lands for co-located hospitals. There is fundamental political disagreement on that matter in this House and in the country. A majority of Members were elected last May on the basis of opposition to co-located hospital plans. The Government found a legal obstacle and, in order to provide political cover for Members who have turned turk on the position taken at the general election, it is being introduced as emergency legislation. That provision requires substantial debate and is not something that should be rushed through in the last week before Christmas.

It is proposed to deal with this by a guillotined motion. The Government, led by the Taoiseach, Deputy Ahern, is particularly fond of the guillotine. The search engine used in this House shows that these motions, of the form that proceedings on Committee and Remaining Stages will be brought to a conclusion at a particular time and by one question, have been used on 691 occasions in the history of Dáil Éireann since January 1919. Some 307 of the 691 have been used since 26 June 1997 when Deputy Ahern took over in government as Taoiseach. In other words, nearly half of the guillotine motions in the history of the State have been used by the Government over which he presides.

**Deputy Joe Costello:** Shame.

**Deputy Eamon Gilmore:** It is the new parliamentary tactic that when a matter is politically tricky, it is introduced as close as possible to Christmas and rushed through by a guillotine motion in the hope that people will forget about it. The Labour Party will not agree to this and opposes the proposal on the Order of Business.

**Deputy Caoimhghín Ó Caoláin:** I object to the methodology for address of this legislation, the Health (Miscellaneous Provisions) Bill 2007. As with Deputy Gilmore, I indicate to the Taoiseach that if the sections dealing with co-location at Beaumont Hospital and St. James's Hospital

were removed, Sinn Féin would have no difficulty in dealing with the rest of the legislation in terms of confirming the legitimacy of the named bodies.

The whole thrust of this section requires some truthful answers on the floor of this House. These questions must include who raised the question of the need for this legislative measure on the co-location proposals for Beaumont Hospital and St. James's Hospital in the first place? Who presented the legal advice? It was not the Attorney General. I challenge the Taoiseach and the Minister for Health and Children, Deputy Harney, to state that it was the Attorney General. He was only the conduit of advices that were secured outside the ambit of the Attorney General. Where did the issue arise? Was it in the course of the tendering process for the co-location hospital sites? Was it raised by the legal advisers of one of the interested parties to the co-location proposal, this lucrative business opportunity for those who see health care provision as a means of creating profit? These are the questions that must be answered.

There is a notion that this is the Attorney General's advice but the reality is that it was indicated in the briefing to the various representatives here last Friday that the information would be sought. A letter from the Attorney General's office was circulated subsequently, advising that the information on the genesis of the matter being addressed within the provisions of this Bill was not for public consumption and would not be released because it was privileged.

**Deputy Dermot Ahern:** Speech.

**Deputy Caoimhghín Ó Caoláin:** This House wants and deserves honest answers on co-location proposals and the content of this legislation that seeks to facilitate the advancement of the co-location proposals for Beaumont Hospital and St. James's Hospital. Those are the question that must be answered before we proceed. I am sure the Minister for Foreign Affairs, Deputy Dermot Ahern, will back me up in support of the search

for the truth behind this matter. Without this information and an indication of the Government's willingness to withdraw this section of the legislation, we will have no option but to oppose it at every opportunity.

**The Taoiseach:** It is clear the Opposition spokespersons have no difficulty with the main purpose of this Bill, which outlines the roles and functions of the 19 bodies involved.

5 o'clock It is imperative to remove any doubt about their *vires* and, accordingly, the Bill must be enacted. There is no requirement for debate on those issues. We are talking about the provisions relating to the Medical Practitioners Act 2007, which include some technical amendments, about which there is no difficulty. The only difficulty that people want to speak about is co-location. The debate continues until 10.30 p.m. so it seems there is plenty of time to consider co-location since there is nothing else involved.

**Deputy Bernard Allen:** That is very simplistic and smart.

**The Taoiseach:** The Government must put beyond doubt any legal capacity and that includes the Beaumont Hospital and St. James's Hospital co-location agreements. That is the only issue and there is a long night to talk about one issue out of a total of 25.

**Deputy Caoimhghín Ó Caoláin:** The Taoiseach could start by answering the question.

**The Taoiseach:** Deputy Ó Caoláin will not have to speak tonight because he has already made his Second Stage speech.

**Deputy Caoimhghín Ó Caoláin:** I provided information, the Taoiseach provided nothing.

Question put: "That the proposal for dealing with No. 3, Second and Subsequent Stages of the Health (Miscellaneous Provisions) Bill 2007, be agreed."

The Dáil divided: Tá, 68; Níl, 59.

Tá

Ahern, Bertie.  
Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Chris.  
Aylward, Bobby.  
Behan, Joe.  
Blaney, Niall.  
Brady, Áine.  
Brady, Cyprian.  
Brady, Johnny.  
Byrne, Thomas.  
Calleary, Dara.  
Carey, Pat.  
Collins, Niall.  
Conlon, Margaret.  
Connick, Seán.

Cregan, John.  
Cuffe, Ciarán.  
Cullen, Martin.  
Curran, John.  
Dempsey, Noel.  
Devins, Jimmy.  
Dooley, Timmy.  
Fahey, Frank.  
Fitzpatrick, Michael.  
Fleming, Seán.  
Flynn, Beverley.  
Gogarty, Paul.  
Gormley, John.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.

## Tá—continued

Kelleher, Billy.  
 Kelly, Peter.  
 Kenneally, Brendan.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 Lowry, Michael.  
 McEllistrim, Thomas.  
 McGrath, Finian.  
 McGrath, Mattie.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Michael.

Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Eamon.  
 O'Brien, Darragh.  
 O'Dea, Willie.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keeffe, Batt.  
 O'Keeffe, Edward.  
 O'Sullivan, Christy.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 White, Mary Alexandra.  
 Woods, Michael.

Níl

Allen, Bernard.  
 Bannon, James.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Byrne, Catherine.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.  
 Crawford, Seymour.  
 Creed, Michael.  
 D'Arcy, Michael.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kenny, Enda.  
 Lynch, Ciarán.

Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Perry, John.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P.J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Wall, Jack.

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

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with Private Members' business agreed? Agreed. Is the proposal for dealing with parliamentary questions agreed? Agreed.

**Deputy Enda Kenny:** Michael Hughes, a perfectly innocent young man from Banagher, lost his life in a horrific attack in Dublin. This is an appalling tragedy and, in their grief, his parents stated that they would pray for the perpetrator of the crime. Last year, we were told €25 million extra was being allocated for the provision of mental health services and for provisions within the Mental Health Act.

The mental health amendment Bill is on the Order Paper at No. 49 and is not due for publi-

cation until 2008. Will the Taoiseach confirm that, given these horrific consequences, the €25 million allocated last year is still *in situ* for spending on the provision of mental health services and has not been hived off or siphoned off to other areas? Will the Taoiseach confirm when he expects the mental health amendment Bill to be published?

**An Ceann Comhairle:** The Taoiseach, on the legislation.

**The Taoiseach:** It is due in 2008.

**Deputy Eamon Gilmore:** This morning, the European Court of Justice gave its decision on the Laval case involving Swedish trade unions and Latvian companies which carried out certain public works in Sweden. Many of the issues

involved in the case are similar to the issues that arose during the Irish Ferries matter here a couple of years ago. The import of the judgment as I understand it is that the court found that while Swedish trade unions were entitled to enforce legally binding pay and conditions of employment, they were not entitled to seek to enforce conditions of employment in excess of those which were legally binding.

The implications of this for Ireland would be such that trade unions in similar circumstances might be entitled to enforce the minimum wage or registered agreements but nothing in excess of this. Given the significance of this judgment for our voluntary system of industrial relations — I appreciate the judgment was only given this morning — has the Taoiseach given preliminary consideration to the judgment and will we have an opportunity to discuss the judgment in the House at an early date in the new year?

**An Ceann Comhairle:** I do not think this is a legislative provision.

**The Taoiseach:** The judgment must be examined and we will then consider whether we can discuss it.

#### **Appropriation Bill 2007: Second and Subsequent Stages.**

**An Ceann Comhairle:** In accordance with the Order of the House today, I must put the following question: “That the Bill is hereby read a Second Time, that sections 1 to 4, inclusive, Schedules 1 and 2 and the Title are hereby agreed to in Committee and the Bill is, accordingly, reported to the House without amendment, that Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

**An Ceann Comhairle:** This Bill, which is certified to be a money Bill in accordance with Article 22.2.1° of the Constitution, will be sent to the Seanad.

#### **Health (Miscellaneous Provisions) Bill 2007: Second Stage.**

**Minister for Health and Children (Deputy Mary Harney):** I move: “That the Bill be now read a Second Time.”

I will begin by thanking the Ceann Comhairle and the House for facilitating the reading of this Bill and its passage through Dáil Éireann. I appreciate the time Deputies are giving to the Bill and will endeavour to ensure that we use our time well.

The Health (Miscellaneous Provisions) Bill 2007 is urgent because of the need to address, without delay, matters concerning bodies established under the Health Corporate Bodies Act

1961 and technical drafting issues identified regarding the Medical Practitioners Act 2007.

I have endeavoured since last Thursday to be fully open with Deputies about every aspect of the Bill and I welcome the opportunity now to set out its provisions and to make clear the purpose and value of each section. The Bill is straightforward in its purpose in all respects. It involves no policy change and no additional charge on the Exchequer.

In brief — I will go into detail later — the provisions in the Bill in regard to the health corporate bodies are required on foot of legal advice from the Attorney General that the constitutionality of the 1961 Act could possibly be open to challenge. The standards of legal engineering are different now from 46 years ago when the Health (Corporate Bodies) Act was enacted. When the need for structural reinforcements of a building or a bridge to modern standards is advised by engineers, this should be acted upon.

It is not a question of any of these bodies having “no legal basis” as some have described it. Rather, Deputies will fully appreciate that given the importance of bodies established under the 1961 Act to the health service, we could not allow any shadow of doubt to exist in this matter. Therefore, urgent action is needed to confirm these bodies in primary legislation.

Similarly, other provisions are being put in place for the avoidance of doubt. The Bill includes provisions amending the Establishment Orders for St James’s Hospital and Beaumont Hospital to put beyond doubt the capacity of those hospitals to enter into co-location arrangements.

The technical amendments to the Medical Practitioners Act 2007 will facilitate the phased commencement of significant provisions in that Act and the moving from the old regulatory system to a new and better regulatory system.

Deputies will know that the Health (Corporate Bodies) Act 1961 has proved critical in the development of health services during the past 46 years. This Act allowed the Minister for Health and Children to establish by order bodies to perform functions in the provision of health services which could not be readily and conveniently operated by existing statutory bodies.

Prior to the 1961 Act, the Minister for Health met the need to establish a health body by arranging for the establishment of companies under the Companies Act. The use of the Companies Act in this way was an expedient solution to a problem at that time and allowed the Minister to act with speed where necessary. However, by 1961 it was considered that the use of the Companies Act in this way was not an appropriate device for the establishment of a body to administer a health service financed from public funds. The view was also taken that the establishment of companies in this way was not consistent with the responsibility which the Minister has towards the Oireachtas.

[Deputy Mary Harney.]

This presented a problem for our predecessors. On the one hand, it was not appropriate for the Minister to use funds under his or her control to establish health agencies without recourse to the Oireachtas. On the other hand, health services were expanding rapidly with a consequent need for health organisations operating outside the then statutory health authorities and it was necessary to have in place a mechanism that would allow the Minister to establish bodies quickly when the need arose. The solution of the time lay in the Health (Corporate Bodies) Act 1961 which allowed the establishment of bodies by ministerial order. This included the requirement that a copy of an order be sent to each Member of the Oireachtas after it is made.

The Act has worked well over the years with more than 40 bodies established under this legislation, 19 of which are in existence. These include St James's Hospital, Beaumont Hospital, St Luke's Hospital, the Drug Treatment Centre, the Dublin Dental Hospital, the Irish Blood Transfusion Service, the National Cancer Registry and the National Cancer Screening Service and other important health bodies.

Arising from consideration of the adequacy of the powers of the Health Service Executive under existing primary legislation to fund the new National Paediatric Hospital Development Board, a body established under the 1961 Act, the Attorney General decided in mid-October that a more fundamental review of the constitutional status of the Health (Corporate Bodies) Act was required. He wrote to me with his considered advice on 26 October to the effect that the breadth of powers conferred on the Minister under the Act could possibly breach Article 15.2 of the Constitution which vests power for making laws for the State in the Oireachtas. The legal advice also has implications for bodies set up under the Local Government Services (Corporate Bodies) Act 1971 and that matter is under active consideration.

It is important to emphasise that all these bodies were properly and transparently constituted under the 1961 Act by way of statutory instrument. However, given the advice and recommendations from the Attorney General, it is clear that urgent primary legislation is required to confirm the orders for existing bodies. This is the first and most immediate issue in regard to the 1961 Act.

Legal advice also indicated that further legislation be drafted to address a wide range of issues identified in regard to the Act, including the retention of the power of the Minister to establish bodies under the Act, the circumstances in which that power should be exercised, the nature and limits of the functions which may be conferred on such bodies, the relationship of such bodies to the Minister, the Health Service Executive and other statutory agencies in the health area, and the funding of such bodies. These are complex issues

which clearly require further time and thought. The Government intends to introduce another Bill dealing with these matters in 2008.

However, given the immediate need for certainty as to the status and powers of bodies established under the Act, the wide range of crucial and fundamental health services provided by the bodies and the substantial public expenditure involved in their operation, it was decided to prioritise matters for the Bill before us. For this reason, the Bill confirms the orders made for existing bodies and related matters, acts carried out by former bodies and provides for related matters.

As I stated, provisions are also being included in the Bill to put beyond doubt the legal capacity of St. James's Hospital and Beaumont Hospital to enter into co-location arrangements. As these provisions have attracted some attention, it would be useful to put in context the co-location policy and the provisions.

It was clear in 2004 that there was a need for a comprehensive and consistent approach to the assessment of a variety of proposals for private developments on public hospital sites, including, for example, at Waterford and Limerick. Prospectus Management Consultants were engaged by the Department of Health and Children in autumn 2004 to advise on an appraisal framework which would both encourage private investment in the acute hospital sector and promote and protect the public interest. Moreover, I and colleagues had increasing concern regarding the extent to which the level of private practice in public hospitals was exceeding the ratio of 80:20 agreed with the medical organisations.

Approximately 2,500 beds in public hospitals — 20% of the total — are designated for use by private patients. However, the level of private elective admissions to public hospitals was running at about 35% of the total. This was affecting the ability of public patients to access public hospitals and contributing to longer waiting times for public patients. I was not and am not prepared to allow these and other factors lead to a position where private patients received priority access to public hospitals at the expense of public patients. This circumstance called for innovative thinking and out of this the co-location initiative emerged.

The essential idea underlying the co-location initiative is to free up capacity for public patients and deliver new public acute beds in the quickest and most efficient manner. The initiative was founded on the principle that all patients ordinarily resident in the State should have access to public hospitals based on medical need and the possession of private health insurance should not influence timeliness of access or treatment.

A diversity of providers of hospital care is commonplace in many countries and is entirely appropriate. We will also be capable of using the new privately managed facilities for public patients to supplement rather than supplant public service provision, just as we do via the

National Treatment Purchase Fund. In principle, all hospital capacity that meets standards and offers value for money should be capable of being used for all patients.

The Government endorsed the initiative in July 2005. The policy directive I subsequently issued to the HSE required the executive to undertake a rigorous value for money assessment of co-location proposals which would take account of the value of the public site and the cost of the tax forgone. The HSE had to satisfy itself that proposals represented better value for money than building, commissioning and operating beds in the traditional manner. The HSE and National Development Finance Agency have confirmed that the tenders received for six sites provide value for money and the projects are in a position to move to the financial close.

Detailed and innovative features will promote the public interest. Each site will have one accident and emergency department. The private hospitals will facilitate medical training and research and development; accept direct admissions to medical and surgical admission units from primary care centres and general practitioners on a 24-7 basis; comply with physical design requirements to fit with the public hospital; have joint clinical governance, shared information and records management, performance management and documented service level agreements, where these are undertaken; and participate in the public HIPE and case mix information systems.

As I indicated, provisions are included in the Bill to put beyond doubt the legal capacity of St. James's Hospital and Beaumont Hospital to enter into co-location arrangements. It is arguable that these hospitals already have the necessary powers in their statutory instruments to enter into co-location arrangements as the HSE hospitals clearly do under the Health Act 2004. However, it is considered prudent to put the matter beyond any doubt and expressly amend the orders relating to the two hospitals.

Turning to the amendments to the Medical Practitioners Act 2007, the Bill addresses certain matters regarding the transitional provisions of the 2007 Act. The amendments being proposed in the Bill are essentially technical in character. The substantive provisions of the Medical Practitioners Act 2007 — enhanced lay membership of the Medical Council, registration processes, fitness to practise procedures and new provisions relating to medical education and training at basic and specialist level and regarding maintenance of professional competence — remain unchanged.

We are studying the implications of the judgment made by Mr. Justice Kelly last week concerning fitness to practise procedures in the Act and will bring forward amending legislation, if required. The Medical Practitioners Act 2007 was signed into law earlier this year. The main objective of the Act is to provide for a modern, efficient, transparent and accountable system for

the regulation of the medical profession, which will satisfy members of the public and the profession that all medical practitioners are appropriately qualified and competent to practise in a safe manner on an ongoing basis. The advice from the Office of the Attorney General is that some technical amendments are required to strengthen the transitional provisions of the Act, which will allow for the nomination and election processes provided for in the Act regarding the new Medical Council to take place as early as possible in the new year. Thereafter, the other provisions in the Act will take effect on a phased basis. This is what is being done in the Bill.

I am anxious that there should be an orderly hand-over from the outgoing Medical Council to the new body and an orderly, phased implementation of the entire Act. Having carefully considered the advice of the Office of the Attorney General, I am proposing that immediate action is taken at this time by way of primary legislation because of the importance of the Act for both the medical profession and the protection of the general public. It is in the public interest that the necessary amendments are made as a matter of urgency.

My Department has been liaising closely with the Medical Council on the implementation of the Act, preparation of the election regulations and related matters. It is appreciated that the need to amend the Act has placed some additional responsibilities on the current council. I have already expressed my appreciation to the president of the Medical Council regarding the co-operation of the council in this process.

I will now set out the main provisions of the Bill. Part 1, sections 1 to 4, inclusive, are the preliminary and general sections. Part 2, sections 5 to 9, inclusive, deal with health corporate bodies. Part 3, sections 10 to 20, inclusive, amend the Medical Practitioners Act 2007. Part 4, section 21, amends section 38 of the Health Act 2004.

Sections 1 and 2 are standard technical provisions stating that the Act may be cited as the Health (Miscellaneous Provisions) Act 2007 and setting out the definitions used.

Section 3 is a standard provision on the payment of expenses incurred in the administration of the Bill out of moneys provided by the Oireachtas.

Section 4 repeals section 70 of the Health Act 2004. Section 70 allows the Minister to dissolve a health corporate body by order and transfer its functions to the Health Service Executive. However, once a body is confirmed under the current Bill, it cannot be dissolved by order but must be dissolved by primary legislation and, on this basis, section 70 is to be repealed.

Section 5 is a key element of Part 2 of the Bill in relation to health corporate bodies. It confirms establishment orders made under 1961 Act for current bodies and provides that these orders have statutory effect as if made in primary legislation. One of these existing bodies is the

[Deputy Mary Harney.]

National Social Work Qualifications Board established under the 1961 Act to carry out a range of functions regarding the validation of qualifications of social workers. The Health and Social Care Professionals Act 2005 provides for the establishment of the Health and Social Care Professionals Council and registration boards to regulate and register members of designated health and social care professionals, including social workers. Section 83 of that Act provides for the dissolution of the National Social Work Qualifications Board as its functions will be carried out by the council and the relevant registration board when it is established. Subsection (4) is therefore designed to enable the Minister to dissolve the board in line with the provisions of the 2005 Act despite the fact that the board is one of the bodies that will be confirmed under this legislation.

Subsection (5) takes account of the provisions of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 which provides for certain staff to continue in employment after the age of 65. Section 6 confirms that validity of acts carried out by former bodies in accordance with their establishment orders.

Section 7 and the associated Schedule — Schedule 1 — amend the establishment orders for existing bodies which are currently funded by the Health Service Executive to reflect the actual role of the Executive in its capacity under the Health Act 2004 and the health reform programme. Some ministerial functions are, therefore, transferred to the executive while the executive's current role is given effect in other instances, subject to ministerial oversight. Establishment orders for St. James's and Beaumont Hospitals are also amended to put beyond doubt the legal capacity of these hospitals to enter into co-location arrangements.

Section 8 is a technical provision relating to funding of bodies by the Minister. The section does not apply to the National Haemophilia Council which is funded by the Health Service Executive and the National Paediatric Hospital Development Board, which is currently funded by the Minister but is to be funded by the executive.

Section 9 is a technical provision to take account of the provisions of the Comptroller and Auditor General (Amendment) Act 1993 whereby accounts of bodies are audited by the Comptroller and Auditor General who submits the audited accounts, with a report, to the Minister who in turn lays them before the Oireachtas.

The next ten sections — Part 3 — amend the Medical Practitioners Act 2007. Section 10 explicitly provides for a phased implementation of the repeal of the Acts specified in Part 1 of Schedule 1, and the revocation of the statutory instruments specified in Part 2 of Schedule 1, on different days. Section 11 clarifies the definitions

of key terms relating to registered medical practitioners provided in the Act of 2007.

Section 12 provides for the clarification of the provisions in the Act of 2007 relating to the continuance in being of the Medical Council and for the continuation of any work commenced but not completed under the Act of 1978 including, in particular, fitness to practise inquiries.

Section 13 provides clarification in relation to specialist registration in the context of the first election process; provides explicitly for the termination of the membership of the current Medical Council by providing that a person who was a council member immediately before the first appointment of the new council will cease to be a member unless he or she is one of the persons so appointed; and allows for the council to perform any functions assigned to it by the Act of 1978.

Section 14 clarifies that the Medical Council may charge fees for the retention of a medical practitioner's registration. Section 15 is a transitional provision which clarifies which medical practitioners should be registered in which division of the new register, including those medical practitioners who, immediately before register establishment day, were already registered in the General Register of Medical Practitioners.

Section 16 provides that medical practitioners are deemed to be registered on the register if their names are entered on the General Register of Medical Practitioners immediately before the register establishment day. Section 17 provides that a medical practitioner who is subject to disciplinary proceedings under Part V of the Act of 1978 may not seek, during the transitional period, to evade sanction being imposed on him or her by the Medical Council by applying to have his or her registration removed under section 52 of the Act of 2007.

Section 18 provides for the clarification of the provisions in the Act of 2007 in relation to the consideration of complaints by the preliminary proceedings committee. Section 19 provides that a Medical Council member may not hold office for more than two consecutive terms and membership of the existing council will count towards reckoning the membership period. Section 20 refers to the consequential amendments set out in Schedule 2.

Section 21 is a technical amendment to section 38 of the Health Act 2004. Schedule 1 sets out the details of the amendments to the health corporate body establishment orders amended in accordance with section 7. Schedule 2 sets out consequential amendments referred to in section 20 of the Medical Practitioners Act relating to when each of the relevant sections becomes effective.

I again thank the House for giving its time to this urgent Bill. In the case of the provisions concerning bodies established under the Health (Corporate Bodies) Act 1961, I believe that it is better to be safe than sorry. It is necessary, for the avoidance of doubt, to make these bodies leg-

ally safe. The amendments to the Medical Practitioners Act will result in the smooth transition we are seeking to the new system under the Act by strengthening the transitional arrangements which will apply to the regulation of medical practitioners. I commend this Bill to the House.

Following a query raised this afternoon, I should say that it was not possible for me, because of the legal advice, to give advance notice, before last Thursday, to the Opposition or to put into the public domain in advance of the capacity to publish the legislation the fact that there was a legal doubt surrounding 19 bodies. I acted totally in accordance with the legal advice made available to me by the Attorney General on that matter. We were not in a position to draft the legislation because of the huge number of bodies involved any faster than the period from 26 October.

**Deputy James Reilly:** I wish to share time with Deputy Neville.

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

**Deputy James Reilly:** It would have been much easier for us on this side had the Minister made available to us the legal opinion. I read the Attorney General's note to the Minister which stated it was privileged and should not be released. That does not mean it could not have been released; it could have been released at the Minister's discretion. If the Minister was truly interested in a bipartisan approach to this matter, that is precisely what she would have done. In that case, she would not have had to defend herself across the Chamber at this time.

I am disappointed at the manner in which the Bill has come before the House and I am concerned about it. In the short time I have had to consider the Bill, I understand its main purpose is to put beyond doubt the *vires* of 19 bodies established under the Health (Corporate Bodies) Act 1961. If that were the pure purpose of this Bill we would not have a debate, it would go through unopposed and the Minister would have got co-operation, if the legal opinion had been made available to us and it stated that clearly.

What I do have reason to question are the other elements of the Bill and the other things that have been attempted. This is complex legislation. It is coming before the House in the dying hours of this Dáil session. It will be rushed through. In its remit it seeks to address issues caused by the rushing through of the Medical Practitioners Act 2007 and seeks to correct the Health Act 2004 and deficiencies therein.

I have a major concern that we are again rushing through legislation with which, down the road, we may have issues. Nonetheless, I have been advised by the Minister and her officials that the legislation is before us because of the Attorney General's advice and I have already

asked why we were not informed until last week. I do not really believe the Minister's explanation that she wanted to have the legislation ready first.

According to the Minister, the Attorney General has concluded there is a serious risk, in the event of a constitutional challenge being brought, that the provisions of the 1961 Act would be held to be invalid, having regard to the provisions of Article 15.2 of the Constitution. Article 15.2 states:

The sole and exclusive power of making laws for the State is hereby vested in the Oireachtas: no other legislative authority has power to make laws for the State. . . . Provision may however be made by law for the creation or recognition of subordinate legislatures and for the powers and functions of these legislatures.

I understand the Attorney General recommended that as a matter of urgency primary legislation should be enacted to confirm the orders which have been made to date under the 1961 Act. Last Thursday, I asked the Minister to provide me with the legal advice which prompted this legislation. All I received from her was a copy of a letter from the Attorney General confirming that he has given "unequivocal advice. . . that it was legally and constitutionally necessary to introduce primary legislation to confirm the bodies". However, it did not confirm the collocation of hospitals to redress issues raised by the last legislation rushed through under the Minister's guidance earlier this year, it did not address the issues of the HSE and it certainly did not insert the term "HSE" for "Minister" in a host of circumstances which devolve responsibility for these institutions and bodies further from the Minister.

If the Minister is genuine about getting Opposition co-operation for the passage of emergency legislation over these two days, it is advisable that she would allow the Opposition adequate time to consider the legislation and that all information, including the legal opinion on the issue, which can be released at the Government's discretion, is made available for consideration within good time. The last-minute publication of this Bill, days before the Dáil recess, is further evidence that the Minister's governance of health is nothing more than reactive, disjointed and chaotic at best. It also makes one suspicious as to her true agenda.

If the scope of the statutory instruments establishing these various bodies is beyond that which is provided in the principal Act, it is understandable and appropriate that this is rectified so that all orders and acts under the Health (Corporate Bodies) Act 1961 are placed on a sound legal footing. We do not have an issue with this. Given that the Minister, and her departmental officials, are satisfied that there is no litigation pending or threatened, it is difficult to understand why the Minister deliberately withheld this important legislation from the House and why she feels it necessary to guillotine it days before



[Deputy James Reilly.]

the Dáil recess. Fine Gael is willing to co-operate with Government on underpinning these important boards and their functions. However, we do not support the guillotining of this important legislation without proper consideration and debate, or its use to facilitate the introduction of the unrelated, controversial co-location of hospitals.

As well as underpinning 19 agencies, the Bill also addresses the legal capacity of St. James's Hospital and Beaumont Hospital to sign deals with private developers to build private hospitals on their grounds. To date, I have been given no compelling reason that the provisions relating to co-location have to be included in this legislation. It is just handy, or a case of "we will do it while we are at it". That might be fine if we had sufficient time to debate the Bill in an orderly fashion but it is not acceptable when the Bill is rushed and brought in under the umbrella of the Attorney General's advice to underpin the *vires* of 19 important State bodies and institutions, which, as the Minister accepts, are responsible for €900 million of taxpayers' money.

According to the departmental briefing note, this legislation is being introduced "to put beyond doubt the legal capacity of Beaumont and St James's Hospital to enter into co-location agreements". In Schedule 1, with regard to Beaumont and St. James's hospitals, it states: "The Board may, with the consent of the Health Service Executive, enter into an agreement with one or more persons for the provision by any person on land vested in the Board, of the hospital services that are not paid for primarily out of public monies." It continues specifically to include provision for the construction of buildings and facilities by private undertakings, and allows the board to enter into such other agreements with private undertakings of such services it considers appropriate. It is obvious that this legislation goes much further than putting "beyond doubt the legal capacity" of Beaumont Hospital and St James's Hospital to enter into co-location agreements. It appears that this provision established the legal capacity for these hospitals to enter into co-location agreements, which is very different from what the Minister suggests.

The letter received from the Attorney General states that he has given unequivocal advice that it was legally and constitutionally necessary to introduce primary legislation to confirm the bodies. The Attorney General does not refer to co-location or the need to include co-location in this legislation. Can the Minister confirm whether the Attorney General's advice refers to co-location or any concerns he may have had regarding the legal capacity of Beaumont Hospital and St. James's Hospital to enter into co-location agreements? Considering that the Attorney General's advice is based on concerns regarding bodies established under the 1961 Act, why has the Minister decided to incorporate the unrelated

issue of co-location on the hind legs of this legislation?

At the meeting with Opposition spokespersons last Thursday, the Minister and her departmental officials categorically stated that no litigation is pending or threatened so why is it necessary to guillotine this legislation in the final hours of the Dáil session? Given the Minister's assertion that the boards of Beaumont and St James's hospitals are quite happy about the soundness of their legal standing, I fail to see the need to rush this aspect of the legislation through the Dáil. If the Minister is genuine about getting Opposition co-operation in these two days, she must produce evidence to support the inclusion of the co-location aspect, which she has not done.

I am very concerned, without having sight of the legal opinion, that rushing legislation through again will lead to yet more problems down the line and further questions about the competence of the Minister. Furthermore, this legislation, in attempting retrospection, may be unconstitutional. Clearly, what is now required is a considered debate to ensure that the detail will be correct on this occasion. The Minister in her contribution stated: "given the immediate need for certainty as to the status and powers of bodies established under the Act, the wide range of crucial and fundamental health services provided by the bodies and the very substantial public expenditure involved in their operation, it was decided to prioritise matters for the present Bill", but that further Bills would be required. While there is a need to underpin the *vires* of these 19 bodies, they are being used as a conduit through which to introduce all this other activity.

With regard to co-location, I refer the Minister to a question asked of her by her Cabinet colleague, the Minister, Deputy Gormley, on 27 September 2006. Deputy Gormley stated:

I thank the Minister for her reply. She has correctly identified the company in question as Triad, one of the bidders for six co-located hospitals and which is also managing the Beacon Hospital. This company is a subsidiary of an American corporation that pleaded guilty to criminal fraud. This hospital chain, Columbia/HCA, paid a total of €1.7 billion to settle US Government fraud charges. Triad is currently under contract to its parent company for services that include patient accounting, which was the nub of the fraud case taken by the US Government against it. Does this information set off alarm bells for the Minister?

In light of this information, does the Minister believe that providing massive inducements in the form of giving public land to such American companies is the right way forward? Instead of cutting costs, could they increase inordinately if the same pattern occurs here? Hence, while I am aware the Minister believes us to be closer to Boston than Berlin, do we really wish to Americanise our health system

so health becomes a commodity to be traded in the market place? The Minister must realise that health is much more than that. It concerns people's well-being and using the market model may be ill-advised.

That was the position of the Minister, Deputy Gormley, just over one year ago. How things have changed. I see the Minister is wearing green, although the Minister, Deputy Gormley, is not in the House.

**Deputy Mary Harney:** It is a coincidence.

**Deputy James Reilly:** The Minister looks very well.

**Deputy Mary Harney:** I thank the Deputy.

**Deputy James Reilly:** We know that schools built under public private partnership which were supposed to save 6% ended up costing 10% more than if they had been built by traditional methods. The PPP model is far from proven and requires much more debate than what is allowed today.

Much like this Bill, it is fair to state that the entire co-location plan has been guillotined. It is supposed to release 1,000 beds. How will these beds be funded when the insurance stream of income has been lost to the public hospital? This plan has come from the Government without consultation. There was no Green Paper, no detailed cost-benefit analysis and no Dáil scrutiny. It was established in the recent general election that there is no mandate for the co-location policy. Handing over public land to private, for-profit hospitals does not have the support of the people — 56% of the people voted against it.

The guillotining of this Bill by Fianna Fáil and the Progressive Democrats, now supported by their allies in the Green Party, is to hive off public landbanks at knock-down rates to private developers at considerable cost to taxpayers in taxes foregone, removing the possibility for those same public hospitals to expand on the grounds they had very wisely kept beside them when they were first built.

Under the new system, two hospitals will co-exist on each site with two types of patient — one public, one private. New co-located private hospitals will pick and choose the procedures they offer and competition between patients for limited intensive care beds will apply. Key medical personnel will be lured from public to private hospitals and public hospital development will be sidelined while hospitals are roped into 60 and 70 year leases. The new model represents a nightmare scenario for our health care system and a Government that has washed its hands of the development of public hospitals.

If the Minister succeeds in causing a dislocation between those who fund the service — that is, the taxpayers — and those who use it most, the chronically ill and elderly, we will see a rapid

acceleration in the demise of public hospitals in favour of private ones. We will be well on the road to what Deputy Gormley, before he was a Minister, referred to as the American system. Despite the fact that 16% of America's GNP is spent on health, it is the most inequitable system in the western world with 60 million people uninsured and facing financial ruin or even death should they fall ill. According to the recent docudrama "Sicko", 18,000 people die annually in the good old USA because they have no health insurance.

The main source of revenue of the new co-location hospitals will be health insurance premiums. It is likely that insurance rates for co-location hospitals will be far in excess of the current rates paid. In addition, the new rates will undoubtedly drive the cost of health insurance up thus making private health insurance unaffordable.

The VHI's publicly stated policy has been that there is no need for any further private beds. In its 2006 annual report the VHI stated:

The single biggest challenge facing private healthcare in Ireland is the unprecedented increase in private hospital capacity which has been encouraged by generous tax relief for such investment. VHI Healthcare has questioned the wisdom of such tax incentives particularly since there does not appear to be any significant demand from the public sector to use these new facilities. The cost of financing the new capacity will place huge pressure on our objective to provide our members with quality healthcare at affordable prices.

The VHI has its own agenda but nonetheless it will be interesting to see how all these private hospitals are going to survive. Will the NTPF be their main source of income?

Throughout this process, the Taoiseach and the Minister have frequently stated that the co-location option is the best and quickest way to deliver more hospital beds. It is highly unlikely that they will complete this complex project when they have still not delivered the much heralded 3,000 public acute beds promised back in 2001. In five years, they managed just over 1,000 of the promised acute hospital beds.

As well as underpinning 19 agencies, this rushed legislation is also addressing deficiencies in the Medical Practitioners Act 2007 and in the Health Act 2004 which established the HSE. Both of these Acts were put through the House by the Minister for Health and Children, Deputy Harney. She claims that she is in the middle of a major reform programme of the health service and that she wants to finish the job. Reform is generally understood to mean changing things for the better but instead the last few months have seen the imposition of a staff recruitment ban and cuts to critical frontline and community health services.

[Deputy James Reilly.]

The HSE is the Minister's creation. She shaped it, legislated for it, and established it quickly rather than taking the time to get it right. In setting up the HSE, the Minister promised it would deliver efficiencies and value for taxpayers' money but instead she has allowed bureaucracy to spiral out of control, so much so that the Minister for Finance now has to put a stop to it. We all saw the articles in *The Sunday Tribune* and yesterday's *Irish Independent* about the Minister for Finance writing to the Minister, Deputy Harney, expressing concern about her ability to manage her Department's budget in the more financially restricted times that now exist as the economy slows down under this Government.

On top of its bureaucracy, the HSE has superimposed a lack of accountability and an avoidance of responsibility while putting media spin before operational performance. It has lost the confidence of the public, most of its own staff and many Deputies, including some on the Government benches. While the Minister and others, including the HSE, blame the work practices of its staff, it is the action of the Minister herself and the senior management of the HSE which is now the problem. They put conformity to their systems ahead of patient safety and welfare. They treat patients as job lots. Their attempt to blame the former Midland Health Board for the fiasco in Portlaoise is now seen to have been nothing more than a pathetic smoke screen.

The HSE has given us cutbacks, cancelled operations, removed home-care packages for disabled children, removed home help for the elderly, closed wards and reduced transport capacity, yet the Minister wants us to devolve more power to this body. She wants to distance herself even more from her responsibilities.

The Medical Practitioners Act was rushed through the House earlier this year but why were these amendments not included in the original legislation some months ago? Maybe it is because the legislation was rushed through the House at such a pace. We are now repeating the same mistake. It is more than likely we will find ourselves standing here at some stage next year rectifying the deficiencies of this rushed legislation.

Perhaps the Minister can provide clarification on the amendments proposed for the Medical Practitioners Act. What problems is she seeking to head off by these amendments and who wished to have them introduced?

Section 18 of the Bill amends section 59 of the Medical Practitioners Act by inserting the following section:

(1A) The Preliminary Proceedings Committee may, for the purposes of considering whether there is sufficient cause to warrant further action being taken in relation to a complaint, take account of such matters relating to the registered medical practitioner the subject of the complaint that arise from its investi-

gation of the complaint as it considers appropriate.

Did everyone get that? This amendment suggests that if a separate issue, unrelated to the initial complaint, comes to the attention of the Preliminary Proceedings Committee, it can be considered as part of the cause to warrant further action. It is not clear from the legislation, however, if doctors will be notified of this complaint or if they will be allowed the opportunity to respond to the complaint. Perhaps the Minister could clarify this point.

I ask the Minister to remove all mention of these other Acts from this Bill and focus on the Attorney General's advice, addressing it to the area he wished it to be addressed to, namely the 19 bodies. She should allow a more considered and ordered debate on other issues such as collocation, the Medical Practitioners Act 2007 and the HSE Act 2004. We could then wish the Minister a happy Christmas and offer her full co-operation. Otherwise, however, we will have to oppose the Bill.

**Deputy Dan Neville:** I welcome the chance to speak on this Bill. I am pleased the Minister is here as I will take the opportunity to raise an issue on which I sought a debate earlier today, namely mental health services. I offer my sincere sympathy to the family of Michael Hughes who was so tragically murdered. There are currently no dedicated beds available for severely disturbed and violent psychiatric patients. St. Brendan's Hospital deals with such matters for the State but the number of beds there has been reduced from 24 to 14 and those are occupied by long-stay patients. Therefore there are no beds for any disturbed person who becomes violent and is suffering from a psychiatric illness. It was reported today that a court decided a violent and disturbed person who was charged with a crime should go into a facility like St. Brendan's. However, because no such facility was available, that person got bail. The Minister knows the implications of that type of decision.

I will not comment on the death of Michael Hughes because I do not know the full circumstances. A psychiatrist cannot be expected to anticipate that a patient he is trying to assess would go out and kill somebody. However, the position regarding disturbed patients is very serious. Throughout the State, disturbed people are put into long-term psychiatric hospitals and isolated but the staff are not trained to deal with disturbed and violent patients. It is an affront to the patient that the services are not equipped to treat him or her. That is an indication of the dearth of resources provided and attention paid by many Governments to psychiatric patients.

On 12 December, I was informed by the HSE that 3,298 children are on a waiting list for psychiatric services. Many have been waiting for more than 12 months with some waiting for several

6 o'clock

years. This is serious because early intervention to treat psychiatric conditions is absolutely vital to achieve a long-term cure. I do not understand why the Minister and the Government are not addressing this issue because early intervention is cost effective. If the child is dealt with early, he or she will have a great chance to be cured and will not need long-term care. However, delay in the treatment of a child or an adolescent compounds his or her position and his or her condition usually becomes chronic resulting in him or her entering long-term psychiatric services. Even from an expenditure point of view, it is in the Minister's interest to deal with these children. Many reports have been published and suggestions made on what should be done.

I am extremely concerned that the former Minister of State at the Department of Health and Children, Tim O'Malley, stated €25 million would be invested in developing psychiatric services in 2007 and implementing the recommendations in the report, *A Vision for Change*. However, the Irish Mental Health Coalition states, "Most of this money is not being spent and much of it has been used to pay for budget deficits in the primary and continuing care sector". Surely this is not the case. Has the miserly contribution of €25 million to develop psychiatric services been siphoned off to deal with other problems? This beggars belief. I have been involved in the Irish Mental Health Coalition since its foundation and its chairman, John Saunders, who is also director of Schizophrenia Ireland, has demanded from the HSE a clear financial account of where the money has gone. If a person with the status of John Saunders is asking that question, that rings many alarm bells in my mind about investment in the development of mental health services.

I refer to the report on the management of mental health services. The appalling absence of proper management in this service is unbelievable. Twenty local health managers have replaced the former health boards and they are responsible for all health services, including mental health services. Each region has a local health manager with strategic responsibility for adult mental health and disability services and child and adolescent mental health services. Mental health services occupy only a small fraction of the attention of the manager, according to the report. In most areas, mental health services are not represented within the management team. Mental health services are managed at catchment level by senior management teams, which comprise in most cases a clinical director, a director of nursing and a hospital manager. The absence of full multidisciplinary psychiatric teams, which were recommended 23 years ago in the report, *Planning for the Future*, is a scandal.

More senior management teams in the mental health service contain no representation from disciplines such as occupational therapy, social work or psychology. While the vast majority of services

have signed up to the multidisciplinary teams, this is not reflected at management level. There is no logical reason this is the case but the apparent resistance to the widening of the senior management base is surprising. In view of this, when will service users be represented at management level? This is light years away. There is also a serious failure of management in communications and in the context of decision making. Managers of mental health services are not part of decision making and the majority of senior management teams do not feel they are part of the decision making process. There is little evidence of effective catchment teams. Senior management teams are rarely integral participants in the planning of the mental health services. I look forward to the Minister's response.

**Deputy Jan O'Sullivan:** I move amendment No. 1:

"To delete all words after "That" and substitute the following:

"Dáil Éireann,

- Noting the reported legal advice of the Attorney General that it is legally and constitutionally necessary to introduce primary legislation to confirm certain bodies which were purportedly created under the Health (Corporate Bodies) Act 1961;
- Accepting that this is an urgent matter requiring the urgent enactment of emergency legislation by the Oireachtas;
- Believing it is unacceptable that such emergency legislation should be used to facilitate the introduction of other non-urgent, politically controversial matters, such as those relating to the proposed co-location of private clinics on the grounds of public hospitals;
- Declines to give a second reading to the Bill, on the grounds that it bundles together urgent and uncontroversial matters with those that are in no way urgent and are intensely politically contentious."

I wish to share time with Deputy Caoimhghín Ó Caoláin.

In moving the amendment, the Labour Party does not wish to obstruct the passage of legislation to address the concerns of the Attorney General that certain bodies established under the Health (Corporate Bodies) Act 1961 may be legally and constitutionally suspect. However, we strongly object to the inclusion in this Bill of measures to facilitate the development of co-located private hospitals on the grounds of public hospitals. The Labour Party is fundamentally opposed to this measure, which seeks to take our health services further along the road of dividing

[Deputy Jan O'Sullivan.]

public and private patients so that in the near future when sick people arrive on a hospital campus, they will be directed left or right depending on whether they are public or private patients, some of them to sparkling new facilities supported by tax breaks to wealthy developers and others to the older, public-only hospital.

The Minister has not convinced anyone that this separation of the sick into rich and poor hospitals is anything other than ideologically based, despite what she said which seemed to suggest this would bring patients closer together rather result in them being further apart in terms of whether they were public or private patients. Was she serious when she said the initiative was founded on the principle that all patients ordinarily resident in the State should have access to public hospitals based on medical need and that the possession of private health insurance should neither influence timeliness of access nor treatment? She suggested co-location would result in an equitable system, which I find incomprehensible.

An aspect of the Minister's political agenda should not form any part of an emergency Bill, especially one which is being rushed through the Oireachtas the week before Christmas, the debate on which will be guillotined and for which the time allocated is extremely restricted. This is dictatorial rather than democratic. Even though the Minister's party has only two votes, she has plenty of willing followers in Fianna Fáil and the Green Party who will ensure she will win the vote that will take place tonight. While we will do all in our power to remove the co-location element from the Bill, it is likely that we will not even reach that section of the Bill on Committee Stage. That is unsatisfactory and undemocratic. That is the reason we have moved an amendment on Second Stage to ensure the House will have an opportunity divide on this aspect, namely, the inclusion of the co-location element in the Bill which, otherwise, is emergency legislation.

The other anti-democratic aspect is that the Opposition and the public in general were not told about the Bill until the end of last week, even though the advice of the Attorney General was received in October and the Cabinet was told about the matter on 4 December. The Minister said her legal advice was that she was not to say anything about it until the end of last week. I do not understand the reason for this because she told us: "The legal advice also has implications for bodies set up under the Local Government Services Corporate Bodies Act 1971 and that matter is under active consideration at present." That issue could be declared public when legislation on bodies set up under that Act was being prepared but not ready, yet nobody could be told about the legislation from the Minister's Department until it was ready to be published. If there was a concern about the public or the Opposition learning about it one month or so in advance of

its publication, it appears there was no such concern in regard to legislation on bodies set up under the local government Act. I ask the Minister to respond to this matter, otherwise we can only conclude there is something undemocratic about her not telling us of the need for this legislation until last week.

This is a complicated Bill which involve considerable cross-references to various legislation. Clearly, for that reason it involved considerable drafting which must have taken some time to complete. It would have been helpful for the Opposition to have had sight of the legislation in advance to enable us to make the same cross-references and our legal advisers to examine it carefully to ensure there were no problems with it. Is the Minister satisfied that she has comprehensively covered the whole area incorporated in the legislation, given that it includes references to a raft of legislation? It covers 19 existing bodies and 40 bodies which initially were set up under the 1961 legislation. It is strange that in the intervening 46 years it did not come to light that there was a problem in this regard. The Opposition, anyone with an interest in these matters, particularly those interested in the drafting of legislation, and other members of the public should be given more information on the reason it was considered necessary to introduce this emergency legislation today and the specific legal advice received. I hope the Minister will give us that information.

On the technicalities of the Bill, I wish to raise an issue concerning one of the bodies established under 1961 Act but which no longer exists. I refer to the National Rehabilitation Board which was set up under the Health Corporate Bodies Act 1961 and dissolved in 2000. The Minister said on an RTE programme last Friday that her concern was focused on the 19 organisations still in place. I am sure she is aware of the legal difficulties concerning the National Rehabilitation Board, specifically the superannuation entitlements of its former staff. This matter went to court and it seems the former staff have a right to redundancy payments but no Minister has taken responsibility for ensuring their rights are fulfilled. The issues arises under this legislation. I ask the Minister to examine it and address the concerns expressed when the Employment Appeals Tribunal and the courts dealt with the rights of former employees of the National Rehabilitation Board. I hope she will be able to clarify the position and that we will be able to make progress for the former employees of the board.

I wish to address the issue of co-location and its inclusion in the Bill. I agree with my party leader and Deputy Reilly in asking the Minister if the reason the legislation is being rushed through today has much more to do with her urgent desire for co-location. She advised that further legislation would be required in regard to the 1961 Act and that she would introduce another Bill in 2008. Why then was it necessary and so urgent to

put this Bill, to the debate on which a guillotine will be applied, through the Houses the week before Christmas, particularly when the legislation in regard to the Department of the Environment, Heritage and Local Government does not appear to have the same level of urgency attached? Some of us are suspicious that the real agenda is to introduce the elements that deal with co-location, specifically in regard to St. James's Hospital and Beaumont Hospital.

I am particularly concerned about the wording of the Schedule on page 11, which deals with St. James's Hospital, and page 13, which deals with Beaumont Hospital. It refers to "the disposal of land or an interest in land by the board of the Health Service Executive for the purposes of (i) the said construction, and (ii) the provision of those services by the private undertaking . . .". I understood it was not intended to dispose of lands and that the intention was to lease land for the purposes of co-location. I would be concerned if the legislation was being used to bring us to a position where we will dispose of publicly owned land to private operators who will get tax breaks to provide for private patients on the grounds of public hospitals. Up to now we have heard of the intention to lease land, but the Schedule clearly provides for the disposal of land. That would further add to my concern on behalf of the Labour Party that this element should not be included in the legislation. It is written in black and white that there is a provision for the disposal of land, among other matters. I am concerned about this.

I am also concerned about the issues that have not been teased out in regard to the relationship between private and public hospitals, particularly how public hospitals will be compensated in respect of the funds they currently receive for the accommodation of private patients. I found it incomprehensible that the Minister said this was going to mean that public patients would have access to health services on the same basis as private patients when we know perfectly well that this is not the case and is even less likely to be the case when we have co-located private hospitals.

Recently, a grandmother called to my clinic. She told me that her grandchild, who had an orthopaedic problem, had been told she would have to wait three years for an X-ray and treatment in the public system. The family has a medical card but decided to go to the private clinic of the consultant, which is held in the public hospital. The family subsequently brought the child for the X-ray but the child was not allowed into the X-ray department until €150 had been paid, because the X-ray was being carried out privately. The family's concern is that the child will have to stay in the private system, given that she started there.

**Deputy Mary Harney:** Did this take place in the public hospital?

**Deputy Jan O'Sullivan:** Yes, but it was the private clinic in the public hospital.

**Deputy Mary Harney:** That is exactly what I am trying to stop.

**Deputy Jan O'Sullivan:** I cannot see how what the Minister is trying to do will make this different. If this child presents in the co-located system, presumably she will have to go into the private clinic to get the X-ray—

**Deputy Mary Harney:** There will be 1,000 more public beds.

**Deputy Jan O'Sullivan:** —and it will be impossible to get her back into the public system. Another issue, which I raised previously, is where there is a medical expert in a rare specialty area. How will that person's clinical expertise be shared between the public and private system? That has not been clarified.

Another aspect to this issue came to light this morning, at the meeting of the health committee. The meeting was attended by Professor Tom Keane and discussed the plans for cancer services. It was a great opportunity to have him attend the meeting and we were given plenty of good information. One of the matters discussed was transport, and the difficulty for patients who had to travel to cancer centres — Professor Keane did not wish to call them centres of excellence. He told us that in British Columbia a patient's tests are scheduled to be carried out in a single day, so patients are not delayed there for too long.

There are also places adjacent to the hospital where patients can stay, if necessary. The cancer society in British Columbia is strongly involved in organising this accommodation for patients while they are undergoing tests and so forth. Would it not be great to have enough grounds surrounding the cancer centres to build places for people to stay, so they would not have to occupy expensive acute beds? While they are having tests carried out they could stay in these cheaper forms of accommodation which do not have the intensive support an acute hospital bed requires. I question the use of public hospital grounds for private hospitals and clinics. These grounds could be needed to provide facilities to accommodate patients who have travelled far for cancer tests or cancer treatment. A person who is attending the centre for radiotherapy, for example, could stay in this less expensive type of accommodation.

Similarly, last week we were told there are approximately 300 bed blockers — a term I dislike — in the Dublin area. These people do not need to be in acute hospitals and could be transferred into the community. The public land could be put to good use by using it to provide public beds for patients who are currently needlessly occupying acute beds. Another use for that land is in the area of maternity services. The capacity of maternity hospitals is under pressure due to

[Deputy Jan O'Sullivan.]

increasing birth rates. In my constituency it is planned to move the maternity hospital to the grounds of the public mid-west regional hospital. However, it is planned to put a co-located hospital there, which will take up some of the valuable public land which could be used to accommodate the maternity hospital. The congestion in maternity hospitals is not confined to Dublin; it is a serious problem in other parts of the country. Growing demand on maternity services is a serious problem in my constituency.

I support Deputy Neville's comments on mental health services. Nobody wishes to comment on the case in the news yesterday but the policy document, *A Vision for Change*, made a number of recommendations on mental health services. One of these was that specific funding be allocated to those services each year. The allocation is €29 million for next year but that sum does not appear to be included in the health Estimates. There has been strong lobbying for a number of years to bring to public attention the needs of our mental health service, which has been the Cinderella of the health service for a long time.

Patients often present to hospital accident and emergency units with serious mental health problems. They live in the community and might have acute mental health issues that must be addressed. There should be liaison in the public accident and emergency services so a person who presents with a mental health problem is not sent away and advised to attend a clinic in the community a few weeks hence. All Members are aware of cases in their constituencies where somebody in acute mental distress has presented at an accident and emergency department but was left with nowhere to go. In some cases, the result has been suicide and in others, tragically, it has been violence. This is an urgent issue which must be addressed.

Another issue is child and adolescent psychological services, in particular the need for inpatient services. In my constituency there are no beds for child and adolescent psychological cases. An adolescent with a mental health problem must be accommodated in an adult ward.

There are appalling lapses and gaps in the public health service that must be addressed. I am concerned that funding has been so curtailed or tied to maintaining current services that we are not developing other services that are required. I appreciate that the HSE must watch its budget but I would prefer it to cutback its budget in certain areas where money is being wasted and ensure that money which was promised for other important areas is made available.

The Labour Party does not oppose most of the content of the Bill but it cannot support the elements relating to co-location. This is legislative sleight of hand on the part of the Government, which is demanding that the Dáil enact emergency legislation to close a loophole but is bundling urgent and non-controversial matters

with those that are not urgent but intensely politically contentious. We propose the amendment for that reason.

**Deputy Caoimhghín Ó Caoláin:** I thank Deputy O'Sullivan for sharing time. I support the amendment tabled by the Labour Party. It is extraordinary that on the penultimate day of this session we have been presented with such emergency legislation. We are being asked to rush through all Stages of the Bill this evening. The Bill itself was only published last Friday, 14 December. The Minister informed the Opposition parties on Thursday, 13 December, of the Government's intentions with regard to this Bill and sought their co-operation.

As in all such cases, a great deal of trust is being asked of the Opposition parties. The Government is armed with authoritative legal advice, including that of the most senior law officer who sits at the Cabinet, the Attorney General. We are told that concerns were first raised about the powers of the Minister for Health and Children under the Health (Corporate Bodies) Act 1961 in the context of establishing the new national paediatric hospital during the past summer. It has also been stated, separately, that the Minister for Health and Children was provided with legal analysis on 22 June which suggested there might be complications related to the co-location of private hospitals in the grounds of St. James's and Beaumont Hospitals.

I asked the Taoiseach earlier but received nothing but a blank response, so I ask the Minister who provided this legal analysis. Was it sought by her and did she initiate an inquiry? Did it arise during the tendering process for the co-located private for profit hospitals or was it raised by one of the companies tendering for these lucrative contracts?

The Opposition has sought access to the Minister's legal advice and she undertook at the briefing meeting on 13 December to ask the Attorney General if this was possible. The Attorney General responded on the same day in a letter to the Minister, copies of which were forwarded to the Opposition, that the advice is privileged and should not be released. There may be a good reason for that and it may be the case that the Government must act in this way to protect the State from potentially costly litigation. Again, however, the Opposition is being asked to take this on trust.

I ask the Minister to give us the information in response to the reasonable and fair questions I put to her rather than hide behind the smoke-screen provided by the Attorney General. I acknowledge we must allow the Government some leeway. The Attorney General's advice is that primary legislation needs to be enacted as a matter of urgency to protect the 19 existing bodies established by statutory instruments under the 1961 Act. If that is the case, this legislation is

necessary to ensure the continuation of the work of these bodies and to that extent should be supported. However, the questions I have raised need to be addressed.

The other major element of this Bill, namely the extension of powers to the boards of St. James's and Beaumont hospitals in order to facilitate the Government's infamous private for profit hospital co-location plan, cannot and will not be supported by Sinn Féin. It is ironic that the first reference in legislation to co-location should come in a Bill which is designed to protect the State from a constitutional challenge on the grounds that an Act of the Oireachtas gives powers to a Minister that are too wide ranging. We have never had a thorough debate on the issue of co-location and no legislation has been brought in respect of it. This is a significant change in our health care and hospital system which will reinforce the two-tier nature of the system and swing State policy very definitely towards privatisation, yet no Oireachtas approval was sought for co-location and we are being presented this evening with a Bill that, in traditional style, is being rushed through the House to be guillotined in the last days before Christmas.

Surely the lesson to be learned from the situation that led to this Bill is about the danger that arises when the powers of Ministers and the Cabinet are taken too far. We have on many occasions raised concerns about Bills in which extensive powers are given to Ministers by means of ministerial orders. The role of the Oireachtas in democratic decision making and scrutiny of legislation has been weakened. When important bodies are established and funded to the tune of many millions of euro by the State they should be established by legislation, with all the checks and balances and the democratic accountability that entails, but the record of this Government and the Minister on accountability is lamentable. The Health Service Executive has been established as a buffer against accountability from two directions, Oireachtas Members and communities.

The Government has signalled its refusal to remove the sections it has inserted in this Bill to facilitate co-location. The Schedule to the Bill proposes to amend ministerial orders and give them legislative force. This will mean giving powers to the boards of St. James's and Beaumont hospitals to proceed with co-location. Therefore, Sinn Féin cannot support the Bill.

In June, a Protestant organisation, the Adelaide Hospital Society, joined forces with a Catholic one, the Jesuit Centre for Faith and Justice, to warn against the trend in health care policy represented by co-location, and in this festive week of Christian belief I want to repeat their warning. They stated co-location "sends out a powerful message about Government backing and support for the existing two-tier hospital system" and "represents a significant threat to the fundamental values of care and justice, which

require that health provision is seen first and foremost as an essential service, which should be available on the basis of need". The Minister has heard that argument being made repeatedly in this House but she has ignored it. A Government which sponsors such a scheme can never be relied upon to deal with the underlying inequalities which contribute significantly to ill-health in society.

Authoritative opinion on the front-line of hospital care states we need 3,000 additional hospital beds to replace those taken out of the system in the 1980s and to cater for the 25% population increase since then. However, beds have continued to be removed from hospitals until the present, including beds taken this year from the hospital in my community of Monaghan. This Government claims it will increase bed numbers by 1,500 but no less than 1,000 of these are supposed to come from the co-location scheme facilitated by this Bill. The Minister claims that 1,000 private beds will be transferred from public hospitals to the private co-located hospitals, thus freeing up that number of public beds but she has never answered parliamentary questions I and other Deputies put regarding the number of beds to be transferred at each hospital site. The reality is that co-location cannot provide the additional beds required. The Doctors Alliance for Better Public Healthcare has pointed out that most patients admitted as inpatients to public hospitals are not suitable for care in a private hospital, including most patients admitted through accident and emergency departments.

For the reasons I have articulated in the short time available to me, I cannot support this Bill as it stands. I regret that because I was prepared to support it on the basis of the arguments regarding the named bodies. If this is a means to facilitate the Minister's proposals on further privatising health care and deepening the apartheid-style divide in health services, I strongly oppose her.

**Deputy Chris Andrews:** I wish to share time with Deputy Finian McGrath.

I am delighted to have the opportunity to speak on this Bill. In recent years, the health system has been the subject of widespread debate. I have great sympathy for anybody who works in the health services because morale must be extremely low. We all know people who work in the health services but anybody who admits to doing so inevitably receives sympathy. Reform of the health system is the main priority for the Government and every Deputy.

It is important to highlight the hard work that is carried out by so many members of the Health Service Executive. It is easy to knock and to condemn. Everyone likes to be critical at times because it is the easy thing to do. However, being proactive, thoughtful and detailed in one's responses to problems does not appear to be as easy. Certainly, although the Opposition is very



[Deputy Chris Andrews.]

good at being negative, this does not do anything for their case or for the health system overall.

Deputies O'Sullivan and Ó Caoláin mentioned the issue of co-location because they believe it will reinforce the two-tier health system. People I meet in the street tell me they do not care if there are five tiers in the health system. They want proper care and to be able to access the services. If co-location brings this about, it should be rolled out quickly for them.

Deputy O'Sullivan also mentioned that she supports cutbacks in areas in which there is waste. The Deputy and the Opposition in general should point out where and by whom such resources in the health system are being wasted. Recently, I heard an Opposition spokesperson on a radio programme calling for firm, decisive management and for proper management of the health service. However, on the same radio programme, the same person then called for exceptions to be made in individual cases. One cannot have it both ways.

Although many good people work in the health service, they are becoming increasingly afraid to make good decisions. In a way, they are damned if they do and damned if they do not. While it may not be popular to make this point, a large number of good people work in the health system. We have good consultants, health care managers and pharmacists who need to be supported and encouraged. However, they are assaulted on a daily basis. While people always state that they are not criticising individuals within a particular section of the health service, this is not the case. Such individuals are being criticised and people's morale is being damaged. This is not because of criticism *per se* but inaccurate and unfair criticism affects people. The problem is that people are afraid to make decisions and this is due to the climate of discussion regarding the health service.

The HSE was founded in 2005 and is the State's biggest employer, with more than 120,000 employees. Many of them work at the coalface and treat patients on a daily basis. Amidst recent controversies, it is important not to forget the invaluable work being done by many of the HSE's staff. Its staff should become proud to state that they work in the HSE and in the health service. All families have experience of the hospital services. My personal experiences have been highly positive within both the private and public health care systems. The people who work in this sector are fantastic. In general, the consultants are excellent professionals who regularly work above and beyond the call of duty. Naturally they will argue for their own position, which is part of the process. The same is true of pharmacists, who are arguing the case in respect of the payments scheme. Although they are making arguments on this issue, pharmacists would be the first to acknowledge the existence of difficulties, which always will be present. This consti-

tutes part of negotiating and negotiation is a good part of the process. While it sometimes can be somewhat torturous or slow, it has worked for years and continues to so do. It is important to embrace dialogue and consultation.

I read in today's edition of one of the newspapers an assertion on the part of a commentator that the health system is under-resourced. How often must Members listen to such complete nonsense? Almost everyone now accepts that the system is not under-resourced. While there are question marks over where resources are going and the manner in which they are being spent, there should not be a debate on this subject. However, one is obliged to listen to nonsense to the effect that the health system is under-resourced. Clearly, this is not the case. In the most recent budget, the Government provided almost €16.2 billion for health in 2008. This constitutes an increase of more than €1 billion on the 2006 allocation. Of this sum, more than €700 million is for the capital programme. Further budgetary provisions include increased allocations for cancer care, the elderly, people with disabilities and children, all of which are very welcome. Although it is clear there is not a problem regarding funding, commentators still trot out that old chestnut about the lack thereof.

I acknowledge there will always be problems and challenges within the system and that improvements can always be made. It is important to be cognisant of the hard work and commitment of people in the health service. I refer again to my personal experiences. All Members know people who work in the health service and know they work particularly hard. While Opposition Members like to claim there is waste, they are unwilling to point out its location in any detail. It is like listening to a pub conversation consisting entirely of broad brush stroke stuff and without any detail. The Opposition Members should come up with details on where and on what services they propose to make cutbacks.

The waiting times for accident and emergency services have been improved by 50%. Approximately 3,300 patients a day attend accident and emergency departments, of whom approximately one quarter require admission. Patients in the majority of the 32 accident and emergency departments do not wait long for admission but are admitted directly to beds. Obviously, a number of hospitals are causing some problems. That is more to do with a desire to be involved in politics instead of running the hospitals. The National Treatment Purchase Fund has been a great success. People from my constituency of Dublin South-East have availed of this scheme and have found it to be fantastic. This constitutes a success story.

In a recent survey conducted by UCD and Lansdowne Market Research, it was reported that waiting times for hospital admission now are less than three months for 91% of patients. A

total of 76% of patients stated that they were admitted to hospital immediately on being informed they required admission. A further 11% were admitted within one month and a further 4% were admitted within three months.

I was particularly delighted to note the arrival in Ireland of Professor Tom Keane, who has brought great benefit to cancer services in British Columbia. He attended the meeting of the Oireachtas Joint Committee on Health and Children today and was highly positive and encouraging. He spoke of the enormous success in paediatric oncology. Clearly, the HSE, the health service and the people working within it have delivered a top-class service in paediatric oncology and should be applauded for it. This Bill is in the public interest and I will lend my support to it.

**Deputy Finian McGrath:** I thank the Leas-Cheann Comhairle for the opportunity to speak on the Health (Miscellaneous Provisions) Bill 2007, the purpose of which is to deal with the legal issues in respect of the Health (Corporate Bodies) Act 1961 and to amend the Medical Practitioners Act 2007.

This Bill directly affects Beaumont Hospital, which is located in my constituency. Following a detailed analysis, the Attorney General has concluded that the powers conferred on the Minister for Health and Children by section 3 of the Act are so broad that there is a serious risk, in the event of a constitutional challenge being brought, that the provisions of the Act will be held to be invalid having regard to the provisions of Article 15.2 of the Constitution. He has recommended that as a matter of urgency, primary legislation should be re-enacted to confirm the orders that have been made to date under the Act and to enable certain protective actions to be taken by some of the bodies.

The Bill directly concerns Beaumont Hospital in my constituency. I welcome the Minister for Health and Children, Deputy Harney, to the debate and also the announcement in the Budget Statement of an additional allocation of €2.5 million for cystic fibrosis services at the hospital. This is a major start in rolling out and developing services for the families of children and adults with cystic fibrosis. The extra €2.5 million is to be allocated in 2008, but there will also be other developments at the hospital.

During the last debate on health, I was subject to considerable criticism and was misrepresented by sections of the House and the media over why I had entered government to deliver services for Dublin North-Central, in addition to national services. In addition to the extra €2.5 million to be allocated for cystic fibrosis services at Beaumont Hospital, an extra €35 million will be allocated for the roll-out of national cancer services, as is occurring. Another €3 million will be delivered to develop cancer services at Beaumont Hospital. I welcome this step, as it is progressive

and sensible for the city. I welcome the fact that the hospital has been nominated as one of the designated cancer care centres.

There is a considerable plan for an independent hospital on the site of Beaumont Hospital. It will work with the public hospital, provide extra funds and share the resources, services and consultants. This will free up over 170 beds and result in a major investment in the accident and emergency services. This will not take ten or 15 years but two. I entered politics to deliver on health and disability issues. Most objective commentators will now realise this is becoming a reality. In the next two years there is to be a major investment in Beaumont Hospital and I am confident it will happen.

In my area of Dublin North-Central, there has been a major improvement in education services in Marino. Furthermore, 117 new employees have been deployed to front-line health services on the north side since 5 December. Beaumont Hospital has had 110 new members of staff appointed to front-line services. Therefore, the work has already begun and will continue in the next two years. I welcome it and pushed for it very strongly in my agreement with the Taoiseach.

In the Dáil last week, I mentioned the additional allocations of €50 million for disability services and €25 million for the care of the elderly. These are welcome and important additional allocations and should be considered in this debate. I pushed the Government very strongly for them. I committed to securing them when elected and I intend to deliver on all my promises.

I prefer the phrase “independent hospitals” to “co-located hospitals”. I would appreciate it if Members were straight in this debate and were less hypocritical. The reality is that 53% of citizens participate in private health schemes. My agenda is and always will be to protect the rights of all patients, particularly those from the poorer sections of society. There are already private beds in public hospitals — this is co-location. My broader vision for a universal health insurance scheme for all is based on need rather than money. However, the reality is that it will not happen in the next five years. Do Members want me to turn my back on major funding and investment for Beaumont Hospital? I have seen the plans and details and, having spoken regularly to staff at the hospital, know they are in favour of the proposal. Many Members support it privately, yet they use it to attack me in the House.

The plan for the independent hospital on the Beaumont Hospital site will contribute greatly to the development of the public hospital. This is a key consideration. The public hospital will also receive millions of euro from the lease of the land and this money will be pumped into its services. Many have ignored this. I have seen the exact figures but will not damage the integrity of the planning process for the proposed independent hospital by mentioning them. The millions of euro will represent a very important investment

[Deputy Finian McGrath.]

in the accident and emergency services at the hospital.

Some Deputies have asked the number of beds to be provided at Beaumont Hospital. The figure is in the region of 170. This is a major breakthrough for the hospital and its staff. I cannot walk away from a serious investment such as that proposed when I see no other viable option. It is a question of delivering services for people in my constituency of Dublin North-Central. It is also about creating new jobs.

I recently met the Minister for Health and Children to discuss services for people with disabilities and cystic fibrosis and thank her for meeting me. The meeting was very positive. On 3 December, I met Mr. Michael Cullen and his team from the Beacon Medical Group to debate co-location, including the issues raised by many Deputies in the House today. Afterwards I considered the facts pertaining to the Beaumont Hospital project in an objective way and when I did, I realised it was very impressive. It is a matter of pooling resources, investing in new services, doing up the entrance to the public hospital and obtaining millions of euro from the lease of land to the private hospital. The overall cost of the project is in the region of €254 million. It will include 170 inpatient beds, six high-tech theatre facilities that will employ 510 staff and complement the main hospital with extra support services on-site and millions of euro. It is hoped construction will commence in May 2008. If all goes well, as I believe it will, the project could be completed by 2010.

The reality is that 53% of people are talking along these lines. I would love a wider debate on the health service and accept that we need reform thereof and investment therein but we should note that the budget has provided for an increase in funding for the development of services. Certain services have been prioritised, which I welcome. I referred to cystic fibrosis services for Beaumont Hospital but there are also plans for the roll-out of such key services at St. Vincent's Hospital. Despite the downturn in the economy, we have managed to roll-out and develop the planned services.

The new facilities will increase the pool of health professionals working in the health system, which is necessary. The population is increasing; it is indicated in today's newspapers that it is now over 4 million. We, therefore, need to increase capacity and investment. The population will soon rise to 5 million. Consequently, we need to be sensible, radical and open to new ideas. The way forward is to ensure every patient who enters a hospital is treated with respect and dignity. This is a very important message. Society is about people; without people there is no society. I would like to

redevelop respect, trust and community spirit by insisting on people-centred policies and actions.

Debate adjourned.

### Private Members' Business.

#### Competition (Amendment) Bill 2007: Second Stage

**Deputy Michael D. Higgins:** I move: "That the Bill be now read a Second Time."

I am glad that we are discussing, this evening and tomorrow, the Labour Party's Private Members' Bill to amend the Competition Acts. This Bill is about the vindication of a fundamental principle, indeed a right, namely, the right to collective representation. This Bill aims to ensure that legislation cannot be used to undermine the right to collective representation of atypical workers such as actors, musicians, freelance journalists and others, or to block representative organisations negotiating with the Government or national bodies on behalf of their members, as is currently the case.

This means in practical terms that we are seeking to ensure the right to collective bargaining of those who can be, and who often have been, some of the most exposed workers in the State. These include, although they are in no way confined to, members of Irish Equity, members of the Musicians' Union of Ireland, the NUJ freelance section and others who have been precluded from negotiating with the people to whom they sell their services as employees by way of collective bargaining. These are often in instances of severe asymmetry, where an individual seeks to negotiate with a large and dominant organisation. Indeed, the issue first arose in the context of the difficulties undergone by members of Equity, the Irish actors' union. I must declare an interest here, as my wife is a member of Actors Equity and I know many of the people who are members of that section of SIPTU. I raised this matter on the Adjournment of the Dáil at the time, which is now over two years ago. At that time, the issue centred on the fact that Irish Equity had been forced to sign an undertaking stating that the union would not negotiate fees for actors working on commercials for private companies. The rationale given by the Competition Authority, and parroted by the Government at the time, was a fear of price-fixing by actors involved in services such as voice-overs of advertisements on television or the radio.

When I raised this issue on the Adjournment on Tuesday, 15 November 2005, I posed a fundamental question. Can an EU directive on competition that has been translated into Irish law be used in such a fashion as to undermine the rights of workers to collective representation? These are rights that have been hard-won and are

7 o'clock

enshrined in trade union law and in the conventions of the ILO, of which Ireland is a signatory. The Minister at the time, taking a particularly incoherent approach to the issue, took the view that actors be viewed as independent contractors rather than PAYE workers. As the very nature of an actor's employment, as well as that of other groups affected by this unsympathetic, even hostile, interpretation of legislation, means that he or she often lacks continuity of employment, such a designation could never be applied in the first instance. If people are in any doubt, they should look at the Arts Council survey on actors' incomes. The Minister replying to me on that occasion stated *inter alia*:

On the question of whether actors are 'undertakings' within the meaning of the Competition Act, I understand that, as a starting point, the Competition Authority considered whether the Revenue Commissioners treated actors as employees subject to PAYE or as independent contractors. The authority's investigation revealed that the vast majority of actors in the State are not treated as PAYE employees. It also considered other factors, such as the following. . . . Actors providing advertising services generally are not obliged to work for a single advertising agency — they may work for several at the same time. Such actors generally do not receive the benefits one usually associates with a contract of employment. For example, they generally do not receive holiday pay, health insurance, maternity leave, etc.

He said it as if this were a good thing. The upshot has been that these actors have suffered serious wage cuts and they have been denied the right to have unions make representations on their behalf or negotiate collective agreements. Freelance journalists, musicians and others are in a similar position.

The decision by the Competition Authority to use section 4 of the Competition Act 2002 against actors has immense implications. The fact that the trade union SIPTU was forced on the steps of the court to sign a declaration that it would not represent such actors was a low point in the modern history of Irish industrial relations. While the Competition Authority had begun with actors, all atypical workers could be affected. At a time when there is a drive for the casualisation of work and when we are already experiencing the abuse of workers provided on an agency basis, we need to vindicate the right to collective representation now more than ever.

The interpretation of section 4 of its founding legislation — the Competition Act 2002 — taken by the Competition Authority cannot be allowed to stand. I believe its implementation is inherently wrong, immoral and illegal since it is in violation of treaties which Ireland has signed and ratified. We have accepted an international obligation on the fundamental freedoms and

rights of workers, and the right to be represented collectively. In this context, it is surely scandalous to have arrived in a position such as this, where an ideological attack on some of the weakest workers in Irish society, to whom we have never given proper recognition through social welfare, pensions or income, has been allowed to come about. Each individual worker, be they actor, musician, writer, photographer or anything else, is defined as a business and not a worker. This is simply a violation of the International Labour Organisation convention. Neither is it in line with a recent, and very important, decision of the European Court of Justice, which was asked to adjudicate on the competing rights of transnational commerce and the right of workers to collective representation. I will return to this case.

On Wednesday, 1 March 2006, I raised with the Taoiseach the implications of what was unfolding in terms of the undermining of the rights to collective representation. He affected a concern on more than one occasion, particularly as the talks with the social partners approached. On 28 March 2006, he replied to me, partly acknowledging the concerns of the social partners on this issue. In the course of his letter to me, he stated:

The investigation by the Competition Authority was in relation to a possible breach of Section 4 of the Competition Act 2002, which applies to arrangements which have as their object or effect the prevention, restriction or distortion of competition in trade in any goods or services in the State. The legal issues involved are therefore quite complex, in terms of striking an appropriate balance between the differing considerations of competition law, including EU provisions on the one hand, and the relationship between these considerations and industrial relations law and practice, including the role of collective agreements, on the other. As you know, ICTU has raised specific concerns about the approach of the Competition Authority in this matter. I appreciate fully these concerns, and I believe that a review of the range of legal and other issues involved would be worthwhile. While the difficulties that these issues present should not be underestimated, I remain optimistic that an appropriate and balanced solution can be developed in the context of a dialogue between the relevant union interests and the Authority against the background of the negotiations towards a new social partnership agreement that are currently underway.

That was in March 2006. However, nothing happened.

The matter of collective bargaining has been to the fore over recent times. There are two principal issues which have served to highlight the theme. In an international context, the Viking Line case, case C-438/05, has attracted attention across the European Union. In this recent decision of the European Court of Justice, deliv-

[Deputy Michael D. Higgins.]

ered on 11 December 2007, the court declared the right to collective representation to be a fundamental right. This formed part of the judgment of the Laval case, which was just announced today. This case concerned a Finnish ferry company, Viking Line, which sought to re-flag its ferry in Estonia using low-wage Estonian crews. The Finnish seafarers' unions protested. They were taken to court by Viking Line on the grounds that they were interfering with the company's right to provide services under EU law, which is a central tenet of that law.

In its judgment, the European Court of Justice in Luxembourg held that the right to take collective action, including to strike, is a fundamental right and forms an essential pillar of the general principles of EU law and is not subverted by the right of businesses to operate anywhere in the EU. In the ruling, the European Court of Justice found that Viking Line's right to provide services did not overrule the right of workers to take collective action to protect their legitimate interests. This is particularly important on the eve of the proclamation of the European Charter of Fundamental Rights, which includes the right to collective action and will be made legally binding in the Lisbon treaty, should it be accepted.

It is an important ruling with implications for workers all across Europe, including Ireland, as it confirms that the right to take collective action to protect workers cannot be subsumed by the right of businesses to operate in other countries. It is also of relevance to the issue at hand on a domestic basis, since it demonstrates moral and legal leadership with regard to the right to strike. While the European Court of Justice found that strike action constituted a restriction of the right of freedom of establishment, such action was justified because it was done in pursuit of a legitimate aim, namely, protecting the jobs and conditions of employment of union members.

The Competition Authority's interpretation of section 4 of the Competition Act 2002 and its related court action in the case of Actors Equity was rolled out to challenge the right to collective representation in general. On a domestic level, we have seen the difficulties encountered by members of the Irish Pharmaceutical Union in seeking to negotiate a collective agreement on behalf of its members with the HSE. The current dispute between the HSE and the pharmacists over plans to cut the margins for dispensed drugs has been greatly complicated by the refusal of the HSE to negotiate collectively with the Irish Pharmaceutical Union. The HSE argued that a High Court decision taken by the Competition Authority and brought to the steps of the court in the case of Actors Equity prevents it from negotiating with the Irish Pharmaceutical Union, stating that pharmacists are undertakings. Such an interpretation challenges not only the right to use its negotiating power by the Irish Pharmaceutical Union, but the right of all those with a negotiat-

ing mandate, such as dentists in the health service negotiating with the Department of Health and Children or the HSE, or vets negotiating with the Department of Agriculture, Fisheries and Food.

This Bill that I introduce on behalf of the Labour Party would vindicate the right to collective negotiation in all of these circumstances. It would eliminate one of the major obstacles standing in the way of a resolution of the current crisis in the pharmacy sector. In a letter to all Deputies and Senators, Mr. Michael Guckian, President of the Pharmaceutical Society of Ireland, stated:

the Union is prepared to go to the table without any preconditions, or predetermined outcomes and we would hope that the HSE would do likewise. The Union has proposed that talks on a new pharmacy contract, under an Independent Chairperson, should commence immediately. The purpose of these talks would be to reach agreement on all aspects of the contract, including an appropriate pricing structure for the delivery of pharmacy services. This had previously been agreed with the HSE at a meeting in November. When agreement is reached on an appropriate pricing structure, the matter could then be referred to the new proposed arbitration system, which the Minister for Health and Children alluded to in the Dáil on 21 November 2007. It is hoped that such a Body or System will provide an independent and fair assessment of all of the issues involved and could then make recommendations to the HSE on pharmacists' remuneration. However there is no indication, as of now, the HSE are prepared to proceed on this basis.

That is a fair letter and deserves to be treated fairly, without people retreating regularly for legal advice to encounter the obstacle of the Competition Authority. This offer from the Irish Pharmaceutical Union should be taken up and a resolution could be achieved. The passing of this legislation would ensure that it would not be necessary to interrupt the talks at the point of nearing agreement by legal interventions as to whether pharmacists have the right to be collectively represented.

The basic question is whether the person engaged to perform services is performing them as a person in business on his own account. For Competition Act purposes, the test is whether an individual is what the Act refers to as an undertaking, defined as a person engaged for gain in the production, supply or distribution of goods or the provision of a service. If he or she is engaged for gain, as opposed to being paid a wage, then the Competition Act applies, and as far as the Competition Authority is concerned, and collective agreements are prohibited.

This interpretation is legally frail as well as being inoperable and recipe for chaos in industrial relations. The Competition Authority's reliance on the Revenue Commissioner's defini-

tion of worker as that of a PAYE employee is arbitrary and unacceptable. The key definition in the Competition Act is that of undertaking, which is how atypical workers have been classified. Following this rationale, such workers have effectively been designated as mini-businesses, each with their own contract, with apparently no contact with or connection to fellow workers. This bears little or no relation to the reality of the situation.

One has only to consider what the implications of such a view would be in a labour market where not only are there atypical workers, but also workers who have been made redundant and who are asked to sell back their services on contract. They do so, of course, at the risk of sacrificing all of the protections and benefits that have been won by trade unions over generations.

This Bill has two principal aims. It would enable trade unions to organise and negotiate collectively on behalf of individuals who enter into work under contracts “personally to do or provide any work or services”, the emphasis being on the word “personally”. It follows that such individuals should not be classed as undertakings for the purposes of competition law. However, self-employed individuals would continue to be prohibited from price fixing against consumer interests.

The Bill allows for collective negotiation and bargaining on the terms and conditions of a scheme whereby services are provided to the public by members of a trade, profession or vocation and paid out of public funds. Section 3(2), for example, would deal with the position of the Irish Pharmaceutical Union. The Bill seeks to change the powers of the Competition Authority by amending section 4 of the Competition Act 2002 in such a way as to ensure that it does not undermine the right to collective bargaining and representation. It is the Labour Party’s view that section 4 is in breach of European law and the International Labour Organisation conventions on the right to collective representation.

I believe the Oireachtas never intended section 4 of the Competition Act to be used to undermine trade union statute law and international human rights conventions. However, that is precisely the position at which we have now arrived. Unless section 4 of the Competition Act is changed, under current interpretations many workers will be deprived of some basic protections. At particular risk are those in atypical employment or who have been forced into contract employment.

Sections 3(1) and 3(2) of the Bill specifically enable participants and providers in schemes of public provision paid for out of the public purse to be represented and to pursue collective agreements. It thus, to give a specific and current example, eliminates one of the fundamental stumbling blocks towards a resolution of the dispute between the HSE and the Irish Pharmaceutical Union. The introduction of this Bill is neces-

sary for further reasons, as a means to make sense of, and improve upon, the Competition Act of 2002. If this Act, under the current interpretation of the Competition Authority, were to be applied with full force and effect to trade unions and their members, trade unions would revert to their old common law status as unlawful combinations and trade union leaders would be prosecuted as parties to a criminal conspiracy. The difficulties we now face arise due to the obsession with a narrow and hegemonic definition of competition by the Competition Authority as well as the Government and an apparent inability to apply any sensitivity or flexibility in circumstances where the notion of competitiveness is clearly misplaced.

The Labour Party is not opposed to competition. There is a role for competition in many aspects of life. There are also other areas where the guarantee of provision of a service constitutes any reasonable definition of a citizenship right. It is important that competition legislation be interpreted in such a way as not to undermine fundamental rights. There are areas in which the market cannot and should not be relied upon to provide services that are basic rights of a citizen in a decent society.

The Competition Act not only encourages competition between entities, but further strives to make such competition mandatory. In the view of the Competition Authority, any agreement or concerted practice that has the object or effect of distorting competition is null and void, a civil wrong and a criminal act. This includes any agreement on the terms and conditions on which work is to be done or services are to be provided. Happily, the European Court of Justice decisions clearly strike this down.

Statute law, since 1871, the Constitution and international human rights conventions, including ILO conventions, recognise the right to form trade unions. Further, collective bargaining by trade unions on behalf of their members is actively encouraged as a bedrock of social partnership. This is why the Taoiseach was promising it would be fixed up in the early stages of the social partnership talks, a commitment that came to nothing. Nevertheless, I hope this evening and tomorrow that there will be support for this amending legislation from all sides of the House.

The basis of the problem as I have outlined it is the fact that trade union activity is, at its heart, anti-competitive. Workers do not underbid each other to compete for jobs, nor should they be required to do so. Instead, they organise and bargain collectively so as to obtain the best outcome for all members and society. Again, organisations of professionals providing a professional service for a public scheme must be accorded the right to collectively suggest, deliver and achieve the best possible service.

I am appealing to all Members of the House to support this amending legislation. It addresses inequities that I like to believe were never intended in relation to the position of the most

[Deputy Michael D. Higgins.]

vulnerable of workers. It would also remove one of the obstacles to the resolution of a dispute that the members of the profession involved and the public in general are anxious to see resolved. I appeal for support for this legislation, which is a modest proposal to amend section 4 of the Competition Act to achieve these objectives.

**Deputy Joe Costello:** I thank Deputy Higgins for putting the Competition (Amendment) Bill 2007 on the Order Paper for discussion in Private Members' time today. This is not the first occasion on which he has raised the issue. He has been pushing this stone up the hill for many years and highlighting the issue in public at every opportunity.

Pharmacists are the latest group to have run foul of the Competition Act 2002. They are seeking an equitable and independent process for the determination of fees, services and contracts. They have a representative association, the Irish Pharmaceutical Union, IPU, which they want to represent them in negotiations with the HSE, the Department of Health and Children and the wholesale sector in relation to the cost of medicines. They are totally opposed to the present situation where the HSE seeks to unilaterally impose a price regime for medicines dispensed under the community drug schemes, namely, the medical card, drugs payment and methadone treatment schemes.

The cost cutting proposals from the HSE seek to make pharmacists responsible for the increasing cost of medicines to the State and penalise them accordingly. However, it is the Government that agrees the price of medicines with the pharmaceutical manufacturers. In fact, the rising cost of medicines is due to a range of factors such as the impact of the Government's decision to introduce the drugs payment scheme, the extension of medical cards to all persons over 70 years of age, the rising population and the very high cost of many new medicines, which for certain patients reduce the need for hospitalisation.

In my constituency, Dublin Central, the majority of patients attending pharmacies are participants in the community drugs scheme. They participate mainly in the medical card and drugs payment schemes, while others participate in the methadone treatment scheme. The latter incur high management costs and the scheme is often fraught with major security issues as regards pharmacy staff. Pharmacists have been the unsung heroes of the scheme. They have provided a community service when other professionals were and still are very reluctant to get their hands dirty. It is unconscionable that they should be expected to provide this service at a loss, which would be the effect of the new reimbursement proposals from the HSE if implemented, as threatened, from 1 December.

The Competition Act 2002, as Deputy Higgins explained, is a large part of the problem. It is high

time the Act, section 4 in particular, was amended so as to avoid discrimination against various categories engaged in the production, supply or distribution of goods or the provision of services. Such persons are deemed to be self-employed and subject to the Act's anti-competition provisions. That is the nub of the problem. It is something of an anomaly that while they are entitled to seek trade union membership or can belong to a professional body, they are not entitled to have a trade union or professional association negotiate collectively or engage in full representative activity on their behalf. That is a narrow and outdated concept and a new formula is required.

As Deputy Higgins mentioned, Equity, the actors' and artists' section of SIPTU, has run foul of the Competition Act in its efforts to secure a minimum rate of pay for its members' services and performances. Strange as it may seem, the Competition Authority has deemed Equity's negotiations to be an attempt at price fixing and, therefore, anti-competitive. That is a ludicrous use of the Act. Similarly, the Irish Pharmaceutical Union has run foul of section 4 of the Act. The Pharmaceutical Distributors Federation, PDF, the wholesalers' representative body, refused to negotiate a price for its products on the grounds that these were contractual matters between individual retailers. The HSE then compounded the problem by avoiding the existing arrangements and deciding that its own consultation process, accompanied by an independent economic analysis, was the most appropriate means for the determination of new reimbursement arrangements for pharmaceutical suppliers. When the new cost saving reimbursement arrangements were announced on 17 September, effective from 1 December, there was naturally a cry of outrage from pharmacists the length and breadth of the country at this unilateral decision by the HSE. It threatened to make pharmacies unviable. Many small pharmacies were threatened and, therefore, the livelihoods of the pharmacists concerned. The new fee structure would mean pharmacists having to dispense medicines to 1.5 million medical card holders at a loss.

The Competition (Amendment) Bill 2007 would enable the Government to make a declaration that there is a public interest involved rather than an anti-competitive obstacle in negotiating a collective agreement between a public body and an organisation representative of the profession concerned. This would allow us to get away from the effects of section 4 of the Competition Act which is causing the problem. I urge the Minister to accept the Bill to remove the anomaly in the Competition Act and allow meaningful negotiations to begin to solve the pharmacies' problem.

**Deputy Caoimhghín Ó Caoláin:** On behalf of the Sinn Féin Deputies, I support this Bill and urge the Government not to oppose its passage to Committee Stage. If it has defects, then let those

defects be rectified on Committee Stage. However, I believe it is sound in principle. It addresses a serious problem for an increasing number of workers, namely, the draconian use of the Competition Act to restrict the right of workers to organise and the right of organisations to represent their members.

We have a farcical situation whereby direct negotiations cannot be undertaken between the HSE and bodies such as the Irish Pharmaceutical Union and the Irish Dental Association, among others. These two cases have serious consequences for the public with the threat of major disruption of medicine supply under the medical card scheme and the withdrawal of thousands of dentists from the dental treatment scheme for medical card patients.

Today, we received further news from the IPU that the indirect talks are deadlocked. Once again, I urge the Minister for Health and Children to take a direct hand in this dispute which has dragged on too long and which could be resolved with some flexibility and imagination on the part of the Minister and certainly on the part of the HSE.

The use and interpretation of the Competition Act is one of the key difficulties in the dispute between the HSE and the IPU. The Act has wider ramifications across the economy which is why amending legislation such as this is necessary. Competition law is being used to attack the rights of freelance workers, in particular, actors, musicians, film crews and freelance journalists to be collectively represented. The Competition Authority treats these mainly low-paid workers as commercial companies and uses a measure designed to prevent price-fixing to attack their rights.

When the competition legislation was going through the Oireachtas, guarantees were given that this situation would not occur and the record of the House shows this to be the case. However, the Government adamantly refuses to amend the definition of employee in the Industrial Relations Acts in order to rectify this situation. The Government is refusing to act as workers rights are being trampled upon.

For a long time, trade unions have been campaigning to have this situation addressed. The Government's failure to act is testament to its lack of commitment to the protection of workers' rights. It is evidence of the inherent conflict of interest which exists within the Department of Enterprise, Trade and Employment as a result of having incompatible responsibilities for both enterprise policy and labour affairs.

This is why Sinn Féin used our Private Members' time in the last Dáil to demand the establishment of a stand alone Department of labour affairs to decouple labour affairs from enterprise and address this conflict. This would ensure that appropriate priority and focus is given to the protection and promotion of workers' rights.

Sinn Féin employment spokesperson, Deputy Arthur Morgan, met with representatives of SIPTU, the NUJ, Irish Equity Group and the Musicians Union of Ireland to discuss the fact that competition law is being mischievously used to attack the rights of workers. Deputy Morgan later sought to secure a debate on the Adjournment on the matter. The union representatives made clear that the wages of the low-paid vulnerable workers they represent are being undermined by the dubious interpretations of competition law by the Competition Authority.

Since 1901, all Irish people have had the legal right to form trade unions and to take collective action without getting sued for breaking their contract of employment. This was a hard-won right over generations. It was vindicated by workers in successive struggles, including the great lockout of 1913. More recently, the Government signed the International Labour Organisation's declaration on fundamental principles and rights at work, a binding international treaty which commits the Irish State to respect those basic trade union rights.

However, during recent years, the Competition Authority has begun to treat self-assessed workers, including actors, musicians, film technicians and freelance journalists, as though they were private companies. More and more workers are being denied trade union representation because of what is clear to me and to most people in the country is a flawed interpretation of their status. They are not limited companies.

**Deputy Michael D. Higgins:** Hear, hear.

**Deputy Caoimhghín Ó Caoláin:** Irish Equity was forced to sign an undertaking that the union would not negotiate fees for actors working on commercials for private companies. The result is that many have suffered serious wage cuts, while being denied trade union representation — a basic and fundamental right — on their behalf.

According to European Union competition law, which is on the statute books of all member states, companies may not work together in any way which might make them less competitive. Cartels, or groups of companies which agree to charge the same prices, are banned. The object of this legislation is to prevent price fixing and the development of monopolies. Neither Brussels nor the Irish Government ever intended it to undermine workers' trade union rights.

However, by creating the fiction that self-assessed workers are commercial companies, the Competition Authority has done just that, targeting some of the most vulnerable sectors of the workforce in the process. Other EU countries have introduced special protection for self-assessed workers but the Irish Government has not yet done so. Therefore, some Irish citizens are losing a basic right because the Government has failed to enshrine the necessary protections in our laws.



[Deputy Caoimhghín Ó Caoláin.]

What does this mean in practical terms for workers? I will outline some examples cited by the unions. The NUJ cannot publish a fees guide for its freelance photographers and reporters. Except where named musicians are being engaged, the Musicians' Union is also prohibited from telling its members what is the "going rate" for a performance. Irish Equity is prevented from negotiating with advertising companies, even those who want to negotiate a performance rate with the union.

This is all being done in the name of efficiency and competition. However, it serves neither. The Competition Authority is wrong in its interpretation of the relevant EU directive and it actually criminalises employers and unions for collectively negotiating fees or rates for these workers. This will happen, even if the employer finds it administratively convenient to hammer out a rate with the union, and many do.

Efficiency has nothing to do with the matter. The Competition Authority's action against these workers will not improve matters for the consumer. Most competition increases the powers of the buyers, the citizen and consumer, against those of the sellers, mostly big companies. However, in the case of the misuse of competition laws against workers, the buyer is the big company and the seller is an isolated actor, musician, film technician or freelance journalist. I used this area because it is unlikely to be addressed in any greater depth during the course of these two days of debate.

It is important to make clear that EU law does not prevent the Government and the Oireachtas from taking action to solve this problem. The Government has it within its gift and should take action. It has an opportunity presented to it and it should allow the passage of this Bill and work with the Opposition on Committee Stage to ensure the passage of legislation which restores the original function of competition law and stops its misuse to exploit workers. I appeal to the Government to accept the validity of the arguments presented this evening by the Labour Party, and those of us who will support it, which were so eloquently put by the proposer of the Bill, Deputy Michael D. Higgins.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Michael Ahern):** I welcome the opportunity to speak on this Private Member's Bill which seeks to establish the rights of self-employed individuals to be represented by a trade union for the purposes of collective bargaining. It also proposes to allow the representative body of any profession to enter into collective negotiations with a public body in respect of services provided to the public by members of the profession where those services are publicly funded.

While these provisions are well-meaning, I am concerned that they have far-reaching con-

sequences which may go further than intended. While I accept elements of the Bill have merit, as a Minister of State at the Department of Enterprise, Trade and Employment, which has responsibility for competition and consumer policy, I cannot ignore the anti-competition and anti-consumer consequences.

Prior to addressing the specific provisions of the Bill, I want to emphasise that the effective promotion of competition in the economy is not possible without an effective legal framework. Sound competition legislation contributes to our competitiveness by penalising anti-competitive and anti-consumer behaviour and protecting the competitive process in all sectors of the economy.

The Government continues to consider competition as the life blood of a vibrant economy and we are committed to removing unwarranted constraints on competition in all sectors of the economy and placing the consumer at the top of the policy agenda. Increased competition in the economy has a critical role to play in helping to keep prices under control. An example of this is the aviation industry in which competition from low cost airlines has substantially reduced the cost of air travel. While much needs to be done to encourage competition in some sectors of the economy, the Government is working hard to bring about these changes.

The Government also recognises that restrictions on competition arising from regulations can impose substantial costs on the economy and have adverse effects on the international competitiveness of Irish business. In this regard, the Government is committed to addressing sectors where barriers to entry or restrictive practices exist. Our commitment to better regulation stems from the recognition that if State regulation is excessive in quantity or is of poor quality, it will be an unnecessary burden on economic and social activity. By minimising regulatory barriers, we can make it easier for entrepreneurs to avail of business opportunities and enter markets and we can achieve greater efficiency and choice for consumers.

A practical example of the Government's commitment to foster competition can be seen in the revocation of the groceries order by way of the Competition (Amendment) Act introduced by my colleague, the Minister for Enterprise, Trade and Employment, Deputy Micheál Martin, last year. The groceries order was abolished primarily because it allowed wholesalers and suppliers to determine minimum retail prices charged to consumers, thereby seriously constraining price competition in the grocery trade. The purpose of its removal was to introduce greater competition into the grocery trade by allowing retailers freedom to determine the prices they charge their customers.

The 2006 Competition (Amendment) Act also strengthens the existing provisions of the 2002 Act by continuing to prohibit certain practices previously prohibited by the groceries order.

These include the imposition of resale price maintenance in regard to the supply of grocery goods; unfair discrimination in regard to the supply of grocery goods; retailers or wholesalers of grocery goods compelling or coercing suppliers into payment of advertising allowances; and retailers compelling or coercing suppliers into payment of “hello” money.

Following the removal of the order, the selling of grocery products below cost is not an offence, nor is there any reason to believe below cost selling of itself acts against the interests of consumers or is in any sense anti-competitive. The use of aggressive pricing strategies is a perfectly legitimate marketing tool and the normal outcome of the competitive process.

It is important that we remind ourselves that competition law is designed to promote consumer welfare and protect competition. Anti-competitive practices such as price fixing are essentially theft with the consumer being the innocent victim. The development of a strong competition culture is therefore essential from both a consumer and business perspective. The economy, too, will benefit from open competitive markets. The positive effect that competition has on consumers has two sides. Not alone do companies who compete with each other to win our business reduce prices, provide enhanced service and variety and generally become more responsive to our needs, competition drives companies to cut their costs and find more innovative, efficient and productive ways of doing business. This less visible effect of competition is no less valid.

If competition were just about cutting prices, it would bring important benefits. However, when we take account of the effect of competition on cutting costs, the effects are much more substantial. Lower costs and greater efficiency bring further price cuts for consumers but, more important, they mean higher productivity growth for the economy as a whole. When the companies in question export, the higher productivity they enjoy from competition at home makes them more competitive abroad.

In recent months, concerns have been raised regarding difficulties around negotiations between public sector bodies and service providers. The Competition Act 2002 consolidated, reformed and modernised previous legislation relating to competition policy and merger control. In essence, the 2002 Act increased the penalties for serious cartel activities, such as price fixing, enhanced the independence of the Competition Authority and transferred responsibility for controlling mergers and acquisitions from the Minister to the Competition Authority, with the Minister for Enterprise, Trade and Employment retaining a residual function in media mergers.

The 2002 Act was the culmination of a root and branch review of all aspects of competition law in the State undertaken by the competition and mergers review group. The review group, which reported in 2000, comprised eminent lawyers,

economists and representatives from across the economic spectrum, including the social partners. The 2002 Act implemented many of the recommendations of the review group and anticipated developments at EU level. In particular, it provided a framework for the application of Regulation 1 of 2003 in the State, whereby the authority was enabled to fully apply the European Community competition rules.

Section 4(1) of the 2002 Act sets out the general prohibitions on anti-competitive agreements, decisions and concerted practices and reflects Article 81 of the EC treaty. Section 5 prohibits the abuse of a dominant position and reflects Article 82 of the EC treaty. Predatory pricing is a practice that is considered, both in national and international competition law, to constitute the abuse of a dominant position and is prohibited by both section 5 of the Competition Act and Article 82 of the EC treaty.

The previous 1996 Competition Act, which created criminal offences for breaches of competition law, provided for an “ignorance defence” if the defendant did not know, nor could be reasonably expected to have known, that the effect of the agreement, decision or concerted practice concerned would be the prevention, restriction or distortion of competition. Under the 2002 Act, this ignorance defence was abolished. The 2002 Act also created new offences for breaches of Articles 81(1) or 82 of the EC treaty to facilitate the enforcement of EU competition law in Ireland in line with recommendations of the competition and mergers review group.

An important provision in the Competition Act is that there are different categories of offences. “Hard-core cartel” offences are regarded as extremely serious and could result in a custodial sentence. These offences are defined as agreements, decisions or concerted practices involving competing undertakings, the purpose of which is to directly or indirectly fix prices with respect to the provision of goods or services to persons not party to the agreement, decision or concerted practice; limit output or sales; or share markets or customers. This reflects a more economic approach to competition law enforcement whereby certain offences are regarded as being unequivocally harmful to consumers. Other offences, particularly those relating to vertical agreements, are less seriously restrictive of competition.

Section 6(2) introduced a presumption which applies in the prosecution of the more serious offences. This obliges the court to presume, unless the defendant can prove otherwise, that the object of the agreement is to prevent, restrict or distort competition. All other section 4 and Article 81(1) offences and all breaches of section 5 and Article 82 are treated as less serious. The penalties are lower and this presumption does not apply.

The 2002 Act also established the Competition Authority on an independent statutory basis. The

[Deputy Michael Ahern.]

Irish Competition Authority is one of the most proactive and successful enforcement agencies of competition law in Europe. It was also the first enforcement agency in Europe to secure a criminal conviction before a jury for a competition offence.

I will comment briefly on the nature of investigations by the Competition Authority. The authority's experience of investigating "hard-core cartel" activity, such as price fixing, bid rigging and market sharing, is that it is a slow and time consuming process. Cartels are by their nature conspiratorial. Participants are secretive and "hard-core cartels" are notoriously difficult to detect and prosecute successfully. The evidential standard for indictable offences is onerously high with a "beyond reasonable doubt" burden of proof on the prosecutor. Following investigation, the authority is then required to prepare a file for the Director of Public Prosecutions, after which the preparation of a book of evidence can take several months. Following a decision by the DPP to proceed with a prosecution, the authority assists and works with the DPP, the Chief Prosecution Solicitor, legal counsel and the Garda Síochána in preparing a case for trial.

As the enforcer of competition law, the Competition Authority has been successful in tackling hard-core anti-competitive practices. Last year alone, 15 criminal convictions were secured in a home heating oil case in the west, while a further two convictions were secured this year in connection with this cartel. Proceedings in respect of two more defendants in this case are ongoing.

Following a detailed examination into alleged price fixing in the car market, a businessman pleaded guilty earlier this year to charges of aiding and abetting the Irish Ford Dealers Association and its members in implementing an agreement which had the object of preventing, restricting or distorting competition in the motor trade so as to directly or indirectly fix the selling price of cars.

These cases constitute major successes for the authority—

**Deputy Michael D. Higgins:** May we anticipate that the Minister of State will, at some point, address the abuse of section 4?

**Deputy Michael Ahern:** —and combined with the authority's cartel immunity programme and the recruitment of gardaí to the ranks of the authority should send a clear signal to anyone considering price fixing or cartel membership or participation that this type of anti-competitive behaviour is not acceptable and competition law will be enforced in this regard.

In addition to these criminal cases, the authority also pursues anti-competitive behaviour by way of civil action. Since 2002, the authority agreed settlement terms in 15 cases without the need to initiate legal proceedings and has settled

14 cases prior to the cases going to a hearing. A further three cases proceeded to a hearing.

In addition to confronting hard-core criminal activity, the authority, via its advocacy role, plays a proactive role in tackling other anti-competitive practices and restricted legislative shelters. Under the provisions of section 30 of the Competition Act 2002, the authority may "study and analyse any practice or method of competition affecting the supply and distribution of goods or the provision of services or any other matter relating to competition".

On foot of a 2001 OCED report, regulatory reform in Ireland, which suggested that competition in the professional services sector in Ireland could be stronger, the Competition Authority undertook a study of eight professions: engineers, architects, dentists, optometrists, veterinary surgeons, medical practitioners and solicitors and barristers. In respect of each of these professions, the authority's strategy was to first release a preliminary report containing initial proposals for improving competition and thereby allowing a period of consultation with interested parties before the publication of a final report. To date, studies of six professions have been completed, while the remaining two studies on veterinary surgeons and medical practitioners are expected to be published in 2008.

The authority has also produced reports on the liquor licensing laws, published in September 1998; the bus and rail passenger transport sector, published in 1999; the casual trading sector, published in 2002; the insurance market regarding non-life insurance, published in March 2005; the banking sector in Ireland regarding non-investment banking, published in September 2005; and competition in the private health insurance market, published in January 2007.

The recommendations contained in a number of the reports produced have been generally welcomed by those to whom they are addressed. While the authority has no legal basis to "require" the implementation of its final recommendations, it regularly reviews the position in relation to implementation. As part of that process, it engages with all those to whom recommendations were directed with a view to progressing their implementation.

At this point I wish to stress the importance of the public's role in assisting the Competition Authority's campaign to stamp out anti-competitive behaviour. In order to stop anti-competitive behaviour, the authority needs to be aware that abuse is taking place and this is where the public has a role to play via the authority's complaints mechanism. The authority has substantial powers to investigate complaints if it has reasonable grounds for suspecting that a breach of competition law has taken place. When the information provided through complaints is sufficient to give the authority reasonable grounds for suspicion, a formal investigation may be launched. Where information does not point towards a breach of

the law, it may inform other aspects of the authority's work, for example, the review of statutory regulations which may have unintended anti-competitive effects.

I understand the history of the Bill stems from a 2004 decision by the Competition Authority in which it took a view that self-employed actors were "undertakings" within the meaning of the 2002 Competition Act. For the record, "undertakings" mean "a person being an individual, a body corporate or an unincorporated body of persons engaged for gain in the production, supply or distribution of goods or the provision of a service". As I said earlier, section 4 of the 2002 Act forbids all agreements that have as their object or effect the prevention, restriction or distortion of competition, including price fixing, and in doing so it reflects the provisions of Article 81 of the EC Treaty.

Following the authority's investigation into possible price fixing among self-employed actors and advertising agencies, it took the view that an agreement between the Irish Actors Equity SIPTU branch, on behalf of actors, and the Institute of Advertising Practitioners in Ireland, on behalf of advertising agencies, breached the provisions of section 4 of the Competition Act.

**Deputy Michael D. Higgins:** Disgraceful.

**Deputy Michael Ahern:** Following the authority's findings, Equity and the institute undertook not to enter into or implement any agreement that directly or indirectly fixes the fees that the institute or its members pay self-employed actors in return for services rendered. I understand that neither party challenged the authority's decision in court at that time or since. While the authority enforces the legislation it is, and always has been, the courts who definitively interpret the law. I would like to state clearly that the right of a trade union to represent employees in collective bargaining with their employers is not and never has been called into question by the authority.

**Deputy Michael D. Higgins:** Yes, it has.

**Deputy Michael Ahern:** A difficulty does arise, however, when a trade association acts on behalf of self-employed contractors and in such instances the trade union mantle cannot exempt the association from what is, in effect, price-fixing negotiations.

I would like to reflect at this point on our industrial relations system. I believe that we are very fortunate in terms of the industrial relations systems we have developed together in Ireland. The fundamental approach of successive Governments to industrial relations has been one of voluntarism. There is a consensus among the social partners that the terms and conditions of employment of workers are best determined through the process of voluntary bargaining between

employers and workers and between employers' associations and one or more trade unions. This approach to industrial relations has served us well over the years.

In general, our laws do not try to impose a solution on parties to a trade dispute, but rather are designed to help support the parties in resolving their differences. The State has, by and large, confined its role to underpinning voluntarism through the provision of a framework and the industrial relations institutions that can assist in the resolution of disputes between employers and workers and through which good industrial relations can prosper. The capacity to resolve workplace disputes effectively contributes to the quality of the working environment and has a significant impact on organisational performance in terms of reducing days lost, enhancing productivity and improving management-employee relations.

The Government is focused, through its investment in dispute resolution machinery, on making a real difference to the conduct of industrial relations in the country. A key feature of that investment has been the Labour Relations Commission. The commission has been a very successful organisation, whether judged from the perspective of dispute settlement or from the perspective of dispute prevention.

The record of success in dispute resolution is clear from the available data which shows that the conciliation services division consistently settles about 80% of all cases referred to it. By the same token, the Rights Commissioner Service, currently dealing with very significant growth in demand for its services, resolves the vast majority of all cases referred to it.

The Labour Court also plays a key role in contributing to the stable industrial relations climate in Ireland. The court's excellent reputation is built on the maintenance of high standards and a commitment to quality customer service.

We are all aware, however, that effectiveness in dispute resolution is not the whole story in making a difference to the conduct of industrial relations. The key to the long-term health of an industrial relationship is, on the one hand, for parties to take the steps necessary to ensure that the relationship is effective and, on the other, that they can resolve differences themselves when they arise. The dispute resolution bodies have long understood this reality and have helped parties to industrial relationships right across the country to develop good communication mechanisms and good in-house dispute prevention and resolution arrangements. Social partnership has played an important, if not pivotal, role in Ireland's dramatic economic and social development since 1987.

**Deputy Michael D. Higgins:** The social partners favour this legislation.

**Deputy Michael Ahern:** During the past 20 years, the successive social partnership agreements have reflected the unique challenges and opportunities of their time, and injected a substantial measure of stability and confidence for all sectors of the community, including investors. It has created and sustained the conditions for remarkable employment growth, fiscal stability, restructuring of the economy to respond to new challenges and opportunities, a dramatic improvement in real living standards, through both lower taxation and lower inflation, and a culture of dialogue which has served the social partners but, more importantly, the people of this country very well.

All social partnership agreements have included provisions for the orderly processing of grievances and disputes and frameworks dealing with industrial peace and the pursuit of industrial action in regard to matters covered by the agreements. An indication of the impact of this aspect of the agreements is given by the trend over the period of reduction in days lost because of industrial action, from 260,000 days in 1987 to less than 7,500 days in 2006, the lowest since records began in 1923. CSO figures for the third quarter of 2007 show that no work days were lost as a result of industrial disputes during that period. While there can be no room for complacency, these statistics reflect the stability of the industrial relations environment and the increased willingness of employers, workers and trade unions to resolve potential disputes either at workplace level or, if necessary, through the utilisation of the available dispute settling services, such as the Labour Relations Commission and the Labour Court.

In addition, institutions of social partnership play a significant role in ensuring delivery of the industrial stability and peace provisions of the national agreements. In this context, the national implementation body serves as a forum where the Government, employers and trade unions can work together to help ensure a positive industrial relations climate for economic and social progress.

Needless to say, social partnership was not solely responsible for the dramatic turnaround in our economic and social fortunes, but it was a key factor because it enabled us, Government, employers, trade unions, farmers and the community and voluntary sector, to develop a consensus about the overall direction of our economic and social policy and to work together to achieve our shared vision of the future.

Our model for partnership is unique and adapted to Irish needs, enabling us to manage rapid change successfully and build on support for the changes necessary to meet our economic and societal goals of growth and employment. To remain a competitive, growing economy, with the capacity to improve our social provision, we must continue to build on what social partnership has achieved for us. Over the past 20 years or so, if

we have learned anything, it is that a shared analysis of the issues coupled with a problem-solving approach has worked.

The Deputy is concerned with the effect the authority's decision in the Irish Actors Equity case has on the livelihood of freelance artists and the Competition Authority's decision has, in the past, been called a "distorted version of the pursuit of competition... used to undermine the rights of Trade Unions and their members". However, the Bill before us today is, in effect, championing price fixing, which is a serious crime carrying a maximum prison sentence of five years.

**Deputy Michael D. Higgins:** On a point of order, I ask the Minister of State to withdraw that allegation, which is entirely improper. He is suggesting on the record of the House  
8 o'clock that I am in favour of an illegal action. He stated: "However, the Bill before us today is in effect championing price fixing, which is a serious crime carrying a maximum prison sentence of five years." It is as disgraceful as it is inappropriate. It is a cheap, wrong allegation, and for the purpose of the House, the Minister of State should withdraw it.

**An Ceann Comhairle:** The Deputy is well aware that is not a point of order.

**Deputy Willie Penrose:** It is a distortion.

**An Ceann Comhairle:** I am not responsible for what the Minister does or does not say.

**Deputy Willie Penrose:** It is a disgrace.

**Deputy Jan O'Sullivan:** He should withdraw it.

**Deputy Michael Ahern:** Earlier this year, when sentencing a motor car dealer for fixing the selling price of motor vehicles, Mr. Justice Liam McKechnie said that this type of crime was a crime against the consumer and there are good reasons as to why a court should consider the imposition of custodial sentences.

**Deputy Michael D. Higgins:** The Minister of State should be ashamed for making that analogy.

**Deputy Willie Penrose:** Who is setting the price?

**Deputy Michael Ahern:** I want to take the opportunity to correct a number of misconceptions contained in the explanatory memorandum which accompanies this Bill. According to the explanatory memorandum, if the Competition Act applied with full force to trade unions and their members, trade unions would revert to their old common law status as unlawful "combinations" and trade union leaders would be prosecuted as parties to a criminal conspiracy. I reiterate that the 2002 Act applies only to undertakings and associations of undertakings. For the greater part, trade union members are employees, not

undertakings, and in the view of the Competition Authority, trade unions representing employees would never, when acting in that capacity, be considered as associations of undertakings.

**Deputy Michael D. Higgins:** What of workers who are available for victimisation?

**Deputy Michael Ahern:** The explanatory memorandum also raises the issue of atypical employment, which is difficult to characterise. Generally, such arrangements run the spectrum from pure self-employment to pure employment and everything in between.

**Deputy Michael D. Higgins:** That is deep.

**Deputy Michael Ahern:** In effect, the Bill seeks an exemption from the Competition Act for all individuals who contract with undertakings.

**Deputy Michael D. Higgins:** It does not.

**Deputy Michael Ahern:** Does the Deputy realise that as a result large elements of the service economy would be exempted from the provisions of the Competition Act? What this would mean, in effect, is that members of professional bodies such as barristers, solicitors and architects, to mention just a few, could band together, add “union” to their name and apply for a negotiating licence under trade union legislation.

**Deputy Jan O’Sullivan:** That is rubbish.

**Deputy Michael D. Higgins:** Section 3(2) states that the Government makes a public declaration about a public interest.

**Deputy Willie Penrose:** Whoever wrote the speech does not understand the Bill.

**Deputy Michael Ahern:** They could then legitimately under Irish law get together to fix prices for their services. I am sure the Deputy does not intend that the protections afforded to consumers by the Oireachtas in the Competition Act could be circumvented in this manner.

It is important that the Bill is considered in the wider EU context and not purely from an Irish competition policy context. In this regard, a particular concern relates to the interaction of the Bill with established European jurisprudence in the area of competition law which has defined the concept of an undertaking as any entity engaged in an economic activity—

**Deputy Michael D. Higgins:** Including the cases decided this week, which support it.

**Deputy Michael Ahern:** —regardless of its legal status and the way in which it is financed. Similarly, it has defined an economic activity as “any activity consisting in offering goods and services to a given market”. The Commission in

following this wide definition has taken the view that it includes any activity directed at trade in goods and services, irrespective of the legal form of the undertaking and regardless of whether or not it is intended to earn profits. It is the person’s or body’s engagement in commercial activity which makes it an undertaking for the purposes of competition law and the pursuit of profit is not essential. In practice, the definition of undertaking has been taken to include companies, self-employed persons, including performing artistes, agricultural co-operatives and sports associations.

I am aware, for example, of a particular 1978 European Commission case, the RAI-UNITEL case, in which the Commission found opera singers to be undertakings.

**Deputy Michael D. Higgins:** Pavarotti is now an undertaking. That is really advanced.

**Deputy Michael Ahern:** In this case the Commission took the view that “artistes are undertakings within the meaning of Article 85(1), now Article 81(1), when they exploit commercially their artistic performance”.

**Deputy Michael D. Higgins:** What about the cases of 2007 such as the Viking case and the Laval case?

**Deputy Willie Penrose:** They did not know about them when they were writing this speech.

**Deputy Michael Ahern:** There is also potential for an anomalous position to arise whereby self-employed persons could be exempt under Irish competition law yet such persons could be in breach of Article 81 of the treaty. The preamble to the 2002 Act states that it is “An Act to make new provision, by analogy with Articles 81 and 82 of the Treaty...” The current wording of section 4 of the Competition Act is taken from the wording in Article 81(1) of the treaty. Section 6 of the Act creates an offence for breach of both section 4 of the Act and Article 81 of the treaty, while section 8 sets out the penalties for a breach of both section 4 and Article 81.

The Act also anticipated Council Regulation 1 of 2003 which made European competition rules directly applicable in member states. Article 3 of that regulation requires the national competition authorities and national courts to apply Article 81 when they apply national competition law to agreements which may affect trade between member states.

**Deputy Michael D. Higgins:** This is fundamentalist rubbish.

**Deputy Michael Ahern:** Because section 4 reflects Article 81, the delimitation of section 4 of the Act contained in section 2(1) of the Bill, if enacted, could result in Irish competition law being inconsistent with EU law, and could place the courts in the unusual position of exempting

[Deputy Michael Ahern.]

undertakings under Irish law while punishing them under EU law.

**Deputy Michael D. Higgins:** The European Court of Justice this week ruled on exactly the same grounds as this Bill.

**Deputy Michael Ahern:** I cannot imagine that the Deputy intended to introduce a system whereby European law would have effect but not Irish law.

**Deputy Michael D. Higgins:** That is a baseless allegation. I thank God I do not have to read out such rubbish.

**Deputy Michael Ahern:** I do not consider it appropriate to debate the issues identified in this Private Members' Bill in isolation from an on-going review of the Competition Act. During the Dáil debate on the Consumer Protection Act early this year, Deputies may recall that the Minister, Deputy Martin, indicated that he intended reviewing the operation of the 2002 Competition Act and that he would bring forward proposals for legislative change where warranted.

**Deputy Willie Penrose:** The review champion.

**Deputy Michael Ahern:** In October, the Minister announced a public consultation on the operation and implementation of the Competition Act 2002. In addition to publishing newspaper advertisements requesting comments, observations and submissions from any interested parties, my Department also wrote directly to a number of experienced competition law practitioners, as well as to business representative groups and the Irish Congress of Trade Unions, requesting their input into the review process. The end of the year has been set as the deadline for receipt of all submissions.

I ask the House to oppose this Bill and to allow the proposals contained in it, including their wider EU implications, to be fully examined in the context of the overall review of the operation and implementation of the 2002 Competition Act.

**Deputy Leo Varadkar:** I wish to share my time with Deputies James Reilly and Jimmy Deenihan.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy Leo Varadkar:** I acknowledge the bona fides of the Labour Party in presenting this Bill. It is a genuine effort to address genuine hardship for some individuals such as self-employed members of Equity, the NUJ and others. Similarly, I acknowledge the efforts the Labour Party is seeking to provide a means through which professional groups such as dentists, pharmacists and general practitioners can negotiate with Government for public services. However, despite this, neither I nor Fine Gael can support the Bill on a number of grounds, both to do with the ultimate

policy implications of the Bill as drafted and legal flaws within it.

The explanatory memorandum suggests that section 2 has been brought in to facilitate Equity. However, the Bill does not refer to Equity and rather uses a broad-brush measure, section 2(1)(a), which effectively proposes to legalise across the board horizontal price fixing by trade associations at the expense of business groups and social partners. If this provision were enacted, it would be possible, for example, for architects to club together and demand a fixed price for services provided to particular contractors. Bricklayers could form a union and demand negotiations with the Construction Industry Federation for particular rights, such as double pay on Sundays. Casual farm workers could form a union in, say, the midlands and insist on negotiations with the IFA and farmers to give them particular employee rights while continuing to enjoy the benefits of being self employed.

**Deputy Jan O'Sullivan:** What about the public interest?

**Deputy Leo Varadkar:** When I refer to that, the Deputy will hear it. I am just dealing with section 2 of the Bill.

**Deputy Michael D. Higgins:** That section is qualified.

**Deputy Leo Varadkar:** I am coming to that. I did not interrupt the Deputy. Perhaps he could have the decency to contain himself for at least one debate.

**Deputy Willie Penrose:** We are fed up with the views coming from the Deputy.

**An Ceann Comhairle:** Deputy Varadkar is entitled to express his view.

**Deputy Leo Varadkar:** I am. This is a democratic country, left or right.

**Deputy Willie Penrose:** The Deputy is very "right".

**Deputy Leo Varadkar:** Instead of competing for business, electricians in a town could form a union to negotiate terms, conditions and fees with local shopkeepers and enterprises. The Bar Council and the Law Society could similarly fix prices, terms and conditions for services provided to any social partnership group. This Bill is potentially a Trojan horse and if implemented would see a return of the medieval guild system of collective bargaining whereby architects and other professionals were required to form guilds in order to negotiate set prices for services, as well as creating barriers to others entering those services.

The Bill abolishes competition law to the extent that it applies to the self employed. As stated by the Competition Authority decision in

the Equity case, if one were to take a wooden approach and find that all trade union members were exempt from the Act, the protection afforded to Irish consumers by the Oireachtas in the Competition Act 2002 could easily be rendered illusory. An association of independent pharmacists, publicans and barristers, to name but a few, would shortly obtain safe havens for their members by adding union to their name and obtaining negotiating licences. At the same time it is even possible that traditional companies could redefine themselves as partnerships and corporate bodies. Let us bear in mind that the Labour Party Bill does not just refer to individual self-employed people and unions, it talks about giving these rights to partnerships and corporate bodies. Traditional businesses could redefine themselves as collections of partnerships and corporate bodies and then use that provision to exempt themselves from competition legislation in the context of section 2.

Section 3 seems to be written with the intention of resolving the IPU-HSE impasse. I commend the Labour Party for seeking to resolve this problem but I do not believe this is the correct means to do so. However, despite the apparent intention, there is no specific mention of the IPU or similar organisations either in the Bill or the explanatory memorandum. The provisions of this section are very odd indeed. Essentially, it legalises price fixing in circumstances where the Government negotiates with an organisation representing a profession or trade for the provision of a service to members of the public or to a class of members of that public. The mechanism for achieving this is to empower the Oireachtas, following a declaration of the Government, to deem such an organisation not to be an association of undertakings for the purpose of section 4 of the 2002 Act. This exemption would not only be open to sole traders and independent professionals but also to members and employees of partnerships and corporate bodies under section 3(5)(b).

In sections 2(2) and 3(3), the Bill seems to try somehow to exempt consumers, stating that it is okay to fix prices against the Government, businesses or farmers but it is not allowed against consumers. While I am sure the Labour Members are well intentioned in this regard, this is naive. If one is allowed to fix prices with one's major business or customers there will obviously be a knock-on effect. For example, if electricians are allowed to fix prices with shop keepers and demand that they get a certain rate for an order to fix lights in SPAR or Londis, the knock-on costs of that will fall on the shops' customers. Equally, the fact that electricians can get fixed rates from their best customers will lead to higher rates for ordinary consumers. One cannot just write that into a Bill and think it will not happen. The naivety is really breathtaking.

The effect of this Bill would be to set back competition law by 15 years. Despite its intent, it is little more than a charter of rights for cartels, allowing groups of sole traders and partnerships

or corporate groups as diverse as barristers, publicans, electricians and vets to establish a union, gain a negotiating licence and seek to fix prices with major customers and Government. Less competition in these areas will inevitably lead to higher prices for consumers and increased liability for the taxpayer.

My party has consistently sought to highlight the case against the Government on the issue of inflation. In particular, we focused on the high levels of inflation in Government-controlled sectors and sheltered sectors of the economy. Unfortunately, this Bill would undermine that view and thus it would be hypocritical of us to support it. It would be bad both for consumers and taxpayers. It stands contrary to our party's proposals in the lead up to the election to strengthen the Competition Authority with the power to impose fines for violations and to allow the authority to make legally binding civil decisions. This is a clear example of hard cases making bad law. Speaking on the original Competition Bill in 1991, Peter Barry got it right when he said that any exception to the Act should be explicit, rather than relying on the future interpretation of inexplicit phrases.

Further to these presumably unintended consequences of the Bill, we see a number of gaping holes and obvious legal flaws in it. Fundamentally, if enacted, the Bill would be of no benefit whatsoever to groups such as Equity or the IPU. It would not alter Article 81 of the EC Treaty or Regulation 1 of 2003, both of which must be applied by the Competition Authority and the courts regardless of the provisions of the Competition Act. It must also be remembered that the authority's rulings are based on Article 81 of the EC Treaty, not the Competition Act.

Large sections of the explanatory memorandum are deeply misleading. There is a suggestion that if the Competition Act were applied with full force and full effect it would result in trade union leaders being prosecuted as parties to a criminal conspiracy. To paraphrase the Labour Party leader, this is poppycock. Deputy Higgins referred to a number of recent cases but I would refer him to *Grealy v. the Department of Education and Science*, which made it clear that this was not the case. This should be known by people putting forward this type of legislation.

**Deputy Michael D. Higgins:** Why does the Deputy not quote from the European Court of Justice cases this week?

**Deputy Willie Penrose:** The Deputy thinks he is awfully smart.

**Deputy Leo Varadkar:** Furthermore, the authors seem to disregard the separation of powers. It is most unorthodox for a Government to be able to make a declaration to exclude the effects of an Act for a particular body. The normal course would be to give authority to the Minister to make regulations by statutory instru-



[Deputy Leo Varadkar.]

ment in line with specific criteria laid down in law.

**Deputy Michael D. Higgins:** The Deputy said it was in the public interest.

**Deputy Leo Varadkar:** The Competition Act is an advocate of competition and acts as a prosecutor; it is not an arbiter of the law. The final interpretation of law is a matter for the courts. The Bill assumes that the Competition Authority ruling in the Equity case is the law, which is not necessarily so. This also applies to the Attorney General's advice given to the Government with regard to HSE negotiations with the IPU, IMO and IDA. This year, the Supreme Court ruled against the Competition Authority and representative services on behalf of its members in a case taken by the Irish League of Credit Unions.

**Deputy Michael D. Higgins:** Yes.

**Deputy Leo Varadkar:** In that case, the Supreme Court determined that the representative services of the ILCU on behalf of its members were not economic activities—

**Deputy Michael D. Higgins:** That is right.

**Deputy Leo Varadkar:** —and therefore were not covered by the Competition Act. Surely something like the Equity case or the HSE decision to follow the Attorney General's advice should be legally reviewed before changing the Act. That is the obvious course of action.

There are a number of other means to resolve some of the problems which Labour Deputies have mentioned. With regard to Equity and similar issues concerning, in many cases, exploited self-employed workers, it may be appropriate to expand the protections to individuals in such employment — for example, to extend minimum wage benefits, other employment protections, PRSI benefits and PAYE allowances to self-employed contract workers. That kind of legislation would be warmly welcomed by Fine Gael. I urge the Minister to give consideration to such legislative changes.

In the case of pharmacists and general practitioners — and I am saying this as a member of the IMO — exemptions such as Article 81 can be sought and approved of on the grounds of a service's economic interest, which may potentially apply in this instance. In addition, there are other means by which the IPU dispute can potentially be resolved without this Bill. I note that in an e-mail to Deputies and Senators today the IPU's chairman, Michael McGuckian, proposed that talks on a new pharmacy contract under an independent chairperson should commence immediately. He stated that the purpose of these talks would be to reach an agreement on all aspects of the contract, including an appropriate pricing structure for the delivery of pharmacy services. This had been previously agreed with

the HSE at a meeting in November. When agreement is reached on an appropriate pricing structure the matter can then be referred to the proposed new arbitration system which the Minister for Health and Children alluded to in the Dáil on 21 October 2007.

Fine Gael supports this suggested approach, although the matter of detailed structuring may have to be dealt with entirely by the arbitration system. The adoption of this suggested system would render the Labour Bill both irrelevant and redundant. However, other mechanisms could be considered; in particular the use of messenger model systems as are used in the United States in similar circumstances, or perhaps even the creation of a specific objective in law as is done in Canada.

While we in Fine Gael have concerns in respect of this Bill, it is motivated by genuine reasons and I respect the motives of the Labour Members in this regard. The failure of the Government to tackle issues concerning exploited self-employed people such as actors and journalists deserves no support. Equally the HSE's refusal to explore real mechanisms to negotiate with GPs and pharmacists deserves no congratulations. Fine Gael will abstain on the vote tomorrow.

**Deputy James Reilly:** I thank my colleagues in the Labour Party for bringing this issue to the floor of the House. Although it is not the first time for a Bill of this nature to come before the House, this one has come about primarily because of the situation pertaining to the threatened cessation of pharmaceutical services throughout the country. Clearly the issue has been that the HSE has used the Competition Authority as a means not to negotiate with them or to allow them to be represented by their union. Their union was formed many years ago and it serves a useful function because it allows negotiations to take place between the State and pharmacists. When those negotiations are concluded the State can depend on the union to ensure that pharmacists will abide by the arrangements.

I am not sure what the Government or the Competition Authority are proposing in the current scenario. Are they proposing that individual pharmacists should do individual deals with the HSE? They must surely realise this would result in areas having no service because pharmacists would not be prepared to engage with the HSE under the terms on offer, while it may be successful in other areas. Will it lead ultimately to the closure of many rural pharmacies, further undermining rural communities that have suffered enough following the removal of many other services? If this continues, how will the Government engage in further roll-outs of services with other professionals?

Many dentists have pulled out of the dental scheme. They have not done so in a co-ordinated, concerted fashion but they have drifted away from the scheme. Their union cannot negotiate a change in terms and conditions and the dentists

are walking away from what they see as a loss leader. The same will happen with pharmacists. How will future arrangements be put in place with general practitioners to roll out cervical screening or with chiropodists if the diabetes programme is rolled out nationally or with physiotherapists and so on? These are all areas of activity where because of a quirk in the law the professionals involved are independent contractors as opposed to employees. Most people cannot come to terms with the fact that consultants can be recognised and are represented by a trade union because they are employees but general practitioners, dentists, chiropodists, physiotherapists, pharmacists and actors cannot. This is inequitable and something needs to be done about it.

Unfortunately, I must apologise because our legal opinion does not permit my support of the Bill. I sought legal opinion independent of Fine Gael which concurred with advice received by my party. However, that does not take away from the intention of the Bill and the serious issue involved. Members of Fine Gael and the Labour Party called on the IPU and the HSE to back away from their entrenched positions, which thankfully they did, to allow time for negotiations to take place and a process to evolve to get around the Competition Authority issue, thereby allowing for many facets of the dispute to be resolved without talking about pricing, which was ultimately to be discussed in a parallel forum that would not be in conflict with the authority. I am deeply concerned that the negotiations are not moving apace and the time that was bought has been frittered away.

IPU representatives have been in court since this issue was last discussed in the House and the union's offices were raided by the authority. Such behaviour during an industrial relations dispute does nothing to build trust and it only serves to intimidate and anger people. This is no way to run a civilised democracy. The perception of intimidation is unacceptable and this is not the first time it has occurred. No more action of this nature should be taken and the authority should stand back until the negotiations are completed and a resolution found. If issues still remain for the authority at that stage it can act then, but it is counterproductive to act in this way at this time. Irish people reject being subjected to such treatment and all it does is cause revolt. This treatment pushed the pharmacists over the line and they withdrew their services for the methadone scheme. They were on the verge of returning until certain people were raided by the Competition Authority and they blew a fuse.

I will not approve of action that leads to the diminution of service or places patients in danger by the IPU or the HSE, which is very culpable. The executive is using the Competition Authority to refuse to engage with the IPU and it is not displaying goodwill to find a way around this. Where there is a will, there is a way but if there is no will, there will not be a way and this is

clearly what is happening. I hope that this problem can be resolved through a negotiated parallel structure, which has been mooted. The IPU e-mailed all Members earlier stating:

The Union has proposed that talks on a new pharmacy contract, under an Independent Chairperson, should commence immediately. The purpose of these talks would be to reach agreement on all aspects of the contract, including an appropriate pricing structure for the delivery of pharmacy services. This had previously been agreed with the HSE at a meeting in November. When agreement is reached on an appropriate pricing structure, the matter could then be referred to the new proposed arbitration system, which the Minister for Health and Children alluded to in the Dail on 21st November 2007. It is hoped that such a Body or System will provide an independent and fair assessment of all the issues involved and could then make recommendations to the HSE on pharmacists' remuneration.

We are faced with a serious problem and the elderly and the chronically ill will be worried about continuity of their medication after Christmas. That is unacceptable and I appeal to the HSE to engage properly in this process to find a way around this problem. I am sure the executive can if it displays goodwill. Mr. Shipsey is still involved and there is no reason the process should not succeed.

Some years ago it was prescribed that Ireland should rationalise its union structure from a large number of small unions to a small number of large unions to mirror the practice in Germany, which at the time had a good industrial relations record, was a leading economy in the EU and had engaged in a social partnership type arrangement. We have come full circle and the Government is recommending that it cannot deal with certain unions such as the Equity actor's union and the Irish Pharmaceutical Union and wants to deal with suppliers of services individually rather than collectively. This is a recipe for disaster and anarchy, which will lead to fragmented industrial and commercial relations between the Government and these sectors. Of what is the Government afraid, given it is in the most powerful position as the central purchaser of services?

It is reasonable to re-examine the potentially chaotic scenario that may evolve if an alternative, workable legal replacement is not provided so that legitimate groups may communicate with State bodies in an efficient non-combative manner. Arbitration could be used in conjunction with the review of the Competition Act under way and the messenger model adopted in the US could also be used, as Deputy Varadkar stated. The Competition Authority is not the arbiter of law. It is a prosecutor and it must go to the courts to prosecute, where it does not always win. Going forward, how do the Minister and the Government propose to deal with members of the

[Deputy James Reilly.]

extended medical profession such as dentists, physiotherapists, general practitioners and chiropracodists when it wants to roll out community services? Will it approach every professional individually?

There is a country in the eastern part of the world in severe distress and if the powers that be could negotiate with one warlord only they might have an opportunity to achieve peace, but it is proving impossible because there are 25 warlords. The same applies when a single body fronts up for a group of bodies. It is much easier to do a deal and make it stick rather than make separate deals through the country, which would be unworkable. That would lead to a diminution of service in rural areas. I ask the Ministers concerned and the Government to address in a proactive manner a solution to the predicament resulting from the enforcement of the Competition Act and EU treaty regulations and arrive at a realistic method of communicating with key service providers without the need for confrontation but rather in mutual co-operation.

Debate adjourned.

### **Health (Miscellaneous Provisions) Bill 2007: Second Stage (Resumed).**

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

**Deputy Alan Shatter:** I wish to share time with Deputies Olivia Mitchell and Andrew Doyle.

It is appropriate, if not ironic, that on this, the second last day of the Dáil session before Christmas, we are confronted with this Bill. It is a measure to tidy up some of the mess created by the Government in its former guise prior to the last election, as well as to tidy up a mess in terms of an issue for which the Minister cannot be held responsible but with which she has dealt with her characteristic, if I could put it straightforwardly, ineptness.

This Bill apparently has three or four objectives. The first is to deal with the problems created by the 1961 Act about which the Minister was told on 26 October 2007 by the Attorney General. The Opposition who first had sight of this measure last Thursday evening — it was not officially published until Friday — have been told that we should simply pass it because the Attorney General's advice is that we should do so. The odd and fortuitous feature of this country is that we are still democracy. This Parliament is not ruled by the Attorney General but governed by Deputies who are fortunate enough to be elected to it to represent the people.

I have a simple view on this. The Attorney General is the law officer to the Government and gives it advice. If the Government is the client, the advice is privileged if the Government wants to exercise privilege over that advice. However, if this House is confronted with a Bill first officially published on a Friday and told it must pass it by

the following Tuesday because the Attorney General advises it should be passed, Members are being treated with nothing short of contempt to be told also that the Government cannot give them the Attorney General's opinion for their consideration. It is the wrong way to deal with an issue that is alleged to be important. I do not like rushed legislation. Some of what the Bill seeks to do is to correct errors made in the Medical Practitioners Act, which was rushed with unseemly haste through this House, despite being in planning for five or six years prior to the last election.

We are back here engaged in rushed legislation and told that we are trying to legislatively cop-fasten the status of a variety of bodies, all of which perform important functions, because there is a constitutional doubt about the manner in which they were created under the 1961 Act. That constitutional doubt, which has not been fully set out, is that the provisions contained in that Act were so broad as to confer not only on the Minister but also on her predecessors from different parties a power that was essentially a delegation by the Oireachtas of the legislative function to a Minister. The argument, I presume, in the Attorney General's opinion is that the power was too broad; the Minister and her predecessors by creating different bodies were performing a legislative function, not an administrative or limited one, and a Minister cannot perform legislative functions under the Constitution.

If there is a constitutional doubt about that legislation, I record that I have constitutional doubts about this legislation. It tries, in a different format, to do the same thing. Section 5(i) states "Subject to *subsection (6)*, every order under section 3 of the Act of 1961 made before the passing of this Act shall have statutory effect as if it were an Act of the Oireachtas." What we are doing is retrospectively providing that Ministers could perform functions as if they were the Houses of the Oireachtas. I believe that provision in this Act is open to constitutional challenge and Members should be entitled to see the Attorney General's opinion on which that is based. That provision in this Act should be referred by the President, under Article 26 of the Constitution, to the Supreme Court and in those circumstances the entire Bill should be referred by the President, under that article, to the Supreme Court for its consideration because there are grave constitutional doubts about the efficacy of that section.

This legislation is representative of what I regard as the organisational and financial shambles that is the Department of Health and Children and its prodigy, the HSE. We have in the HSE an unacceptable, bureaucratic, overgrown quango proven to be incapable of performing the statutory functions given to it. A major objection to this Bill is that it continues the devolving of powers from the Minister to the HSE, a body that is not accountable directly to

this House, and relieves the Minister of further accountability to this House for the shambles that is currently the health service.

We have great people working in our health service. The shambles is created by an organisational deficit, an organisation that cannot get its finances in order and that is completely and utterly incapable of organising the services it provides in a coherent way. Some 53% of the population have private health insurance; ten years ago the figure was 35%. The reason is that the majority of people have no confidence in the public health system. It is an indictment of 11 years of Fianna Fáil and Progressive Democrats, now joined by the Greens, in Government that we find ourselves in that position.

On principle it is right to vote against this legislation as a protest at the ineptitude of the Minister who heads up the Department of Health and Children and of the HSE's complete incapacity to provide our people with the type of health service to which they are entitled.

**Deputy Olivia Mitchell:** Like my colleagues, I have no problem in supporting the legislation which is necessary to copperfasten and legitimise the status of the existing bodies, but I question the other measures contained in the legislation. I also question the reason this issue is suddenly so urgent that we must put emergency legislation through the Dáil during Christmas week. The reality is that the urgency comes in the context of co-location and the Minister's anxiety to put the legitimacy of co-located hospitals beyond doubt and, crucially, beyond challenge. It is not the status of the 19 bodies concerned that is urgent but the two bodies in question, St. James's Hospital and Beaumont Hospital. Those two are the only ones about which there is any urgency from the Government's point of view.

The reason I am here at 8.40 p.m. during Christmas week is that I strongly believe that co-location is a big mistake. It is not the direction in which we should take Irish medicine. While we will pass this legislation in haste, unfortunately we will repent at leisure because we will regret the path on which we are taking medicine by this move.

Co-location is very much the Minister's baby and she genuinely believes it is a desirable innovation, but I could not more strongly state that I believe she is wholly wrong in this. It is a far more fundamental change than merely one that will give us hospital beds in a hurry, and that is the ostensible reason for opting for co-location.

The mistake we are making in taking the allocation of private beds out of public hospitals will fundamentally change medicine in Ireland for the worst. It is not what the Minister intended, but it is what will happen. The reason given for co-location is that the private sector can provide quicker than the public sector, which I do not doubt for one minute. That is true, but it is not a reason to opt for co-location. The issue, essentially, is a planning problem. We do not have to

go to the extreme of taking the allocation of private beds out of public hospitals and depriving them of the stream of money they have taken from the health insurers, primarily the VHI, over the years. The cutting of that funding on which the hospitals have depended will have a fundamental effect on and will reduce the standards in public hospitals. It will cut the income doctors have received and that has helped to keep the best doctors for public patients in public hospitals, as a result of the mix of public and private medicine.

That system worked very well for us, hard as it is believe, up to the time when the supply of beds fell behind the demand for them, in other words, when demand outstripped supply. That happened as a result of the cutbacks in the 1980s and 1990s, subsequently followed by the growth in population. It was not the public-private mix that was wrong but that rationing had to take place when supply was outstripped by demand. That was the problem.

Unlike others who oppose co-location because they oppose private medicine, I do not oppose it for that reason. I believe there should be more private medicine and that it is a good idea to buy services for public patients. People who buy health insurance should be allowed to continue to do so. There is better value and consumer focus in private medicine and our public hospitals should not be deprived of that incentive to higher standards and better doctors. They will suffer catastrophically from the withdrawal of private medicine. For that reason I believe co-location is a big mistake. The Minister should think long and hard before she takes us down a road that we will bitterly regret in the future.

**Deputy Andrew Doyle:** Others have dealt with the issue surrounding the 19 bodies affected. I seek to voice my concerns about one of the 21 bodies that have been established and dissolved in the relevant period, the National Rehabilitation Board. The Minister is not dealing with serious concerns about the legality of that process. Questions have been asked since 2000 as to whether the Minister was empowered to dissolve the NRB and distribute its assets without being required to comply with the employment and superannuation legislation.

The NRB was established under the enabling legislation, which is the 1961 Act. It was dissolved in 2000 under a statutory instrument of the Minister for Health and Children. The staff were re-assigned to other agencies, under coercion. The assets were stripped from the organisation. It subsequently transpired, as was determined by the Ombudsman and High Court, that a legal lacuna exists. In 2001, the Employment Appeals Tribunal examined the termination of employment of an official of the NRB which arose from the dissolution of the organisation. The tribunal confirmed that redundancy payment was due from the NRB in 2000, as defined under the Redundancy Payments Acts. It further designated the

[Deputy Andrew Doyle.]

Minister for Health and Children as the appropriate representative of the NRB, as the NRB was established and dissolved by that Minister.

In 2002, however, the Minister appealed this determination to the High Court. That court upheld the redundancy finding, stating that there seemed to be no provision in the statutory instrument to provide for people in the position of the defendant in the case. However, the court said it was not its function to correct that omission and that the tribunal was incorrect in attempting to attach responsibility to the Minister as representative. The outcome of the High Court decision is that redundancy was due. The body was initiated by the State under the Health (Corporate Bodies) Act. The Employment Appeals Tribunal, in further clarification of the law in 2004, assigned responsibility to the NRB, dissolved, which by definition had no assets.

The legal consequences of the tribunal and High Court decisions were that the Department of Health and Children and the HSE were advised by the offices of the Chief State Solicitor and the Attorney General in 2004 that the legal position warranted the award of an abolition of office pension in respect of that redundancy situation because of superannuation regulations. This pension, which was illegally withheld from 2000, was finally granted in 2006 to one person, on foot of a question in October 2005 from Deputy Enda Kenny. A total of 185 staff were employed by the NRB when it was dissolved by the Minister. Their superannuation entitlements were withheld from them at the time as a matter of Government policy. That policy did not conform to the law. Now, in 2007, the lawful position of the NRB staff is being obstructed by the State, with the declaration by the Department of Health and Children that the Minister has no responsibility for the acts of the NRB. This is a complete contradiction.

The Minister has failed to vindicate the legal entitlements of the NRB employees for the past seven years. Their superannuation entitlements were withheld as a matter of Government policy in 2000 and the responsibilities vested in the Minister under the Health (Corporate Bodies) Act 1961 have been sidestepped without reference to the law. The Oireachtas has failed to address the legal lacuna. In accordance with the Health (Corporate Bodies) Act 1961, who does the Minister suggest is responsible for the superannuation entitlements of the NRB staff as they existed in June 2000? Who in 2007 and 2008 will address the legal liabilities of the State with regard to the superannuation entitlements of all former NRB staff? The NRB pensions group should be invited to speak to the joint committee on health at the first opportunity in the new year.

**Minister for Health and Children (Deputy Mary Harney):** I will first address the issue of the NRB, which was also raised by Deputy Jan O'Sullivan. This has been the subject of litigation

on the part of one individual. There is nothing in this legislation that affects a person's constitutional rights. Clearly, people have an opportunity to vindicate those rights, through the labour relations machinery of the State and also through the courts. If the Deputies wish, I can provide a brief to them on the wider issues that apply. That body was dissolved in 2000 and I was not Minister for Health and Children at the time. I am not as familiar with the issues as, perhaps, one of my predecessors might be, but I will be happy to have my officials provide a briefing for the Deputies.

**Deputy Andrew Doyle:** On a point of order, the then Minister for Health and Children assigned responsibility to the Department of Enterprise, Trade and Employment. It is ironic that the situations have been reversed.

**Acting Chairman (Deputy Kathleen Lynch):** That is not a point of order. We will let the Minister continue. Perhaps she will contact the Deputy later.

**Deputy Mary Harney:** Yes. I reiterate some of the comments I made in my opening remarks on the legislation. When we were advised by the Attorney General on 26 October that we should bring forward, as a matter of urgency, legislation to put beyond doubt the legal status of the 19 bodies still in existence that had been established under the 1961 Act, there was an onus on me, as Minister, and my officials to do that. There was great complexity involved due to the number of statutory instruments. Forty bodies in total were established during that period and all those bodies had to be checked and the statutory instruments had to be examined. Notwithstanding that, the legislation was prepared very quickly.

Sometimes emergency legislation deals with a specific technical loophole in a single legislative measure. Earlier this year we had to introduce amending legislation to deal with risk equalisation. If memory serves, we were able to draft and publish that legislation in a matter of days. In this case, however, there was equally strong advice from the Attorney General that, because there is a legal doubt, one should not put people on notice. These bodies are not akin to the bodies under the local government Act of 1971. These bodies expend over €900 million of taxpayers' money and employ huge numbers of staff. They have contracts with many organisations.

It was not a question of not trusting the Opposition but of the legal advice I am obliged to accept on how I handle these issues legally. I did that. Equally, when the Opposition Members asked me last Thursday if I would make the Attorney General's advice available, I made a commitment to talk to him. I did so at length by telephone and he wrote to me stating that the advice should not be made available. I am obliged to accept that advice. Advice of that kind is never made available. The Attorney General made the

strong point that those giving advice from the Bar Council would have to be put on notice, in advance of giving their advice, that it would be the subject of public examination. They give their advice in a privileged way.

The parties in this House have legal advice available to them. Political parties are far better resourced now than they were previously. I assume the parties have the same legal advice that is available to me, although obviously not from the Attorney General. However, the Attorney General went to the bother of getting counsel opinion on these issues.

We brought forward the legislation as quickly as possible. Given the scale of the public money involved, as well as the number of organisations, their staff and contracts, it was clearly in the public interest not to give long periods of notice during which litigation could be initiated. As I said last week, we are not aware of any litigation pending; it is not a case of us not telling of it. No litigation is pending and we do not wish to put people on notice for long periods of time, during which they can litigate where they might have a legal grievance with any of the bodies.

On issues surrounding the Medical Practitioners Act, the Medical Council came to us after that Act was passed in April with legal advice on the issue of complaints. Patients making complaints would not be familiar with medical language or methodologies, so if the preliminary inquiry committee examines, for example, a complaint about a doctor who treated somebody badly and issues come to light in the context of its examination which were not the subject of the initial complaint, the Medical Council wants the freedom to pursue them. It would seem strange if it was prevented by a legal technicality from pursuing an issue that came to light in the course of a preliminary investigation that was not the subject of the complaint simply because the complainant was not well versed in medical language. A chicken and egg issue also arose in that a registrar is needed to elect the new Medical Council, whereas the Medical Council is needed to appoint a new registrar.

These small technical and transitional issues have arisen because we want to commence the Act on a phased basis. We are moving from the current regulatory regime to a very different one, comprising fitness-to-practise inquiries which will be held in public as a matter of course, lay majorities and competence assurance requirements on all doctors. The legislation provides for powers of preliminary examination so that issues do not have to go before full fitness-to-practise inquiries. It was a fundamental overhaul of the 1978 Act and clearly it is important that it is commenced on a phased basis as soon as possible next year. When the opportunity arose of a Bill coming to the House, it was prudent on our part to use it rather than bring separate legislation early next year to deal with Medical Council issues.

There has been no policy change on co-location. At present, 20% of the beds in public

hospitals, which are completely funded by taxpayers, are ring-fenced for patients with private health insurance or who are self-payers. Patients who do not have private health insurance cannot access those beds. They cost us €300 million per year in nurses and staff salaries. The insurance forgone is approximately €74 million, so €226 million in taxpayer subsidies is used to staff beds which are only available to private patients. I do not consider that to be fair. When taxpayers provide public facilities, access should be on the basis of medical need rather than on a preferential basis for those with private health insurance. We want to convert those beds to public use for all patients.

Equally, however, we recognise that half the population has private health insurance and that many doctors work in both the public and private systems. Instead of doctors working on and off-site in three or four hospitals, it is better they work on-site. St. Vincent's and the Mater are co-location hospitals for this purpose, with public and private hospitals located side by side. In the case of St. Vincent's they are under common governance.

**Deputy James Reilly:** They are not for profit hospitals.

**Deputy Mary Harney:** Some of these are not for profit either.

**Deputy James Reilly:** Some are not but others are.

**Deputy Mary Harney:** The profits will be shared with public hospitals, so the €74 million forgone by insurers will be made up by the Exchequer. Money will also be made from leasing the land and, in some cases, through profit-sharing arrangements. The facilities in those hospitals will have to be made available at discounted prices to all patients. That is a very good deal from the point of view of access by patients to the facilities and from a financial perspective. We estimate that acute beds cost €1 million each but these beds will be provided for less than 50% of the cost of providing them in the traditional manner.

In May, Beaumont hospital sought my permission for co-location. The advice, however, was that it did not need my permission for co-location but needed it to lease land from the Department. That permission was to be granted by amending the statutory instrument which established the hospital. My officials were preparing such an amendment when the issue pertaining to the 1961 Act arose. Once legal doubts were placed on the existence of these bodies, I could not give them any new powers. That is why we are using this opportunity to put them beyond doubt.

Even after this Bill is enacted, we cannot amend the statutory instruments but will need new legislation next year to deal with the powers of Ministers to establish bodies. The legal advice

[Deputy Mary Harney.]

suggests that the powers of the 1961 Act, which would be subject in 2007 to a higher level of legal test than in 1961 or even 1971, are too sweeping. The Minister has broad powers to establish almost anything by way of statutory instrument or secondary legislation and that, according to the Attorney General and supported by outside legal advice, is not legally sound. That is why we are reinforcing the law through legal engineering.

We will deal later with some of the more specific questions that arose, but on the reference by Deputy Reilly to Triad Hospitals, that company is not involved with any of the co-location projects. It was involved with the existing Beacon Hospital but I am unsure whether it still is. It is not involved as the operator in any of these hospitals.

When this Bill is passed by the Houses of the Oireachtas and signed into law by the President, these bodies will be frozen in the sense of what they can do legally. Without wider legal powers

by way of new legislation, it will not be possible to assign new powers to the 19 bodies or allow them to engage in activities which do not fall within the remit.

Deputy Ó Caoláin asked me the number of beds in each of the locations. The number is 180 at Beaumont and the total will come to 1,163 in the various hospitals when the 9 o'clock Blanchardstown and Tallaght proposals are finalised. I can provide a specific breakdown of the figures for the Deputy when we debate the issue. Over recent years, we have provided approximately 1,500 new acute beds. The commitment to 3,000 beds was made in respect of the period from 2002 to 2011. We expect to provide 1,000 beds from this project and the national development plan for the health service provides for a further 500 acute hospital beds, which will bring us close to 3,000 acute beds.

Question put: "That the words proposed to be deleted stand part of the main Question."

The Dáil divided: Tá, 72; Níl, 57.

Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Andrews, Chris.  
Ardagh, Seán.  
Aylward, Bobby.  
Behan, Joe.  
Blaney, Niall.  
Brady, Áine.  
Brady, Cyprian.  
Brady, Johnny.  
Byrne, Thomas.  
Calleary, Dara.  
Carey, Pat.  
Collins, Niall.  
Conlon, Margaret.  
Connick, Seán.  
Cowen, Brian.  
Cregan, John.  
Cuffe, Ciarán.  
Cullen, Martin.  
Curran, John.  
Dempsey, Noel.  
Devins, Jimmy.  
Dooley, Timmy.  
Fahey, Frank.  
Fitzpatrick, Michael.  
Fleming, Seán.  
Flynn, Beverley.  
Gogarty, Paul.  
Gormley, John.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.

Hoctor, Máire.  
Kelleher, Billy.  
Kelly, Peter.  
Kenneally, Brendan.  
Kennedy, Michael.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Michael P.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
Lowry, Michael.  
McGrath, Finian.  
McGrath, Mattie.  
McGrath, Michael.  
McGuinness, John.  
Moloney, John.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M.J.  
Ó Cuív, Éamon.  
O'Brien, Darragh.  
O'Dea, Willie.  
O'Flynn, Noel.  
O'Hanlon, Rory.  
O'Keefe, Batt.  
O'Rourke, Mary.  
O'Sullivan, Christy.  
Roche, Dick.  
Ryan, Eamon.  
Sargent, Trevor.  
Scanlon, Eamon.  
Smith, Brendan.  
Treacy, Noel.  
White, Mary Alexandra.  
Woods, Michael.

Níl

Allen, Bernard.  
Bannon, James.  
Barrett, Seán.  
Broughan, Thomas P.  
Bruton, Richard.  
Burke, Ulick.

Burton, Joan.  
Byrne, Catherine.  
Carey, Joe.  
Connaughton, Paul.  
Coonan, Noel J.  
Costello, Joe.

Níl—*continued*

Coveney, Simon.  
Deenihan, Jimmy.  
Doyle, Andrew.  
Durkan, Bernard J.  
Enright, Olwyn.  
Feighan, Frank.  
Ferris, Martin.  
Flanagan, Terence.  
Gilmore, Eamon.  
Hayes, Brian.  
Hayes, Tom.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Lynch, Ciarán.  
Lynch, Kathleen.  
McCormack, Pádraic.  
McEntee, Shane.  
McGinley, Dinny.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Neville, Dan.

Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Donnell, Kieran.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Penrose, Willie.  
Perry, John.  
Rabbitte, Pat.  
Reilly, James.  
Ring, Michael.  
Shatter, Alan.  
Sheahan, Tom.  
Sheehan, P.J.  
Sherlock, Seán.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Tuffy, Joanna.  
Upton, Mary.  
Varadkar, Leo.  
Wall, Jack.

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

Question declared carried.

Amendment declared lost.

**An Ceann Comhairle:** I declare the Bill read a Second Time in accordance with Standing Order 121(2)(i).

**Health (Miscellaneous Provisions) Bill 2007:  
Committee and Remaining Stages.**

SECTION 1.

**Deputy Jan O'Sullivan:** I move amendment No. 1:

In page 3, between lines 16 and 17, to insert the following subsections:

“(2) This Act, other than the provisions referred to in subsection (3), shall come into operation on its passing.

(3) Schedule 1, insofar as it inserts Article 4A in the St. James's Hospital Board (Establishment) Order 1971 and in the Beaumont Hospital Board (Establishment) Order 1977, shall come into operation on such date as may be specified by Order made by the Minister, provided that a draft of such Order is approved by both Houses of the Oireachtas by resolution.”.

This amendment is to separate the main provisions of the Bill from those in the Schedule that relate specifically to co-location in St. James's and Beaumont hospitals. It allows the passage of most of the Bill's provisions but stipulates that the ministerial order on co-location must be discussed by both Houses of the Oireachtas. This will ensure that the Oireachtas will have the opportunity to debate and vote on the provisions on co-location.

**Deputy Caoimhghín Ó Caoláin:** I support Deputy Jan O'Sullivan, whose amendment is at the kernel of the Opposition's position on the Bill. We have indicated almost unanimously that we would accept the substantive body of the legislation for the reasons argued and on the basis of trust in respect of the advices received by the Minister, but we regard the section that seeks to facilitate the Minister's pet project, the further privatisation of our health service, as offensive. The first amendment seeks to delete the relevant references at the outset. This is the only sensible way to proceed.

There is no immediate and urgent reason to rush through the Bill by guillotine this evening at 10.30 p.m. It is incumbent on the Minister, if she really believes the rest of the legislation is as important and urgent as she suggests, to accept the amendment in this instance and allow the House to continue to address the remaining amendments on the substantive body of the Bill, as drafted.

I reiterate my objection in principle to the very notion of facilitating private, for-profit health facilities and acute hospital facilities on public land with public moneys. This is not a defensible notion and all public moneys should be vested wholly and solely in the public hospital and health delivery systems. If we are ever to confine the highly offensive two-tier system to the history books, we must grapple with the support of this and successive Governments for having a private, for-profit health care system piggybacking on the public health care system. Given the apartheid that operates between those who can afford access to health care and jump queues at will and those who are dependent on the public system and must suffer in lengthy queues even before being placed on waiting lists to see particular consultants, it is imperative that we oppose strongly the Minister's intent and the co-location scheme



[Deputy Caoimhghín Ó Caoláin.]

which, as I said, deepens the social divide and almost enshrines in our health care legislation the two-tier approach to the delivery of health care.

One should remember that we have never had a debate on the proposed co-location project of the Minister and her Government colleagues. There has never been legislation in this regard before the House for consideration yet, within a very short period, we have had foisted on us an underhand measure to facilitate co-location at two of the important hospitals in this city, St. James's Hospital and Beaumont Hospital. This is not acceptable under any circumstances. On behalf of the Sinn Féin Deputies, I fully support the Labour Party amendment, moved by Deputy Jan O'Sullivan. In the hope of a positive response from the Government benches, I appeal again for the abandonment of the project in question and ask that the Minister accept the amendment, as presented, and allow the rest of the Bill to be considered during the remainder of Committee Stage and Report Stage.

**Deputy Pádraic McCormack:** I am very much in favour of the amendment. The debate on co-location should take place in the House. If there is no consultation and debate, how can one arrive at a conclusion? I was very glad to put a question down last week that finally established that co-location is not proceeding at University College Hospital, Galway, not because the Minister did not want to proceed with it, but simply because nobody in the public sector would take on the co-location project there.

The location of some of these projects was crazy. One could not park a bicycle at University College Hospital, Galway at the moment. People come from all over the western region and they must queue up along the road to get in there. Therefore, if these problems were debated in the House, people with local knowledge of the situation in the various areas would be able to tease it out in this House. The amendment is sensible because it states that all of those matters should be discussed in the Dáil before they begin.

**Deputy Alan Shatter:** My objection to co-location is that we are finally copper-fastening and institutionalising, by legislative sanction, a two-tier health service. The Minister is likely to respond by telling us that we have private beds within our public hospitals. That has been part of the tradition of this country for many years. However, we are now going to have a private hospital and a public hospital on one site, with the State making tax concessions to those who build the private hospitals. The centres of excellence will be in the private hospitals, which will have the most modern and the best facilities available.

We should be striving for an excellent public health service. The Minister should be striving to persuade people that the public health service is

so good it has the capacity truly to meet its health need in a manner that does not require the general population to take out health insurance. As the numbers within the community taking out health insurance increases, the credibility of the public hospital service decreases. People take out private health insurance because they lack confidence that they will get access to essential medical care when it is needed. They lack confidence that our public hospitals will have the most modern equipment available when required. They lack confidence that they will be given the same time and consideration on occasion by health professionals within the public system that they get within the private system.

We have fantastic doctors and nurses working throughout our health service, both in the public and private sector. Within the public sector, they are under pressure. The bureaucracy involved in recruiting additional consultants across a broad range of areas is astonishing. This is not the debate to go through all the deficiencies in our health system, but we can see the number of neurologists in this country per head of population compared to other countries. The people of Beaumont Hospital are crying out for additional neurologists to meet basic needs. There are people on waiting lists to see consultants across a broad spectrum of areas, but the Minister's focus and her primary health care philosophy is to get on with the construction on public hospital sites of private hospital facilities. I think that priority is wrong and there is no indication that when this policy is implemented, we will be any better off.

We are told that up to 1,000 public hospital beds made available by the provision of private hospitals in this way, and the Minister has asked how else can she free up beds. The dysfunctional nature of the health service is creating the log-jam within the bed structure of our hospitals. There has been a debate on whether we require more acute hospital beds. I believe we do and that there are strong reasons for additional bed facilities. We need more within our public hospitals' private bed facilities, not for private patients, but to tackle the problems we have with hospital diseases, such as MRSA. We do not have the isolation facilities within our public hospitals necessary to protect the health of those who require hospital care. My mother-in-law died in Tallaght Hospital of a serious illness which was compounded by contracting MRSA within a week of entering that hospital. How many other families have had the same experience? Patients are put in wards with other patients who have MRSA. We are not doing what is done in Scandinavia, which is to isolate patients with MRSA, because we do not have within our public hospitals the single bed facilities in private rooms to do that.

If the Minister wants to free up beds in public hospitals, rather than introducing co-location which is being copper-fastened by this Bill, she should be providing additional step-down and

nursing home facilities. My colleague Deputy Mitchell recently highlighted the insanity of the HSE in keeping an elderly woman in a hospital bed for many months because it would have to spend €80 per week in providing her with nursing home care, even though the ultimate net expense of keeping her in hospital was far greater. This Minister should not be focusing on co-location to free up public hospital beds, but on the provision of step-down and nursing home facilities, so that many people currently occupying acute hospital beds could get the care they require that falls short of needing acute hospital care.

I appreciate that I was not in this House between 2002 and June 2007 when the co-location policy was adopted. However, I have listened to other Deputies saying it was never discussed or debated at any great length. It has been developed outside the House and this Bill is one of the few pieces of legislation relevant to the issue on which Members have any opportunity to debate it. It is entirely wrong that we deal with this issue as an adjunct to a Bill that we are told is necessary to copper-fasten the legal foundations of the variety of bodies detailed in the schedule which have been in place for many years. The co-location issue should not be part of this, but I suspect it is the co-location issue that has made it urgent. I suspect the Attorney General's report, which we are not allowed to see and which is being kept secret, detailed difficulties in entering into co-location contracts if this Bill was not passed.

I recall many years ago the formation of the Progressive Democrats and the sense of excitement they created about a new type of politics. They stood for more transparency in politics and more democracy in a Dáil that could truly operate its legislative function committed to Governments that would be truly accountable to it. Yet this evening the Minister insists on dragging through a Bill based on the secret advice of the Attorney General that will not be revealed, and on which we are supposed simply to rely and trust. She is doing this in the same circumstances in which the Government, based on previous advice, was responsible for the Medical Practitioners Bill 2007, which was absolutely riddled with legal deficiencies and anomalies. Why should we accept on faith that the Minister's advice requires that we deal with this urgently? What on earth happened to the remnants of the Progressive Democrats that they regard it acceptable in a parliamentary democracy to keep secret legal advice that does not place the security of the State in jeopardy on which they claim emergency legislation is based and which forms the rationale for that legislation? That is a complete and utter disgrace and a total betrayal of any remaining principles to which that party was ever committed.

**Deputy James Reilly:** I will start by taking up where Deputy Shatter finished. The Minister did

me the courtesy of sending me the letter from the Attorney General. He said the advice was privileged and should not be released. He did not say that it could not or cannot be released. It is at the discretion of the Government and it could have been released under certain restrictions to me and other members of the Opposition, but the Minister chose not to do so. This leads us to believe that there is little reference in the advice to co-location. From my conversation with the Minister at the briefing last week, the substantive advice was that this was to underpin the *vires* of 19 bodies; it had nothing to do with co-location, the Medical Practitioners Act or the HSE, *per se*.

How many co-located hospitals will not be for-profit? The Government failed to deliver 3,000 beds over a six-year period, as promised. However, the Minister wants us to believe that the public private partnership, the co-location plan, will deliver 1,000 beds and is the quickest, most effective and efficient way of doing so. What is the basis of that premise? Having listened to Deputy Shatter, and from what I and the Minister know, there is gross underuse and misuse of beds in the system because of inappropriate placement.

This policy tries to dislocate those who pay for the services with their taxes, the better off in society, from those who use it most, the elderly, many of whom do not have great income, and the chronically ill who, by dint of their illness, do not have great income. This will accelerate the demise of the public hospital service as the divide gets greater and greater and the funds are funnelled in. One of the reasons we have uproar about the accident and emergency crisis, which remains a crisis, is that every citizen must go through the doors of accident and emergency units. When the day comes that those who can afford it can go to the finery up the road, while Joe Bloggs, Johnny Murphy and Theresa Smith must use the public system, the divide will get greater and greater. We will end with the system of our American cousins' system, the most iniquitous. They spend 16% of GNP as opposed to our 8.5% on health care, yet 18,000 people die each year because of an inability to pay for health care. That is not a system we want, nor one that 56% of the population voted for in the general election. The Green Party must look at itself when it votes on this tonight. I wonder how the party can marry its words before the election with its actions tonight, when it vehemently opposed co-location.

**Acting Chairman:** I am loath to interrupt but I have let this run on.

**Deputy James Reilly:** Do I have a minute left or cúpla nóiméad?

**Acting Chairman:** I am trying to be helpful and I do not wish to curtail Deputy Reilly's contribution. The issue of co-location in its substantive

[Acting Chairman.]

form will arise under section 7. We might be better off discussing it then.

**Deputy James Reilly:** This section refers to the boards. Should I discuss that?

**Acting Chairman:** Please do.

**Deputy James Reilly:** Co-location is part of the boards issue. One of the major problems I have is that the Minister is responsible for these boards and I wish to remove her from that responsibility. It occurs in the documentation and I have made my objection to that clear. It is not my intention to speak to every section.

**Acting Chairman:** I am not stopping Deputy Reilly from speaking. I want to make that clear.

**Deputy James Reilly:** The Minister seeks to enshrine in law what has been the approach *de facto*, namely, disengaging and devolving responsibility from her to others who have not been found to be up to the mark, such as the HSE. There are now nine reviews. The Taoiseach, on 6 November, and the Minister, on 7 November, promised the report of Dr. Ann O'Doherty by the end of November. Tomorrow is the end of the Dáil session and there is no sign of it. The HIQA report was promised for 18 November and there is no sign of it. Is the Minister becoming the Minister for reviews in the same way as her predecessor became the Minister for committees and task forces, with 117 reports under his belt but no action taken after four years in the job? The Minister is three years in the job and there is an unhappy resemblance forming.

The major problem with beds is the lack of proper use, such as the unit lying idle in Mullingar or the 57,000 bed days lost between Beaumont Hospital and the Mater hospital last year. That is the equivalent of five 30-bed wards closed for an entire year because there are no facilities available in the community or for rehabilitation. It may cost €1,300 to keep a person in a bed in a public hospital such as Beaumont Hospital but when treatment is finished it would be much cheaper to keep the person in a nursing home at €1,000. Equally, there is a perverse incentive in that it could cost up to €7,000 per day if a person is being intensively investigated while acutely ill. That must be addressed.

The ambulance service cannot get people into hospitals because the ambulances are queued up outside and trolleys are locked in the accident and emergency unit. What about our primary health care plan and our rehabilitation and nursing home places? These are areas where we could free up beds quickly but we need staff and funding to do so. The Minister and particularly Professor Drumm have said they wish to see primary care developed, an idea to which I fully subscribe. As with the cancer strategy, the Hanly report and

bringing people from psychiatric hospitals and long-term institutions into the community, the harsh reality is that the service must be maintained for those who need it now while we develop new services. It is not either-or, it is both. People are sick and in pain now and need treatment now, not three years hence.

I have no faith in the co-location plan. The devil will be in the detail. We have been through all this, being told that certain things would not happen, such as cutbacks not hurting patients. If the Minister wanted co-operation from this side of the House on the substantive issue of this Bill, she would have stuck to the substantial issue, namely, to underpin the *vires* of those 19 bodies and institutions on which the Attorney General advised the Minister.

**Minister for Health and Children (Deputy Mary Harney):** The purpose of this Bill is to put beyond legal doubt the 19 bodies and the statutory bodies drafted and enacted by various Ministers to establish those bodies. Once legislation is passed we cannot amend those statutory instruments. The Minister's approval is required for Beaumont Hospital to lease land. Beaumont Hospital and St. James's Hospital are in a different position from the hospitals where the land is owned by the HSE. They do not have to undergo the same position as these two hospitals. Deputy Shatter acknowledged that there was no court decision to establish that these bodies are not legal. Once the doubt is raised by someone as powerful as the Attorney General and reinforced by independent advice, there is an obligation on me as Minister to take the advice. We want to proceed with the co-location proposals for Beaumont and St. James's. The boards of these hospitals are anxious to do so. Before the co-location policy was ever initiated, both of these institutions were developing plans for private hospitals on their grounds. Co-location is not being foisted on any hospital. Hospitals were free to either come forward with a proposal or not. As regards Galway, the reason it did not proceed is because there are an enormous number of private beds in the city, as Deputy McCormack knows, with the Bons Secours, Galway Clinic etc. There are a good many private beds in Galway.

**Deputy Pádraic McCormack:** That is not the answer the Minister gave me last week.

**Deputy Mary Harney:** That is a fact. There are a good many private beds in Galway and——

**Deputy Pádraic McCormack:** No contractor would take on the job.

**Deputy Mary Harney:** ——there are proposals from doctors there to build an independent cancer centre on the grounds of Galway hospital. Many Deputies, however, are talking about public hospitals as if they were only accessible on

the basis of medical need. The reality is that at the moment 20% of the beds, 100% funded by taxpayers, are only available to insured patients. I believe that is unfair.

**Deputy Caoimhghín Ó Caoláin:** Absolutely.

**Deputy Mary Harney:** I want a one for all system where the public facilities are accessed on the basis of medical need. These beds, in current terms raise for the hospitals €74 million from the insurers, and cost the hospitals €300 million—

**Deputy Caoimhghín Ó Caoláin:** A universal public system is the way to deal with it, to the highest standard.

**Deputy Mary Harney:** —in terms of staffing. It is a very bad deal for the public hospitals that these beds are subsidised to the tune of €226 million a year — to run and staff them — and that they are only available to some people. I do not believe that is fair or just. I want to make all the beds in public hospitals accessible on the basis of medical need, a one for all system. That has been at the heart of our negotiations with consultants. Deputy Reilly is a general practitioner and general practice works very well on the basis of one for all. If one goes to a doctor's surgery one can either be a medical card or a fee-paying patient, and I am sure most people there will not know who is what, and that is as it should be. That is the way hospital services should be accessed too. One should access the service on the basis of medical need.

**Deputy James Reilly:** The GP does not have a private co-located surgery beside his or her public surgery in order to achieve that.

**Deputy Mary Harney:** The GP is a private provider. Dr. Reilly and I have had discussions on this in his former role. He was a fan of tax breaks to develop primary care—

**Deputy James Reilly:** That is correct.

**Deputy Mary Harney:** —because it makes sense. Unfortunately, there was an EU dimension and we could not proceed with this, but the reality is that these initiatives which will create 1,000 public beds for all the patients of this country will be made available at less than half the capital cost of doing it the traditional way. Furthermore, we shall be staffing them for €74 million, instead of the €300 million it costs at the moment, because the staff are there.

**Deputy Pádraic McCormack:** The Minister will be giving away land to the private sector.

**Deputy Mary Harney:** No, we are leasing the land and we will get a return for the hospital from this. We shall also get a share of the profit. Some seek to justify income and others talk about pro-

fit. I was not aware that Fine Gael had a problem with profit. Earlier, Deputy Olivia Mitchell was complaining about co-location because she said we should keep the private beds in public hospitals, as she thought this was good for the ethos of hospitals, efficiency and so on. There seems to be some confusion there.

**Deputy James Reilly:** There is no confusion.

**Deputy Mary Harney:** I cannot understand a strategy that is in favour of private hospitals five miles away, but not if they are five minutes away.

I want to come to the Attorney General's advice. If the Attorney General tells me I should not release his advice, I have to accept that. I am obliged to take his advice under the Constitution. I should be a very irresponsible Minister if I did not take the advice of the Law Officer of this State. If the Law Officer of this State tells me we need primary legislation to put matters beyond legal doubt, that is what we should do.

**Deputy Pádraic McCormack:** Why did we not have it long ago?

**Deputy Mary Harney:** If the Law Officer of the State tells me not to release the advice, that is what we should do as well. He confirmed what he said to me on the telephone on Thursday afternoon, in writing, and I have made that letter available, although, no doubt my motives will be suspect. Legal advisers to both Beaumont and St. James's Hospitals did not believe there was an issue. We felt we could allow the lease to go ahead on the basis of amending the statutory instrument. We now know, as a result of 26 October, that it is not possible to give any more powers to bodies where a legal doubt exists. Therefore we are putting the legal doubt beyond doubt and using the opportunity in this legislation to amend a transitional loophole that emerged with the Medical Practitioners Act, to ensure there is no question but that these hospitals can lease their land. As regards the issue of disposal, as raised by Deputy Jan O'Sullivan, I am advised that is the legal term applied, whether it is a disposal in the form of sale or an actual lease. This is the legal terminology that is appropriate as regards this matter, and I can give her a note to that effect.

**Deputy Jan O'Sullivan:** Does this mean they will be able to sell the land, if they want to?

**Deputy Mary Harney:** No, they will be leasing the land.

**Deputy Michael Woods:** I want to support the Minister as regards what she has said. I have the privilege of coming from the north side and this is my local hospital. We must remove any doubt about the position now, as the Minister has suggested. We must proceed right away with the plans for Beaumont. There should not be any

[Deputy Michael Woods.]

further delay. Already there has been 25 years of delay on this issue in Beaumont Hospital. In 1982, I was Minister for Health, when Jervis Street and the Richmond, St. Laurence's, combined to go into Beaumont Hospital. It was a very big change and a major development. At that time a site was made available on the hospital grounds for a new private hospital so that consultants could be located in and beside Beaumont all the time. This meant people would not have to cross the river and go out the other side to the Blackrock Clinic to get a consultant. All that was ready, the hospital was built, heated, equipped and ready to go. Then, this very argument was raised. The Government changed and in came Fine Gael and Labour who tore up the agreement that was there. The outcome of that was we now have 108 beds in the public hospital reserved for the private work of consultants.

That was the outcome of the delay at that time. There is always a danger in delay. The result was that the hospital actually sat idle for over four years. It was one of the greatest scandals ever in the history of the State and nobody every talks about that. A brand new hospital was left idle for over four years. The people on the north side of Dublin suffered and continue to suffer because of that, not those from Galway or people from the south side or anywhere else. Again and again we hear from the Opposition that there should be more beds, and that we do not have enough of them. It is very hypocritical and I find it hard to keep my patience when I hear people from Fine Gael and Labour saying things such as that about Beaumont Hospital. I do not know where they are living or what they are thinking of, because Beaumont Hospital already has purchased St. Joseph's Hospital in Raheny where it is building a massive community development. We do not have to wait for this in the future. It is happening now and it will be a major focal point attached to Beaumont Hospital.

**Deputy James Reilly:** Why were so many beds lost last year in Beaumont, if it is all so wonderful and working so well?

**Deputy Michael Woods:** I did not interrupt the Deputy. I do not intend to take much of his time, but this is my hospital and I have a great interest in it. I deeply regret what Fine Gael and Labour did to it the last time. It was a terrible scandal and that still exists in front of us today. We have seen that 20% of the beds in the hospital are now taken up with private beds. I should welcome very much the 180 beds that would come with this hospital in Beaumont; as far as I am concerned, they cannot come fast enough. That is what the Minister is trying to do. I know that situation, it is enormously important and I am totally opposed to any suggestion of delay. That is all there was in the amendment put on Second Stage. It declined to give a Second Reading to the Bill on

the grounds that it bundles together urgent and uncontroversial matters with those the Opposition alleges are in no way urgent. This is politics. It is development for people and has been urgent for a long time. I am glad we are discussing it again. It was all set to go in 1982 but was stopped and the site was taken back. Fortunately, after 1987 when Fianna Fáil was back in government, it was proposed that consultants should have private clinics on the grounds in order that they could be near to the hospital in between times. This was also opposed. However, they are there now. Let us have the private hospital there also. It was due a long time ago. Let us not delay it any longer, or play around and let on there is another reason for it not being located there. There is a hardcore reason people are preventing it from being on the north side of Dublin. For approximately 25 years prior to Beaumont Hospital being built there was resistance to it being developed on the north side of Dublin. Eventually we broke this down and it was developed.

The theory of having wonderful hospitals for everybody which meet the highest possible standards is grand and we would all like to see it happen. However, the practice was not grand for people on the north side of Dublin, as can be seen. We must face the reality that almost half the population have health insurance and the reason is people want to have it. They contribute to it during their lifetime and want the service to be available. They are entitled to have provision made for this and to have it on a State-owned campus. There is no reason they should not have it.

I fully support the Minister and congratulate her on pressing ahead with the Bill.

**Deputy Jan O'Sullivan:** I had hoped the Minister would indicate whether she would accept this modest amendment. The more substantial amendments on co-location are amendments Nos. 4 to 7, inclusive. All this amendment does is ask for a Dáil debate on an order to provide for co-location at the two hospitals concerned. I would prefer if we had time to discuss the substantial amendments.

**Deputy Caoimhghín Ó Caoláin:** Once again, the Minister made reference to the advice of the Attorney General in her response to the contributions of Deputies who spoke in support of the amendment. She indicated outside independent advice had been received by the Attorney General. Is she willing to advise the House how this advice was triggered? Was it sought by her or the Attorney General? Was it advice presented independent of any lobby from within this institution? Will the Minister identify the advice? Will she indicate the basis on which advice received by the Attorney General is grounded?

Is the Minister serious when she states she wants to bring to an end the 20% private bed provision in the public hospital system by provid-

ing co-located private hospital facilities? Does she propose to provide these co-located facilities at every hospital and facility? Let us be sensible about this. We have a serious problem with which to grapple and the only point made by the Minister with which I can agree is that she wants to bring to an end the provision of a ring-fenced 20% of beds in public hospitals for private fee-paying patients. The problem arises with what she does after this. My belief is firmly in a public system of the highest standard in which every citizen will have confidence and will want to utilise as the need presents.

I have no objection to the development of private facilities. If people want to provide them and use them, let them do so. Where I draw the line is at the use of public moneys for the provision of private health care. Public moneys should be wholly and solely invested in what should be a state-of-the-art public health care delivery system which includes acute hospital facilities and services. Private facilities can be developed in an adjacent field but not in the field belonging to the health service. Such a facility could be needed for further expansion and the development of services by the public facility.

Questions must be answered. The Minister is not being up-front with Members about the advice received. She withheld the advice she could have shared with Members. With all respect, the letter from the Attorney General is but a fig-leaf. My earlier question applies equally at this point. Who triggered this line of inquiry with regard to Beaumont and St. James's Hospitals? Were they interested parties examining the opportunity to turn a buck from people's health care needs?

**Deputy Alan Shatter:** I will not speak again at great length. I do not accept what the Minister stated about the Attorney General's advice. I accept the Attorney General would have told the Government that advice given was privileged. It is privileged in that the Government is the Attorney General's client. However, it is open to the Government to decide to make this advice available. No law states one cannot do so. It is a political decision for the Government to make.

I had to restrain myself listening to Deputy Woods. I have known him for many years and he is a decent man. Many years ago when I first entered the House, I made life difficult for him when he was Minister with responsibility for health in the early 1980s. I have a great deal of time and respect for him. However, when he stated Beaumont Hospital had been discriminated against, that it was about time it received extra beds and described the problems of the hospital, I had to pinch myself to remind myself that Fianna Fáil had been in government for almost 18 of the past 20 years.

Deputy Woods is fortunate to have had the privilege to serve as a Minister for the largest portion of time during these 20 years. He was at the

forefront of the decision-making processes in Cabinet. He was part of the Cabinet which cut the number of beds in the health service in 1987 and laid the foundations for some of the health crises we have witnessed within the public hospital system during the past two decades. In Cabinet he was able to see the difficulties, as he saw them, of the capacity of Beaumont Hospital not only to meet the needs of the local community but also as a centre for neurosurgery in Dublin and outside the Dublin region. He was in a position to get the Cabinet to focus on the difficulties of the hospital.

I know Beaumont Hospital intimately and people who work there. They have been crying out for years for additional neurosurgeons. I would be a great deal more impressed if we were being told the public service in the hospital would be provided with additional consultant neurosurgeons to provide the services which were so badly needed. It is pointless to provide the land to build a co-located hospital if we do not have the consultants. The timeframe for building it is such that lives will be lost because of the reality that we have too few neurosurgeons in Ireland and too few in Beaumont Hospital. The neurosurgeons have come together for a number of years to demand additional consultants be appointed. Will the Minister speak about this? It is a pity it is not regarded as much of a priority as the legislation before us.

Deputy Woods should not tell us about the difficulties of Beaumont Hospital, as he was in a unique position to address them, to have had them dealt with and ensure that whatever additional facilities were required by the hospital were made available. Beaumont Hospital requires additional beds for public and private patients.

I agree with the Minister on one issue, namely, that the health insurance system was advocated, formulated and established by Government and those covered by health insurance, which includes most Members, are entitled to proper hospital and medical facilities. Let us not play games, however. The problem is we are developing a two-tier system. The richer one is or the greater access one has to health insurance, the greater likelihood one will have speedy access to health care, which everyone should have when they need it. Creating co-located hospitals instead of having private facilities within a hospital will not make a difference or solve the problem of the badly run, ill-equipped, under-resourced public hospital system and it is fiction to believe otherwise.

The problems in Beaumont Hospital will not be resolved *simpliciter* by the proposal before us because there is a need to provide additional nursing staff, neurosurgeons, greater facilities and more modern equipment. As doctors working in the hospital are aware, some equipment breaks down regularly. It is time something was done to address this issue. These problems should be

[Deputy Alan Shatter.]

treated with the urgency and priority afforded this legislation.

**Deputy James Reilly:** Like my colleague, Deputy Shatter, I will raise the Minister's attitude to the legislation. For the Government to continue to behave as it has done with this Bill would be to tell the people that it will, in future, legislate in the dark and, in the event of legislation being urgent, as the Minister argued regarding this Bill, Deputies will not be given access to the relevant advice issued by the Attorney General. Such an approach is not a runner because democracy cannot function in this fashion. Ministers cannot inform Deputies for the next three, four or five years that having received the advice of the Attorney General on a specific issue, the House must act urgently to pass legislation without properly considering or debating the issues.

Why is 52% of the population insured? It is not because individuals choose to have health insurance but because they feel compelled to have it. They do not believe the public health service will deliver for them in a timely fashion. People are happy with the care they receive if they can access a service but the problem is that waiting lists prevent access to the health service. On five occasions this year, I have received letters from the ear, nose and throat department of one of our great health care facilities, Beaumont Hospital, stating that the hospital cannot offer an appointment within a year and suggesting the patient try a different service. No attempt was made to arrange an appointment for another time.

I remind Deputy Woods, for whom I also have a great deal of time, that since being returned to power in 1987, Fianna Fáil has held office for 18 of the 20 intervening years. Soon after I joined the Eastern Health Board in 1987 or 1988, the board discussed the establishment of a new psychiatric service in Beaumont Hospital to replace the services provided in St. Ita's Hospital, Portrane, which was considered an inappropriate location as it was housed in a 100 year old building on a relatively isolated peninsula that was difficult to access by public transport. In 2007, 20 years later, this service has still not been completed. It is clear that the problem in this area lies not with Fine Gael but with those who have been in a position to resource and fund services but have failed to do so.

Deputy Shatter referred to neurosurgery. Neurologists are in terribly short supply, with people waiting years to see a specialist. Many people with Parkinson's disease and other illnesses are in dire circumstances, with some of those living at home and facing the possibility of recurring brain tumours unable to access hospital services because beds are not available. Consultants are being asked to choose between admitting individuals who are unconscious and persons who, while conscious, have a condition which may

erupt at any moment. That is no way to run a health service.

Where will serious trauma cases go in co-located hospitals? The Minister and I both know that road traffic accident victims suffering from serious complications will be admitted to the accident and emergency department of the public hospital, which will incur the full expense of treating the victim. Once the patient's condition has been stabilised, however, he or she will be transferred to the private hospital.

I do not understand the difficulty with having private beds in public hospitals. At least in those circumstances, training is available to junior hospital doctors and all the facilities are in one place and can be shared. It does not make sense to establish separate co-located hospitals on grounds which will no longer be available to the public hospital should it require them at a later date. This policy will result in cherry-picking of easier procedures which can be performed without any great infrastructural needs, leaving the more costly, difficult procedures to the public health service.

If the National Treatment Purchase Fund ceases to operate, how will the co-located private hospitals survive? Given that the VHI does not appear to believe these hospitals have a place, how will the Minister ensure an ongoing supply of prospective clients for these private hospitals?

Co-location is another case of the Minister distancing herself from her responsibility for health care by delegating the running of hospitals to the private sector. We have seen the problems this hands-off approach can cause. The lack of a proper inspectorate for private and public hospitals has resulted in members of the public, specifically women, having to endure the problems we have experienced in Barrington's Hospital, the Midlands Regional Hospital Portlaoise and other facilities. I repeat a question the Minister failed to answer. How many co-located private hospitals will be not-for-profit facilities?

**Deputy Mary Harney:** Does Deputy Reilly have a problem with someone making a profit? I presume the private nursing home in which he is involved is a for-profit arrangement. Irrespective of whether it is described as income or profit, I do not have a problem with it. Even if the House decided to legislate to prevent people from making a profit from private health care provision, it would be in breach of European Union and constitutional law

**Deputy James Reilly:** No one is asking the Minister to legislate against profit.

**Deputy Mary Harney:** General practitioners make a profit from their operations and I would not expect them to be in business if that were not the case. Bon Secours was the only not-for-profit operator selected but the hospital in question did not proceed and Bon Secours has withdrawn

from the project. As a result, none of the eight proposals is in the not-for-profit category.

It would be amazing news to learn that Fine Gael has a difficulty with people making profit. I would not expect Deputy Reilly's practice or any of the other 2,000 general practices to continue operating if they did not make a profit. People will not be involved in providing a service unless they get a return on their labour or investment.

Deputy Reilly indicated he does not understand the problem of having private beds in a public hospital. Each site will have only one accident and emergency facility. I do not want anybody accessing a trauma or accident and emergency service on a preferential basis. An accident or emergency or trauma case should access service based on medical need rather than on a preferential basis. The issue is that 20% of the beds paid for by taxpayers are available to some people on a preferential basis. Staffing these beds costs the hospitals covered by the co-location programme €226 million more than they receive from the insurers. In other words, they receive €74 million per annum from the insurers for providing a service that costs €226 million.

In the case of Beaumont Hospital, which has been alluded to repeatedly, we will provide 180 private beds and the private beds in the public hospital will be converted to public beds and used on the basis of medical need. The hospital will gain in the region of 300 additional acute beds, which is a very good deal. The co-located facility will be involved in training and research and development because, under the medical practitioners legislation, we are extending training to the private providers as well as providing training in the public system. We live in a country where, as everybody has acknowledged, 53% of people have private health insurance. Why do they have it? It increased from 37% when the economy was a third of the size it is today. This economy has tripled in size during the past ten years. We have double the number of people at work. Private health insurance for many, including factory operatives, which would never have been the case previously, is paid for as part of their employment package. We have a new group of individuals involved, some of whom are quite young. I dealt with this issue in my previous job during the skills shortage. Part of the employment package included the provision of private health insurance for employees.

**Deputy Caoimhghín Ó Caoláin:** That is because of fear.

**Deputy Mary Harney:** That is the reason it has increased from 37% to 53%. If one can get into the public hospital, funded by taxpayers, on a preferential basis because one has private health insurance, that too is an incentive. I understand the late Susie Long was told by a doctor's secretary that if she had private health insurance she would be seen next week, but, if not, she would have to go on the list. I could not stand over that.

It was wrong, and it is wrong. The publicly funded facilities are made available on the basis of preferential treatment. This is the fastest, most cost-effective way of providing additional capacity in these public hospitals and is also the most effective way of keeping the highly skilled consultants on the site. There are doctors in the city who work in Beaumont, Blackrock and, perhaps, other hospitals. That is not an efficient use of the time of those doctors who are highly skilled and highly trained. We want to see as many of them as possible only working on the single site——

**Deputy Caoimhghín Ó Caoláin:** Professor Tom Keane told us today that——

**An Ceann Comhairle:** I ask the Deputy not to intervene while the Minister is making her reply.

**Deputy Caoimhghín Ó Caoláin:**——the highest qualified consultants from this country are practising in British Columbia, Canada——

**An Ceann Comhairle:** I ask the Minister to proceed with her reply.

**Deputy Mary Harney:** That is true and my ambition is to get them. That is why we need a new consultants contract. I cannot break the current contract. We can do it but we would have to compensate people. There are 2,000 people on an existing contract, one third of whom can practise in several places because they are category two doctors. Some 650 of them are in the Dublin area. We want a new contract. At the heart of these negotiations, which hopefully will reach a successful conclusion later this year, has been a one for all system into our public hospitals so that we can get access for patients based on medical need. We are in the final hours of those talks.

On the issue of the resourcing of our public hospital system, we spend 8.9% of our national income on health, which is in line with the OECD spend in the world's 30 richest countries, yet 11% of our population is over the age of 65 while 17% of the OECD population is over the age of 75. The challenge for us is to change the way we perform the service and, in particular, to move more into community and primary care where 95% of health needs are met.

I was asked about isolation facilities. Recently I wrote to the HSE and asked, as a matter of priority, that in our public hospitals single rooms be made available to patients who need isolation before they are made available to private patients. It is not acceptable that if a patient is in need of isolation that a room cannot be made available to him or her because a private patient has preferential access. That is the policy we are implementing hospital by hospital. The hospital of the future will be one where everybody will have a single room. The new children's hospital will have single rooms for everybody and family accommodation. That is the hospital of the future but we are a long way from that here.



[Deputy Mary Harney.]

On the issue of the Attorney General and the advice, of his own volition the Attorney General got the advice of Mr. Maurice Collins, SC. It is normal practice for the Attorney General to seek outside advice in many cases. What happened was that the Attorney General felt there may be an issue with the 1961 Act and decided to get outside opinion to assist him in advising me. When he got that advice, he wrote to me on 26 October. It was not because some promoter, developer or somebody who is trying to build a co-located facility came forward with advice. It was in the context of funding the new paediatric hospital board that issues arose around the 1961 Act and the Attorney General got the outside advice and made me aware of it and the need to bring in legislation as quickly as possible.

**Deputy James Reilly:** The Minister makes the point that people are earning more and the economy has grown and this is the reason more people have VHI cover. I put it to her that 20 years ago there were 18,000 beds in the hospital system, which fell to 11,000 and now the number is at 13,000 while the population has increased by 700,000. It is the lack of access to public health care that makes people feel they must have health insurance in order to have any realistic chance of access to health care. The Minister mentioned the late Susie Long. Unfortunately, that was the reality for her. That is how many people feel. If they can afford health insurance, they will get it. Children are buying VHI cover for their parents to ensure they will access to hospital. That is the reality. It has nothing to do with our prosperity.

**Deputy Mary Harney:** That is not happening in many hospitals as the Deputy is aware.

**Deputy James Reilly:** It is perverse prosperity that leads us to a situation where more and more people consider they need health insurance to access health care which was freely available here 20 years ago.

**Deputy Jan O'Sullivan:** I have a problem with this debate. We are supposed to be debating the first amendment I tabled to this legislation. The content of that amendment has not been addressed by the Minister in her response. The substance of the amendment is that if an order is being made in regard to co-location in St. James's and Beaumont hospitals, it should first be debated and voted on in this House before being implemented.

**Deputy Mary Harney:** I apologise. No orders will be made on foot of this legislation. We cannot make orders.

**Deputy Jan O'Sullivan:** In other words, what the Minister is saying is that she is not accepting my amendment.

**Deputy Mary Harney:** I cannot because I will not make any orders. It will not be necessary.

**Deputy Jan O'Sullivan:** I would have appreciated it if the Minister had addressed that issue when replying.

**Deputy Mary Harney:** I apologise. I intended to address the issue. I am sorry I forgot to address it. The reality is that what we are doing here is putting beyond legal doubt the 19 bodies in question. If the Minister for Health and Children wishes to have power in the future to make orders, establish bodies or allow bodies to do certain things, we must have new primary legislation. I will not make any orders on foot of this legislation.

**Deputy Caoimhghín Ó Caoláin:** I wish to refer briefly to the point just mentioned by Deputy Reilly. The Minister was almost boastful in her contribution in relation to the numbers of people who are now signed on to the registers of VHI, Vivas, QUINN-Healthcare, etc. This is nothing to be proud of. When one gets to the bottom line with people, one will find that a huge swathe of those people, particularly those new people who have signed on in recent years, are doing it because they have lost faith in the public system. They see public moneys being diverted away from the public system. They have seen the reality of languishing on waiting lists and the difficulty of even getting on a waiting list. They do not want that for themselves or their children and that is very understandable.

Many are actually suffering the loss of something else important in their lives in order that they can have the assurance of that in the event of a need presenting. Many of these people would not see themselves as a part of a new poor in Ireland. The truth of the matter is that a greater number of them are obviously without medical card qualification. There is a body of people with medical cards and there are those who are much better off in society and for whom the matter of paying for access to health care is something they can take in their stride. There is then a huge group in the middle, the greater number of them couples, either married or in relationships with children, with both parents working to ensure they can cover the costs of the provision of a home and the needs of children in terms of child care and everything else. What they have got on top of it all is the forced reality of having to take out health insurance for peace of mind. I assure the Minister that a significant body of those people would never have taken that as a first course of choice.

The Minister's colleague, the Tánaiste and Minister for Finance, stood here on 5 December and announced the increased spending allocation for her Department for the coming year. People talk about the €16 billion allocated to the health budget. The reality is that the people are paying many millions more again. What is the true cost

of the provision of health care in this State today? One must do the sums. The cost involves not only the monies expended through the Exchequer but what people also pay apart from their tax contributions that make up the Exchequer figures. They are also paying on the double through private health insurance, which is a fact of life. If one adds to that those paying cash for the direct delivery of services from their GP, access to medicine and all the rest, the total sum is huge.

I do not believe that sum has ever been computed because no-one has taken the time to do so. The Minister would be shocked by what it would be possible to do in the delivery of health care with the sum that actually comes from the pockets of our people, either through the Exchequer or directly into the health system through health insurance and all the rest.

If we were to have a state-of-the-art public health system in which every citizen would have confidence, it would cost a great number of people less than is currently the case. That is achievable and there are examples of this around the world that can be emulated. One of the real lessons that Professor Tom Keane can perhaps bring to his two-year tenure in this State is not any innovation, because he is on contract to implement the Minister's programme for the delivery of cancer care services, but that hopefully over the period of time some of the reality of the experience he has known in British Columbia and Canada might rub off on the Minister and others in the Department of Health and Children.

The lessons need to be learned. We need to get rid of the 20% allocation and the piggy-backing of private care on the public health system, but not in the way the Minister is going about it. The correct steps are for a universal system, free at the point of delivery for every citizen and on the basis of need alone. That is what we should be working towards and what every party in this House should be committed to achieving.

Our citizens, born equal, deserve equal treatment and respect throughout every stage of life until the end of life itself. I believe in nothing less.

**Deputy James Reilly:** It is 10.23 p.m. The debate ends shortly but we have not touched on the other two sections of the Bill which relate to the Medical Practitioners Act and the Health Act 2004, which dealt with the HSE. Do I have permission to comment on those sections?

**An Ceann Comhairle:** The Deputy must deal with this amendment.

**Deputy James Reilly:** In that case, we are leaving very little time for the other amendments.

**An Ceann Comhairle:** That is true, but it is the order of the House.

**Deputy James Reilly:** In that case, in my final comments on co-location I will focus on some of the other issues which arise due to the lack of

investment in our hospitals. The Minister stated that those who need isolation rooms should have them but the reality is there are too few of them, particularly at Beaumont Hospital, which cannot deal with all the MRSA patients who should be in such rooms. That hospital certainly does not have the ability to isolate patients with cystic fibrosis, who have a ten-year shorter life expectancy in this country than patients in the United Kingdom because of that very fact. Other issues also have an influence, such as screening from birth, but the inability to isolate patients is a major issue.

Patients are afraid to go into hospitals because of the risk of infection and they stay at home longer than they should as a consequence. They are caught in a catch-22, damned if they do and damned if they do not. It is the State's responsibility to look after them. It is the State's and the Minister's failure in recent years, a time of unprecedented plenty, to put in place facilities for such people.

**Deputy Dinny McGinley:** In the past three hours I have been in different parts of Dublin, visiting some of my constituents in hospital. I visited St. Vincent's Hospital and St. Luke's Hospital, where I went to visit one constituent and found almost half of my county were there. I sat outside the radiotherapy unit for 25 minutes with a neighbour who was waiting for treatment. The staff of the unit are working hard and it seems to operate from early morning until late at night. Despite the question mark over St. Luke's, anyone I spoke to there had nothing but praise and admiration for the work carried out by the staff.

With regard to co-location and public and private medicine, I may be very naive in that I believe the country can tolerate both systems — we can have private medicine as well as public medicine. I confess I am a member of the VHI and pay my premium every year. If I must ever go to hospital, I have the choice of going to a private hospital. While I do not know whether this view accords with my party's policy, I believe the difficulty is not with public and private medicine but with mixing the two in the same hospital.

If people want to have private medical insurance, they are entitled to it and they should be allowed to go to private clinics. However, if people want public treatment, they should be allowed to access it. This is where the difficulty arises, in that every hospital has public and private beds. If one is fortunate enough to have private insurance, one can hop, skip and jump into one of the private beds ahead of people who may be more in need but who depend on the public system.

Why can we not have both? Why can we not have private hospitals for those paying VHI or other insurance? Public patients would then be able to access public beds because there would be no special beds in public hospitals and everyone would be treated the same.

**Deputy Mary Harney:** I agree. That is what we are doing.

**Deputy Dinny McGinley:** Why can we not have an agreement like that? When I go to a hospital, such as Letterkenny Hospital, some patients are private and some are public. If one wants to go private in a public hospital, one gets in immediately but if one wants to use the public system, one waits for a year or two. It is a mess.

I may be naive. I have been fortunate that the only time I was ever in hospital was when I had my tonsils removed at 12 years of age. I am not sure if it was public or private treatment, but I have needed no more hospitalisation since then. Why can we not differentiate between the public and private systems? It is a simple question. While it may not be solvable, if I were Minister, I would try to come up with a solution like that.

**Deputy Mary Harney:** That was a good contribution on which to end the debate because, Deputy McGinley will be pleased to hear, that is exactly what we are doing with co-location. However, it is not the view put forward by the Fine Gael spokesperson, who favours public and private service in public hospitals.

With regard to St. Luke's Hospital, all the expert advice is that there should not be stand-

alone radiation facilities, so St. Luke's will move to the grounds of St. James's Hospital. However, we of course want to protect the ethos of St. Luke's, which is a fantastic place. I hope half of Donegal is not there — I would be worried if that was the case.

**Deputy Dinny McGinley:** It was an exaggeration but quite a few were there.

**Deputy Mary Harney:** I accept that, because those who live furthest away must stay in Dublin for the period of their treatment from Monday to Friday. St. Luke's does a fantastic job and I am just about to reappoint its board. I have told them on many occasions that we want to keep all that is best about the hospital when it moves to the grounds of St. James's Hospital.

**An Ceann Comhairle:** As it is now 10.30 p.m. I am required to put the following question in accordance with an order of the Dáil of this day: "That in respect of each of the sections undisposed of, the section is agreed to in Committee, the Schedules and Title are agreed to in Committee, the Bill is reported to the House without amendment, Report Stage is completed and the Bill is passed."

Question put.

The Dáil divided: Tá, 71; Níl, 61.

Tá

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

Kelleher, Billy.  
Kelly, Peter.  
Kenneally, Brendan.  
Kennedy, Michael.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Michael P.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
Lowry, Michael.  
McGrath, Finian.  
McGrath, Mattie.  
McGrath, Michael.  
McGuinness, John.  
Mansergh, Martin.  
Moloney, John.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M.J.  
Ó Cuív, Éamon.  
O'Brien, Darragh.  
O'Dea, Willie.  
O'Flynn, Noel.  
O'Hanlon, Rory.  
O'Keeffe, Batt.  
O'Sullivan, Christy.  
Roche, Dick.  
Ryan, Eamon.  
Sargent, Trevor.  
Scanlon, Eamon.  
Smith, Brendan.  
Treacy, Noel.  
White, Mary Alexandra.  
Woods, Michael.

Níl

Allen, Bernard.  
 Bannon, James.  
 Barrett, Seán.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Burton, Joan.  
 Byrne, Catherine.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.  
 Coveney, Simon.  
 Creed, Michael.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Lynch, Kathleen.  
 McCormack, Pádraic.

McEntee, Shane.  
 McGinley, Dinny.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Perry, John.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P.J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.  
 Wall, Jack.

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

Question declared carried.

### Adjournment Debate.

#### Medicinal Products.

**Deputy Olwyn Enright:** I appreciate the Minister for Health and Children has had a busy day but I am disappointed she is not present for the debate. While I welcome the Minister for Education and Science, this is a serious issue and I would have liked a direct response from the Minister for Health and Children. I first raised this issue with her in January 2006. It relates to two of my constituents and a small number of other people who are victims of the thalidomide problem that occurred across Europe in the 1960s and 1970s. They have been in negotiation and discussion with the Department of Health and Children for the past number of years but limited progress has been made. Their injuries are fully compatible with their mothers taking thalidomide during pregnancy. In the case of one woman, one of her arms and one side of her body is completely affected and her other arm has been affected in recent years. Discussions with the Department have not resulted in much progress.

The reason I raise the matter is that only four people remain in the world who have the necessary expertise, having dealt with thalidomide victims in the 1960s. They are based in England, Australia, Japan and Sweden. The Department of

Health and Children has been in discussions with Dr. Kohler from Sweden. He is elderly but he indicated he would be prepared to travel to Ireland. However, the victims were told last July their cases would not be reviewed until November at the earliest. They still have not received a communication from the Department regarding a date for the reviews. The Department then sought additional information from the victims, some of whom are unable to provide such and require a medical assessment to be carried out.

I would like the Minister for Health and Children and the Department to give a commitment on a date for the assessment. Approximately five cases are before the Department currently. If Dr. Kohler is unable to travel to Ireland, I ask the Government to arrange for the victims to be brought to Sweden for the examinations to be carried out. This issue was raised in the House in 1973, 1974 and 1975 and I am concerned with the passage of time that the remaining experts may die and another Member will still be raising the plight of these people in ten years but the necessary expertise to carry out the relevant medical examinations will not be available.

The parents of the people in question were not able, for various reasons, to push forward the case on their behalf at the time. I appreciate the existence of medical difficulties that need to be overcome and that there may not be written evidence in the case of some of them. However, an examination of their medical condition will prove that

[Deputy Olwyn Enright.]

their mothers were given the thalidomide drug, and on that basis they are entitled to be compensated.

I hope the response from the Minister, Deputy Hanafin, on behalf of the Minister, Deputy Harney, will be positive. I particularly want to know when these people can expect to be called for an examination. I was told in discussions with the Department that the process it is undertaking is a benign and not a threatening one. However, the people in question have not been given the opportunity to have meetings with Department officials or to discuss this issue with anybody, other than with me as a public representative, and I have raised it with the Department on their behalf. While they have been offered prospective meetings they have not been offered the provision of advice at such meetings, which makes it difficult for some people to outline fully the nature of their condition. I look forward with interest to the Minister's response and I hope progress will be made for these people.

**Minister for Education and Science (Deputy Mary Hanafin):** I thank the Deputy for raising this matter, to which I will respond on behalf of my colleague, the Minister for Health and Children.

Exposure to thalidomide has had a huge impact on people's lives. I am conscious of the fact that thalidomide has affected and continues to affect the lives of a number of people, their families and friends. I have a good friend who is a victim of thalidomide who has had a wonderful academic and professional career and is also making an enormous contribution to the local community through music and involvement with choirs in Thurles.

The Department of Health and Children is considering applications from a number of individuals claiming exposure to thalidomide and requesting compensation for that exposure. It is the intention of the Department to write to each individual in the near future indicating whether he or she is being referred for specialist medical assessment. This decision is being based on the specialist medical evidence provided by each individual.

The Deputy will understand that, in view of the passage of time since the original scheme of compensation for the victims of thalidomide, the Department of Health and Children has had to carry out an extensive examination of documentation to obtain background information on the individuals and assess the most appropriate way to consider the applications. The Department is conscious of the need to progress this matter and is taking all appropriate actions to move this matter along.

The United Kingdom Thalidomide Trust has indicated that current practice worldwide is that acceptance of determining if disabilities are related to thalidomide relies on medical examin-

ation of the applicant and that medics have stopped trying to establish whether a mother took thalidomide as this was proving impossible to verify, given the time lapse.

The Department of Health and Children will use the services of an independent international medical examiner to carry out a medical assessment of the cases that provide corroborated specialist medical evidence indicating foetal exposure to thalidomide. It is the intention of the Department to make the necessary arrangements with individuals for the medical assessment by the international expert to take place early in the new year. I believe that answers the question the Deputy raised. The remainder of the script is background information on the issue for the Deputy.

### Schools Building Projects.

**Deputy Shane McEntee:** I am pleased to have the opportunity to raise this matter. The Minister is probably sick of hearing of Laytown at this stage, but I have no option but to try to bring this matter to a satisfactory conclusion. It is ten years since it was accepted that a new school was needed in Laytown. I was not a councillor prior to being elected to this House and my introduction to politics was a promise by the Taoiseach, Deputy Mary Wallace and the then election candidate of the announcement of a new school for Laytown three years ago.

August 2006 was a defining moment when I, as a public representative, the Minister of State, Deputy Wallace and other public representatives in the area were called to a meeting at which it was pointed out that many children did not have the facility of a school to attend. The Department's answer to that issue and the way forward pointed out by the then Minister of State, Deputy Wallace, was that four year olds in the area should be brought to a school, put on a school bus and brought to a weigh room for jockeys in Bellewstown and that this facility would do rightly. That is where this process started. The parents of the children said "No" to that proposal at that meeting. They said there was no way they would send their children aged four on a school bus to be transported eight to ten miles on what is one of the worst roads in County Meath to that facility.

People were asked to put their political affiliations to one side. I and Thomas Byrne, then an election candidate — I do not know if he was announced as a candidate at that time — took on the issue of dealing with the objections in regard to the school. Nobody else came forward to do it. I knew it was a political minefield for me but I had a right to do it on behalf of the people. We were asked to do it, but we got only so far.

To cut a long story short, when everybody concerned had gone their separate ways, fourth and fifth class pupils were being accommodated in a

gym in the other school in the area and the children starting school did not have the facility of a school to attend. Some people were brought to a meeting held in Buswells Hotel on 29 March. The meeting was attended by some of the parents, a teacher in the school, an election candidate, a local councillor, the Minister and a Department official. The Minister told those people that an application for planning permission for a new school would be submitted in May. She said that the contracts would be issued and gave a commitment that at the end of September next year a new school would be opened. I did not know anything about that at the time, but I was happy about that development. I knew that pursuing this issue was of no political benefit to me, but that did not matter because I believed it was a job worth doing. People worked together to pursue it. However, as of today no further progress has been made.

We have heard of announcement following announcement in recent weeks only to discover that planning permission for the new school has not even been submitted. We are not sure if the site has even been acquired. What annoys me more than anything else is that those people were invited to a meeting in Dublin and told that the application for planning permission would be submitted at the end of May, but that represented a deceit. The people were misled on that occasion. I am not allowed nor do I like to use the word that describes what happened in the Chamber. It was unacceptable to me as a politician for the Minister to tell those people that a planning permission application would be submitted for the school and that a new school would be opened at the end of September.

**Deputy Mary Hanafin:** It was.

**Deputy Shane McEntee:** No application for planning permission was submitted. The children are being accommodated in a school for which €60,000 per month is being paid in rent, but the 90 children there do not have an adequate play area and another 150 children will be enrolled next September. Then we wonder why there are problems such as bullying and drugs in our schools.

The most important issue is young people's education. Those people should not have been brought to a meeting in Buswells at 12 o'clock on 29 March and given that information. People in this country are the easiest in the world to get on with if they know what is happening. What happened on that occasion is the reason people do not have respect for politicians. Why were people given that information on 29 March when it was known that was not the case? As an ordinary person and a politician, I find it unacceptable that a member of Government should do that. If that is the Government's only way of getting on, we deserve what we get. Every child in the country has been misled. We have

continued to facilitate building but we have provided nothing for the children and now we cannot control the situation. I have learned that one does not believe what one hears in here.

Why were the people of Laytown and Bettystown and the teachers brought a meeting in Buswells Hotel on 29 March and told that an application for planning permission was being submitted when the Department did not even own the site and the plans for the school were not even drawn up? If that is how much power means to those in Government, they are welcome to it.

**Deputy Mary Hanafin:** I am pleased to have this opportunity to outline the position regarding the new primary school in Laytown, County Meath. The Department has already provided a 16-classroom facility to meet the immediate accommodation requirements in Laytown. The Deputy seems to have overlooked that fact and that considerable publicity was given in September to the fact that the children were happy in their new facility, that the parents were delighted with the facility that had been provided and that it had been provided on time and on target.

**Deputy Shane McEntee:** That has nothing to do with what I am talking about. What I am talking about is what happened——

**Acting Chairman (Deputy Brian O'Shea):** I ask the Deputy to resume his seat.

**Deputy Shane McEntee:** ——on 29 March.

**Acting Chairman:** The Deputy must resume his seat.

**Deputy Mary Hanafin:** The new 24-classroom school building will be provided by my Department under a design and build contract.

**Deputy Shane McEntee:** What we were told was rubbish.

**Deputy Mary Hanafin:** The procurement process for this project is now nearing completion and it is expected that the contract will be awarded very soon.

**Deputy Shane McEntee:** We are being told more rubbish here.

**Acting Chairman:** The Deputy must resume his seat.

**Deputy Mary Hanafin:** I am sorry the Deputy has missed part of the answer.

**Deputy Shane McEntee:** I have not missed any answer.

**Deputy Mary Hanafin:** As part of the tender competition, the initial design and layout for the

[Deputy Mary Hanafin.]

school has already been done and some pre-planning discussions have taken place with Meath County Council in order to help ensure that it meets their requirements.

Following the placing of the design and build contract, the first task for the successful contractor will be to submit the application for planning permission for the new school. Given the preparatory work already done, it is expected that the application for planning permission can be done within a matter of weeks following the appointment. I assure the Deputy that the Department is committed to commencing construction of the new school as soon as possible following receipt of planning permission. It is important that the application goes through as smooth a process as possible, given previous history.

Last week, I outlined details of how €594 million is to be spent on school building projects in the coming year. The majority of this funding will be targeted at primary level and will enable my Department to continue the process of providing new school places and modernising existing facilities in schools throughout the country, with a particular emphasis on meeting the new and emerging needs in developing areas such as Laytown. Since 1997 a total of €3.6 billion has been invested in school buildings and this has delivered over 9,300 school building projects. This further investment of €594 million will build on these achievements and will focus in particular on the provision of school accommodation in areas where the population is growing at a rapid rate.

The NDP investment of over €4.5 billion will enable my Department to continue to transform the standard of school facilities throughout the country. I assure the Deputy that we are committed to providing suitable high quality accommodation for Laytown at the earliest possible date. I said as much earlier, but the Deputy did not appear to be listening.

**Deputy Shane McEntee:** May I reply?

**Acting Chairman:** No, you cannot.

**Deputy Mary Hanafin:** The Deputy cannot.

**Deputy Shane McEntee:** Why not?

**Acting Chairman:** The Deputy must resume his seat.

**Deputy Mary Hanafin:** It is not allowed.

**Deputy Shane McEntee:** If that is all the Minister can offer the people of Laytown, so be it. It is a poor day for this country when the Minister can bring people here on 29 March and tell them——

**Acting Chairman:** Deputy, the Chair is on its feet.

**Deputy Shane McEntee:** It is a poor day when the Minister sneers at the people of Laytown.

**Deputy Mary Hanafin:** I did not sneer at them. There is no facility for a Member to speak again on the Adjournment.

**Deputy Shane McEntee:** The Minister should tell them the truth.

**Deputy Mary Hanafin:** They got a lovely facility in September.

**Deputy Liz McManus:** The matter I wish to raise is St. Mary's and St. Gerard's national school. This school is bursting at the seams and has now reached a critical stage in terms of the number of pupils. I ask the Minister to honour a commitment she made before the last general election and to ensure that the children attending the school are treated fairly.

This school provides for the growing population of Enniskerry and its catchment area, some of which is within the Minister's constituency. Despite that fact, the school has not been given the go ahead to develop new capacity and to become a 16-classroom school. This issue has been ongoing for many years. Indeed, while Enniskerry stagnated on the waiting list, other schools nearby got the green light. When the Minister, Deputy Hanafin, came under pressure during the general election campaign about her neglect of the school building programme, she ensured a letter was sent from the Department to the chairperson of the board of management stating clearly that the accommodation will provide for the staffing and building of 16 mainstream classrooms. The letter also stated that the school planning section would advise the technical staff to visit the school as soon as possible to verify the necessary additional accommodation required.

The letter was warmly welcomed. The election was held but, shamefully, since the letter was sent on 10 May nothing has been heard from the Department about the technical staff that were due to visit. This is unacceptable. The school's situation is becoming desperate. The parents and staff need to know when the project will begin and when the commitment made in writing by the Minister to the board of management will be honoured.

**Deputy Andrew Doyle:** The letter of 10 May from an official in the planning section in the Department of Education and Science only gave false hope after many years of campaigning for additional classrooms. The school had been approved for a smaller extension in 2001 but was then told that it required, and would be given, 16 mainstream classrooms as well as ancillary accommodation. However, the letter neglected to state what band status the school had been given.

On 8 November, I received a letter from the school principal. She was under the impression

that the school had been assigned category one or band one status. In response to a parliamentary question from me on 4 December, the Minister replied that applications for large-scale capital funding projects are assessed against published prioritisation criteria and, as such, the school had been assigned band two status. The Minister is shaking her head but that was in the reply I received on 4 December. The letter sent on 10 May was disingenuous, to say the least. The timing speaks for itself. It was sent to give people false hope, after years of campaigning, during a general election campaign and to buy votes. There is no other way to describe it.

I have put down a parliamentary question seeking the details of the published prioritisation criteria. I am seeking an explanation for how Enniskerry can only be assigned category two status, given its demographics, location and the fact that it is under serious pressure from surrounding areas as the other local schools are also full. I hope I will get as direct a response as the one I received on 4 December, which categorically states that the school has band two status, not band one. How was the school principal under the impression that the school had category one status? The school's projections are that there will be two extra classrooms of enrolments each year but it is the same size as it was 20 years ago. It was approved for a smaller extension six years ago but nothing has happened.

**Deputy Mary Hanafin:** As the Deputies stated, an application for an extension to St. Mary's and St. Gerard's national school was received. When the original application was made, the extension would have been too small for the school's needs. Subsequently, an assessment was made of the long-term needs of the school and it was determined, and agreed with the school authority, that the school should be extended to a 16 mainstream classroom school.

I wish to confirm to the Deputy that the school has a band one rating. There must have been a mistake in the reply to the parliamentary question. The letter sent to the board of management was correct.

**Deputy Andrew Doyle:** Was the reply to the parliamentary question wrong?

**Deputy Mary Hanafin:** Band one is the correct status. The band one rating is the highest rating and that was indicated to the principal in November.

**Deputy Andrew Doyle:** Yes, but the reply of 4 December states otherwise.

**Deputy Mary Hanafin:** The letter to the principal is correct. I confirm that for the Deputy. The school has band one status. It is located in a rapidly developing area. Band one status is the highest rating a school can get within the building

programme. Approximately €600 million will be available for the school building programme next year and the school's band one status gives it a very high priority. Progression of the project will take place in the context of the next multi-annual building programme.

**Deputy Liz McManus:** When will the technical staff visit the school, as the Minister promised?

**Deputy Mary Hanafin:** I will ask the technical staff. It has band one status.

**Deputy Liz McManus:** Will the Minister let us know?

**Deputy Andrew Doyle:** May I ask the Minister a question?

**Acting Chairman:** No. The Deputy who raised the previous matter wished to ask a question and was prevented from doing so.

**Deputy Mary Hanafin:** I will clarify the reply to the parliamentary question.

#### Schools Amalgamation.

**Deputy Jimmy Deenihan:** I am glad the Minister can be present this evening. I wish to make a special request of her. The proposed new national school for Ballybunion is based on the amalgamation of Scoil Pio Naofa, the boys national school, and St. Joseph's girls national school. The schools are in two old buildings that are structurally substandard. Scoil Pio Naofa was built in 1929 and is a small, two classroom, damp, stone building. Both schools are in designated rural disadvantaged areas. A file for a new school in Ballybunion was opened 30 years ago in the Department of Education. In 2000, the staff of Scoil Pio Naofa and St. Joseph's agreed to amalgamate in a new building. The Bishop of Kerry agreed in 2004 to release a large greenfield site on Church Road in Ballybunion for the new school. On 13 January 2006, the Department of Education and Science agreed funding for a new building. The boards of management of both schools agreed to a generic plan to speed up the process because Scoil Pio Naofa in particular was extremely substandard. On 11 June 2006, the design team was selected. The Ballybunion project has now reached the final stage of the six stages it had to complete and is waiting for the announcement of a contractor and the signing of a contract.

Recently, rats were found in a prefab attached to Scoil Pio Naofa, an incident that was highlighted in the *Kerry's Eye* newspaper, which stated:

Rats force kids from classroom. Health of pupils a worry at Ballybunion prefab.

*The Kerryman* newspaper reported: "The principal of Scoil Pio Naofa, Ballybunion, Eileen Wash, said that she fears for the health and safety of



[Deputy Jimmy Deenihan.]

the school boys who were forced to study in a dangerous 20 year-old pre-fab." These pupils had to be moved to a holiday lodge across the road from the school. I understand the school's principal contacted the Department but the latter was only prepared to pay for the rental of the holiday lodge being used by the students. The situation resulted in an editorial in *The Kerryman* which stated:

sub-standard education facilities in Kerry have become an all-too familiar news story over the last decade.

The context in which these unacceptable situations arise is important; occurring at a time of unprecedented wealth in this country.

When it comes to the welfare and education of our children, the State stands accused of hypocrisy and double-standards of the most serious form.

On the one hand, we boast an education system and standards in this country that remain the envy of most countries in the developed world. At the same time, successive governments refused to acknowledge and failed to act on a situation where some of these education standards were attained and maintained in conditions more akin to war-torn or famine stricken nations.

The plight of the board of management, the principal and the school of Scoil Pío Naofa did not develop overnight. We now know that a proper school was wanting in Ballybunion long before the timber began to rot and rats decided to move in.

A former principal of a school in England wrote in a letter to the newspaper that he felt embarrassed as an Irishman when he read the story about rat-infested conditions in Ballybunion school. He became aware of the dire conditions in many Kerry schools since returning from England.

I urge the Minister to ensure that the tender documents are accepted so that a contractor can be appointed immediately after Christmas to commence work. It is unacceptable that the children are expected to receive their education in a holiday home. Account should also be taken of the conditions in the convent school and the two stone classrooms. I thank the Minister for attending for this Adjournment matter. Will she give me a positive response that I can pass on to the parents concerned?

**Deputy Mary Hanafin:** I thank Deputy Deenihan for raising this issue. I hope the local newspaper is as laudatory of the multi-million sums that have been spent on schools in County Kerry. I have had the pleasure of opening extensions and new buildings in the county and I am sure they will give equal coverage to that.

**Deputy Jimmy Deenihan:** They will if the Minister has good news this evening.

**Deputy Mary Hanafin:** With 4,000 schools throughout the country, it has only been in recent years that we have made substantial progress. County Kerry has done well because it has so many small schools. It is always a great pleasure to visit them. The fact that so many educational conferences seem to take place in the county means that I visit more schools there than anywhere else.

**Deputy Jimmy Deenihan:** We value education in Kerry. It is important for us.

**Deputy Mary Hanafin:** That is true but it also applies in respect of other counties. In regard to the school building for Ballybunion, planning permission, a fire certificate and the tender report for the project are being examined by the Department's building unit. This will lead to the provision of a new two storey, eight classroom generic repeat design school. As the Deputy might be aware, generic repeat design is an efficient method of speedily delivering top quality schools because it means we do not have to go through all the usual processes of design and architectural planning.

We are spending €540 million this year and nearly €600 million next year on school buildings. This school, the planning process for which is well under way, will be considered in the context of the multi-annual school building and modernisation programme. I intend to announce in January the first tranche of projects which will go to construction in 2008 and there will be further announcements during the year as the school building programme is rolled out.

**Deputy Jimmy Deenihan:** I appeal to the Minister to ensure Ballybunion is included in the programme. It would be her Christmas present to me.

The Dáil adjourned at 11.15 p.m. until 10.30 a.m. on Wednesday, 19 December 2007.

## Written Answers.

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

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*Questions Nos. 1 to 6, inclusive, answered orally.*

*Questions Nos. 7 to 60, inclusive, resubmitted.*

*Questions Nos. 61 to 69, inclusive, answered orally.*

### **Carbon Budget.**

70. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government if he envisages a more comprehensive carbon budget for budget 2009 that will expand on a speech and a press release that comprised the carbon budget for budget 2008; if such a carbon budget will be communicated by the Minister for Finance alongside the financial budget as was promised for budget 2008; and if he will make a statement on the matter. [35233/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I was pleased to be able to present Ireland's first ever carbon budget on 6 December. Its purpose is to show how Government decisions on spending and taxation measures affect Ireland's greenhouse gas emissions, to demonstrate that Government decisions on climate change are consistent with overall economic and budgetary policy and to give a clear indication of the progress that is being made each year towards meeting both Ireland's Kyoto Protocol target and the Government's national target to reduce emissions by an average of 3% per annum.

In this context, the Programme for Government indicates that the role of the Minister for Finance is to present an outline carbon report. In fulfilling this commitment, Deputies will be aware that in his recent Budget statement, the Minister for Finance presented an outline of Ireland's emissions profile and detailed the measures being

introduced in the Budget to reduce greenhouse gas emission levels.

In this year's carbon budget, I presented:

- preliminary emissions figures for 2006;
- projected emissions for the 2008-12 Kyoto Protocol period, taking account of the measures in the National Climate Change Strategy published in April 2007;
- the effects of the additional measures put in place since then; and
- updated projected emissions to take account of these measures.

As the question anticipates, future carbon budgets will be more detailed.

In addition to domestic emissions savings of 13.6 million tonnes set out in the National Climate Change Strategy, this year's carbon budget presented further savings of 600,000 tonnes. Future carbon budgets will present the effects of further measures, with the intention that Ireland is able to fulfil its commitments as far as possible by emissions reductions through domestic action and therefore achieve the 3% annual reduction on average between now and 2012.

### **Proposed Legislation.**

71. **Deputy Michael Noonan** asked the Minister for the Environment, Heritage and Local Government if it is his intention to appoint a regulator of the waste sector; when such legislation will be forthcoming; and if he will make a statement on the matter. [35272/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In August 2006, my Department published a consultation paper on options for future regulation of the waste sector. Submissions were invited on

[Deputy John Gormley.]

whether there is a need for a regulator for the sector, if so what model of regulator might be most appropriate and what powers any such regulator should be given.

Following consideration of over fifty, many very detailed, submissions received which cover the range of complex issues surrounding the regulation of the sector, my Department is developing policy proposals to address the concerns raised. Subject to any necessary Government decision I hope to bring forward these proposals early in 2008.

#### **Election Management System.**

72. **Deputy Kathleen Lynch** asked the Minister for the Environment, Heritage and Local Government when he will make the decision to scrap the electronic voting machines currently in storage; his views on the 25 year storage contracts entered into by a number of returning officers; if allowance has been made for depreciation of these machines; if it is his intention to follow the example of the authorities in the Netherlands and to abandon electronic voting for the foreseeable future; and if he will make a statement on the matter. [35145/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I am aware of recent developments in the Netherlands in relation to electronic voting, including an official report which recommends a move away from the current electronic voting system in operation in that country. I understand that the Dutch Parliament will debate the report in the New Year. My Department also maintains contact with other developments internationally in relation to electronic voting.

As far as our own jurisdiction is concerned, the House will recall that the Commission on Electronic Voting in its Final Report last year concluded that the voting equipment chosen for use in Ireland could be used, subject to further work which it also recommended.

As I have already indicated to the House, I am at present considering the next steps to be taken in relation to this project. In this, I am taking into account the work of the Commission on Electronic Voting, relevant experiences and developments internationally, and the need to maintain public confidence in the electoral process, as well as the provisions in the Programme for Government relating to electoral reform generally.

Responsibility for storage of manual voting equipment has always been a matter for the local returning officers and so similar responsibility was assigned to them in regard to the electronic voting equipment. In the majority of cases, leases were entered into by them for the storage of the machines, which have a 20-year lifespan. The

Government decision to centralise storage of the electronic voting equipment was made taking into account a range of factors, including costs of local and centralised arrangements and the likely benefits to be realised.

#### **Social and Affordable Housing.**

73. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will expedite the implementation of the commitments in Towards 2016 to reform social housing, including adequate funding to cover capital, maintenance and management costs for community and voluntary organisations that are providing social housing; and if he will make a statement on the matter. [35276/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):** I refer to the reply to Question No. 65 on today's order paper.

My Department, in conjunction with the Housing Forum and related groups, has been active in progressing the social housing reform programme outlined in Towards 2016 and elaborated upon in the Government's housing policy statement Delivering Homes, Sustaining Communities published in February 2007.

Work is well underway on the drafting of a new Housing Bill to underpin the reform process. The Housing Forum has already been consulted on developments in a number of areas including the proposed approach to a new means of assessing housing need and housing allocation policy, both of which will be central to the transformation of housing services over the medium term.

Good progress is being made also on delivery of social housing programmes with indications that there will be some 9,000 new social housing starts in 2007 which is in line with the commitment in Towards 2016 to achieve 27,000 starts in the period 2007 to 2009. Output by the voluntary and co-operative housing sector is expected to reach record levels in 2007.

In line with commitments in Towards 2016, funding levels under the Capital Assistance Scheme were increased to 100% of project cost earlier this year where all tenants are drawn from the local authority social housing list. In addition, new streamlined arrangements for the assessment and approval of schemes will be introduced early next year with the objective speeding up the delivery of projects on the ground.

Record levels of funding in 2008, when over €2.5 billion will be available for housing programmes, are also in line with the commitments to housing in Towards 2016 and the National Development Plan, and will enable local authorities to achieve the ambitious targets set for next year.

### **Community and Recreational Facilities.**

74. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government the action taken to implement the commitment given in the programme for Government to ensure that provision for community and recreational facilities are prioritised by local authorities when structuring their development plans; and if he will make a statement on the matter. [35139/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the replies to Question No. 145 of 10 October 2007 and Question No. 284 of 7 November 2007.

The adoption of development plans and local area plans is a reserved function of elected members. The Planning and Development Act 2000 sets out the steps that must be followed by the Council, the requirements for consultation with the public and key stakeholders, including the Minister for the Environment, Heritage and Local Government, during the drafting stages and the mandatory and discretionary objectives that must be reflected in the plan. Similar procedures are also set down in legislation regarding variations to development plans.

Section 10(2)(d) of the Planning and Development Act 2000 requires a development plan to include objectives for “the integration of the planning and sustainable development of the area with the social, community and cultural requirements of the area and its population.” This objective allows for linkage to be made between the development plan and the County Development Board’s strategy and brings the socio-economic and physical planning processes closer together. The land use policies of the development plan should be informed by, and reflect, the socio-economic and cultural considerations of the CDB strategy.

Similarly, section 10(2)(1) of the Act requires a development plan to include objectives for “the provision, or facilitation of the provision, of services for the community including, in particular, schools, crèches and other education and childcare facilities.” Community facilities falling within this mandatory objective can include places of worship, hospital and health centres, facilities for the elderly and persons with disabilities, facilities for children’s play including playgrounds, skateboard parks and other facilities, libraries and community halls. Planning authorities must respond to the circumstances of their own local communities when formulating their development plans, and identify the appropriate community and recreational facilities along with public open space requirements. Generally, appropriate policies and objectives for inclusion in plans will relate to allocation and reservation of land, setting appropriate development control

standards and indicating provision of specific facilities. Development contributions can also be sought by planning authorities to help pay for facilities servicing new developments such as community and other recreational amenities.

My Department is addressing this issue on a number of fronts. Guidelines for Planning Authorities on Development Plans, published in June 2007, emphasise the objectives for the provision of public open space and recreation space, including space and places for children to play, and the preservation, improvement and extension of amenities and recreational amenities. Moreover, my Department is currently finalising new guidelines on sustainable residential development to issue shortly for public consultation. These new guidelines will replace the existing 1999 Residential Density Guidelines and will provide greater detail on how quality recreational facilities should be fully integrated into new residential developments.

Underpinning these new guidelines and the overall emphasis on quality community and recreational facilities in forward planning is the Government’s housing policy statement *Delivering Homes, Sustaining Communities* published earlier in 2007. Its vision for creating sustainable communities will guide the transformation of the Irish housing sector over the next ten years, by delivering more and better quality housing responses, and by doing this in a more strategic way.

### **Proposed Legislation.**

75. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government the effort made to date to bring forward legislation to regulate lobbyists as promised in the programme for Government; and if he will make a statement on the matter. [35143/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Arising from previous research completed by the Institute of Public Administration on behalf of the Department in 2004, my Department commissioned further research by a Trinity College / Dublin City University joint team to establish a clear profile of formal systems for regulating lobbyists in public life in certain jurisdictions, thereby facilitating an assessment of their relevance to public life in Ireland. This research report, entitled *Examining and Assessing the Regulation of Lobbyists in Canada, the USA, the EU institutions, and Germany* has been published electronically on my Department’s website and copies of the report were placed in the Oireachtas Library in June 2007.

The Trinity / DCU report provides an overview of the rules and regulations at national and state/province level in the USA and Canada, at national level in Germany and in the EU Insti-

[Deputy John Gormley.]

tutions. The systems of regulation extant in these areas are classified by the research team using three categories: lowly regulated, medium regulated and highly regulated. These categories are based on the registration regimes and the nature and extent of periodic reporting to oversight bodies that lobbyists are obliged to undertake. The Trinity / DCU report also details the research team's views concerning the advantages and disadvantages of each of the three categories of regulation.

The Programme for Government includes a commitment to consider legislation to regulate lobbyists, and this will be taken forward having regard to the conclusions of the Trinity College / Dublin City University report and emerging developments at international level.

#### **Local Government Reform.**

76. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government if it is his intention to provide for directly elected mayors in Dublin and other local authority areas; and if he will make a statement on the matter. [35138/07]

99. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government the status of applications made by towns seeking town council status in view of the present examination of local government being undertaken by his Department; and if he will make a statement on the matter. [35137/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 76 and 99 together.

In accordance with the Programme for Government, my Department will be publishing a Green Paper on local government reform early in the new year. The Green Paper will examine a number of issues with the objective of making local government more transparent and responsive, and will set out options for reform in advance of a subsequent White Paper. Issues to be considered in the Green Paper will include the provision of directly elected mayors and the establishment of town councils in those towns that have shown significant population growth in recent years. The Government Programme states that a directly elected Mayor for Dublin with executive powers will be introduced by 2011.

The Green Paper represents the initial phase of a transparent, inclusive policy formulation process. The purpose of a Green Paper is not to arrive at a single solution, but to present options for further consideration. In this regard, it would be premature to anticipate the conclusions that may be reached regarding the provision of

directly elected Mayors in any local authority area.

The provisions for the establishment of new town councils are contained in Part 17 of the Local Government Act 2001. However, these provisions have not been commenced and in these circumstances formal applications for new town councils cannot arise. I will give consideration to those parts of the 2001 Act which have not yet been commenced as part of the reform process.

#### **Register of Electors.**

77. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government his views on the internationally accepted norm that even in countries with compulsory registration, 15% to 20% of those entitled to vote do not appear on the electoral register; and if he will make a statement on the matter. [35147/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In law the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register. In their work in this area, local authorities do not compile data which would permit specific conclusions to be drawn relating to levels of overall registration for electoral purposes.

In working to compile the Register for 2007/2008, which is currently in force, local authorities undertook and completed the most extensive registration campaign in decades. On the basis of the work undertaken, I am satisfied that local authorities have achieved a significant improvement in the accuracy and comprehensiveness of the Register compared to previous years.

My Department has advised local authorities that the approach this year should be to maintain and build on the progress they have made to date. Looking ahead, the Programme for Government contains a commitment to establish an independent Electoral Commission. The Commission's responsibilities will include taking charge of the compilation of a new national rolling electoral register.

#### **Election Management System.**

78. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans to recoup to the State the losses incurred through the e-voting project; the way he will dispose of the technology; the mechanism if known whereby he proposes to obtain a release from his contractual obligations in respect of the storage of the equipment; the inquiries made to date with a view to disposal of tech-

nology to another jurisdiction or the identification of an alternative use in view of the fact that it is improbable that the technology will ever be used here for its originally intended purpose; and if he will make a statement on the matter. [35190/07]

552. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has had any inquiries from other jurisdictions interested in purchasing the e-voting technology; and if he will make a statement on the matter. [35567/07]

553. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has approached any other jurisdiction with a view to disposing of the e-voting technology and equipment; and if he will make a statement on the matter. [35568/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 78, 552 and 553 together.

The Commission on Electronic Voting in its Final Report last year concluded that the electronic voting equipment chosen for use in Ireland could be used, subject to further work which it also recommended.

I am at present considering the next steps to be taken in relation to this project. In this, I am taking into account the work of the Commission on Electronic Voting, relevant experiences and developments internationally, and the need to maintain public confidence in the electoral process, as well as the provisions in the Programme for Government relating to electoral reform generally. My Department has not made or received enquiries or approaches along the lines referred to in the Questions.

Responsibility for storage of manual voting equipment has always been a matter for the local returning officers and so similar responsibility was assigned to them in regard to the electronic voting equipment. In the majority of cases, leases were entered into by them for the storage of the machines, which have a 20-year lifespan. The Government decision to centralise storage of the electronic voting equipment was made taking into account a range of factors, including costs of local and centralised arrangements and the likely benefits to be realised.

My Department engaged consultants with valuation expertise in May 2007, following a tender process, to examine individual lease arrangements and to make recommendations as to termination of the leases, where appropriate. The consultants recommendations are currently under consideration in the Department.

### Waste Management.

79. **Deputy Kieran O'Donnell** asked the Minister for the Environment, Heritage and Local Government the action he proposes to take to make the Poolbeg incinerator project redundant and unviable; and if he will make a statement on the matter. [35275/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 63 on today's order paper.

### Greenhouse Gas Emissions.

80. **Deputy Jan O'Sullivan** asked the Minister for the Environment, Heritage and Local Government the position regarding the need for Ireland to achieve its Kyoto targets by real reductions in carbon emissions as opposed to reductions by purchasing carbon credits or reductions by accounting for carbon sinks; and if he will make a statement on the matter. [35151/07]

95. **Deputy Michael Noonan** asked the Minister for the Environment, Heritage and Local Government the policy framework in which he will reach Government targets of reducing emissions by 3% a year and bring Ireland in line with Kyoto emissions targets; and if he will make a statement on the matter. [35273/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to answer Question Nos. 80 and 95 together.

I refer to the reply to Question No. 61 on today's Order Paper.

According to Article 2 of the Kyoto Protocol, the protection and enhancement of sinks and reservoirs of greenhouse gases and the promotion of sustainable forest management practices, afforestation and reforestation are among the policies the Parties may implement to meet their respective commitments. The rules of the Protocol allow Parties to include sequestration from net afforestation since 1990, i.e. sequestration from the planting of new forest since 1990, less the effects of deforestation over the same period.

Current estimates indicate that the average annual effect of sinks eligible for accounting under the Kyoto Protocol during the 2008-12 period will be 2.074 million tonnes. This estimate represents approximately 15% of total emissions savings of 13.6 million tonnes resulting from measures set out in the National Climate Change Strategy.

### Social and Affordable Housing.

81. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the way his Department will meet targets to

[Deputy Joe McHugh.]

end homelessness here; the plans he has to ensure a continued supply of social housing during a construction slow down in order to meet targets to end homelessness; and if he will make a statement on the matter. [35257/07]

122. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the detail of the planned supports for homeless services as indicated in the budget 2008 speech; and if he will make a statement on the matter. [35054/07]

127. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he plans to propose legislation to amend section 11 of the Housing Act 1988 to ensure that local authorities are required to set aside a proportion of any social housing acquired or built by that authority to specific categories of person such as those progressing out of homelessness and victims of domestic violence as they are currently not adequately catered for; and if he will make a statement on the matter. [35058/07]

559. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of persons identified as homeless; the action or actions he proposes to take to address the issue; and if he will make a statement on the matter. [35575/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 81, 122, 127 and 559 together.

The social partnership agreement Towards 2016 contains a commitment to the elimination of the long-term occupancy of emergency homeless accommodation by 2010. It should also be noted that the Homeless Agency, which is the partnership body which coordinates homeless services in Dublin, has defined as its overarching goal the elimination of long-term homelessness and the need to sleep rough in Dublin by 2010.

Specifically in relation to the numbers of homeless persons, 2,399 households comprising 3,031 individuals were identified as homeless in the most recent Assessment of Housing Need, carried out by local authorities in March 2005. Many of these households would have been in hostel or bed and breakfast accommodation with some living in long-term supported housing. These figures marked a significant reduction from those recorded in the previous Assessment of Housing Need 2002, when 2,468 households and 5,581 people were identified as homeless.

In 2007, funding of €52.2 million was provided by my Department for accommodation and related services for homeless persons. Since 2000, the Government, through my Department, the

Department of Health & Children and the Health Service Executive (HSE), has provided almost €450 million in capital and current funding nationally for the provision of accommodation and care related services for homeless persons.

Work is underway in my Department on the finalisation of a revised Government Strategy to address adult homelessness. This will include a refocusing on the provision of accommodation in the social, voluntary and private rented housing sectors, exploiting the significant potential of the Rental Accommodation Scheme in this area and ensuring the availability of appropriate outreach and resettlement supports. Specifically, In relation to the issue of housing for victims of domestic violence, my Department is engaging with COSC, the new National Office in the Department of Justice, Equality and Law Reform with key responsibility for ensuring the delivery of a well co-ordinated “whole of Government” response to domestic, sexual and gender-based violence. I expect that the new Government Strategy on Homelessness will be published in Spring 2008.

The allocation of local authority housing is a matter for each housing authority in accordance with their scheme of letting priorities made under section 11 of the Housing Act 1988. Such schemes are required to provide that the housing authority may set aside for persons of such category as the authority may decide a particular proportion of available dwellings. As set out in the Government’s housing policy statement, Building Homes, Sustaining Communities, published earlier this year, it is intended that a reform of the allocation practices of housing authorities generally will be undertaken. Work is ongoing on this reform process.

#### **Housing Estate Completions.**

82. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if he will establish a national database of developers who fail to properly complete housing estates in accordance with the planning permission; and if he will make a statement on the matter. [35133/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** As Minister for the Environment, Heritage and Local Government I have overall responsibility for the legislative and policy framework governing the planning system. The enforcement of planning control is a matter for individual planning authorities, who have substantial enforcement powers under the Planning and Development Acts 2000 – 2006.

With regard to action against unauthorised developments, planning authorities have substantial powers and obligations, under the Planning and Development Acts, in relation to unauthor-

ised developments. The 2000 Act provided for a strengthened enforcement regime and increased penalties on conviction for the offence of unauthorised development. Section 35 of the 2000 Act, as amended in 2006, gives planning authorities a new power to refuse planning permission, without recourse to the High Court, to a developer who has substantially failed to comply with a previous planning permission.

Ultimately, each planning authority has primary responsibility for dealing with applications for permission and planning enforcement within its own area. I do not propose, therefore, to establish a national database along the lines outlined in the Question.

### **Community and Recreational Facilities.**

83. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government if consideration has been given to extending and providing funding for the skate-board parks in communities in view of the benefit such parks play; and if he will make a statement on the matter. [32610/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A new initiative for the provision of skateboard facilities by local authorities was introduced in 2005. Each City and County Council was invited to submit expressions of interest for grant assistance towards the provision of a skateboard park in its area.

Thirty-seven proposals from 25 local authorities were received by the deadline. All applications were assessed by my Department in conjunction with the National Children's Office and some 21 projects in 21 different local authority areas were recommended for grant aid.

A sum of €1 million had initially been earmarked for the scheme in 2005 but, in light of the number and quality of submissions received, all 21 projects were approved in November 2005 and resulted in an increased funding allocation of over €2 million.

Progress with the completion of the facilities is a matter for individual local authorities and time-scales vary taking account, for example planning and procurement issues locally.

Twelve local authorities have completed their projects to date. On the basis of information received from local authorities, it is anticipated that the remaining skateparks will be completed early in 2008.

The position is being monitored by my Department. The question of inviting further proposals from local authorities can be reviewed at a later stage in the light of experience with the scheme.

### **Housing for People with Disabilities.**

84. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local

Government if his Department has begun development of a national housing strategy for people with disabilities as outlined in his Department's sectoral plan; if not, when he expects this process to begin; the organisations, groups and so on which are, or will be, involved in this process; and if he will make a statement on the matter.

[35187/07]

### **Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):**

My Department has recently commenced work on the development of a national housing strategy for people with a disability in line with a commitment under my Department's sectoral plan. The strategy is being progressed by a National Advisory Group under the aegis of the Housing Forum, headed by my Department and involving the Department of Health and Children, the Health Services Executive, social partners and other relevant stakeholders including the National Disability Authority. I formally launched the National Advisory Group on 30 October 2007.

The strategy, which will be developed by end 2009, will support the provision of tailored housing and housing supports for people with a disability and have particular regard to adults with significant disabilities and people who experience mental health issues. A full list of the organisations represented on the National Advisory Group is set out as follows.

- Department of Environment, Heritage & Local Government
- Department of Health and Children
- Health Service Executive
- County and City Managers Association
- Homeless Agency
- Mental Health Ireland
- Mental Health Commission
- National Disability Authority
- Disability Federation of Ireland
- Inclusion Ireland
- National Federation of Voluntary bodies
- People with Disabilities in Ireland
- Irish Council for Social Housing
- Not for Profit Business Association
- Community and Voluntary Pillar
- Irish Congress of Trade Unions
- Former Assistant County Manager, Cork
- Chair Macroom Senior Citizens Housing Development Ltd



### Social and Affordable Housing.

85. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that 32% of the total number of affordable housing units provided here for the first six months of 2007 were in the Dublin area and that 18 out of 34 local authorities provided no affordable housing units outside of Part V, and eight provided none at all for the same period; his plans to provide more affordable housing for persons who can not afford to purchase at the market rate; and if he will make a statement on the matter. [35053/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe):** The provision of affordable housing is a key priority for the Government and is a central element of the “Paths to home ownership” component of the Government’s housing policy statement *Delivering Homes, Sustaining Communities*. Significant progress has been made in increasing delivery under the range of affordable housing mechanisms currently in place, including the Shared Ownership Scheme, the 1999 Affordable Housing Scheme, Part V of the Planning and Development Acts 2000 to 2006 and the Affordable Housing Initiative.

In addition, a low-cost site scheme is in place through which sites can be made available, at discounted prices, primarily to approved applicants on local authority housing lists, where it is considered that this is an appropriate mechanism for meeting their accommodation requirements.

Apart from the various schemes designed to deliver affordable housing, certain ancillary supports are also available to assist certain applicants towards realising their home ownership aspirations. Specifically, the mortgage allowance and rent subsidy schemes help lower-income households access shared-ownership and affordable housing by providing an annual subvention towards the repayment costs.

Furthermore, at my Department’s request, the Affordable Homes Partnership initiated a process in late 2006 to purchase 500 homes in the Greater Dublin Area and has arranged for these homes to be sold, through the relevant local authorities, at discounted levels, to eligible affordable housing applicants.

In the National Development Plan 2007-13, the Government has committed to the delivery of 40,000 affordable homes over the seven year period of the plan. Under the social partnership agreement, Towards 2016, 17,000 of these are to be delivered over the three years 2007 to 2009. My Department is working closely with local authorities and the Affordable Homes Partnership to achieve the significant increases in delivery required to meet these ambitious targets. In particular, in the context of their Housing Action

Plans, my Department will be continuing to engage with individual local authorities to review the full year delivery in their areas for 2007 and to ensure that every effort is made to optimise delivery in future years; a particular focus is being placed on the Greater Dublin Area and the other main urban centres where the demands for affordable housing and the associated supply response, are most concentrated. Furthermore, taking account of a report recently received from the Affordable Homes Partnership, my Department is currently examining the scope for additional measures to enhance the overall level of affordable housing delivery.

### Motor Taxation.

86. **Deputy Kieran O’Donnell** asked the Minister for the Environment, Heritage and Local Government if he will apply the emissions based tax regime to road freight vehicles; and if he will make a statement on the matter. [35274/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The current basis of assessment for goods vehicles is unladen weight. It is not possible at this stage to apply an emissions based motor tax system to goods vehicles given that data on CO<sub>2</sub> emissions are not available or captured on the vehicle registration tax (VRT) or the national vehicle and driver file (NVDF) databases.

### Electoral Area Boundaries.

87. **Deputy Kathleen Lynch** asked the Minister for the Environment, Heritage and Local Government if he will review the local authority electoral area boundaries in advance of the next local elections having regard to significant population changes in many areas since the boundaries were last reviewed in 1998; and if he will make a statement on the matter. [35146/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Unlike for Dáil and European Parliament constituencies, there are no legal requirements in relation to the frequency of local electoral area reviews. The last review of local electoral areas was carried out in 1998; the next local elections are due to take place in 2009. I am at present considering the issues around a review of local electoral areas and I expect to be in a position to make a statement on the matter shortly.

### Planning Issues.

88. **Deputy Seán Barrett** asked the Minister for the Environment, Heritage and Local Government if he intends amending section 246(b) of the Planning Act 2000 which requires that public representatives pay a fee of €20 in respect of a sub-

mission made on a planning application; and if he will make a statement on the matter. [29052/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

Article 168 of the Planning and Development Regulations 2001 requires a fee of €20 to be paid to a planning authority by a person or body making a submission or observation to the authority regarding an application for permission. The primary purpose of the fee is to contribute towards the enhanced service provided by planning authorities to persons who make formal submissions.

Many submissions by elected representatives on planning applications are queries on the up to date position on an application, requests that the processing of applications be dealt with promptly, or more general support for an application or for the comments made by another person. In general, a fee would not have to be paid for these types of submissions, which add no substantive matter for consideration by the planning authority.

However, where a public representative makes a formal submission, such as elaborating on the grounds of an application or an objection to an application, the submission cannot be considered by the planning authority unless it is accompanied by the appropriate fee.

**Hunting Licences.**

89. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in making a decision on a licence application by a group (details supplied); and if he will make a statement on the matter. [35254/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to question nos. 258 and 259 of 6 December 2007. I am completing any urgent consideration of this matter and will come to a definitive conclusion in the near future.

**Codes of Conduct.**

90. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the plans he has to ensure greater compliance with the ethics and disclosure requirements that apply to members and officials of local authorities; and if he will make a statement on the matter. [35247/07]

101. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if, in view of a recent RTE programme (details supplied) he will amend the Standards in Public Office Act 2001 to take account of decisions made by public office holders which may result in their becoming future beneficiaries

of decisions which they made as public representatives; and if he will make a statement on the matter. [35134/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 90 and 101 together.

The ethical framework that applies to councillors and relevant employees in local authorities is provided for in the Local Government Act 2001 and the Codes of Conduct published under that Act. The framework requires councillors and employees to act solely in the public interest at all times and prohibits them from influencing or seeking to influence a decision of a local authority in any matter in which they have a pecuniary or beneficial interest. The framework provides clearly for the steps to be taken by a councillor or employee where any such matter arises for consideration by an authority.

Under the 2001 Act, legal responsibility for compliance with these requirements rests with each individual councillor and relevant employee. Where a possible contravention of the requirements of the framework arises, it is the responsibility of the locally-appointed ethics registrar to bring the matter to the attention of the Cathaoirleach and/or the Manager and for any appropriate action necessary.

In the context of the Green Paper on local government reform currently being prepared in my Department, I am open to considering any changes that could improve the effectiveness of the ethical framework in local government.

**Climate Change.**

91. **Deputy Pat Rabbitte** asked the Minister for the Environment, Heritage and Local Government the steps the Government has taken to comply with the letter of warning from the European Commission reference 2007/2351 issued on 17 October 2007 regarding Ireland's non-compliance with requirement in relation to reporting information on climate change; and if he will make a statement on the matter. [35156/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information requested by the European Commission is being compiled by my Department and will be submitted by the deadline.

**Transboundary Pollutants.**

92. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government his plans to effect the National Emissions Ceilings Directive which gives Ireland specific ceilings for certain atmospheric pollutants, in particular the reduction of emissions of NOx from the transport sector; and if he will make a statement on the matter. [32942/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen):**

The 2001 EU Directive on National Emission Ceilings specifies challenging aggregate national ceilings for four transboundary pollutants which must be achieved by 2010. Since 2001, Ireland has made positive progress in reducing emissions of all four pollutants — sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs) and ammonia (NH<sub>3</sub>). The reductions to date are the result of effective policies and measures, including regulatory, fiscal and voluntary instruments, across all sectors of the economy. The trend is projected to continue with further significant decreases forecast out to 2010 and beyond.

For three of the four pollutants, sulphur dioxide, ammonia and volatile organic compounds, Ireland is on target to comply or over-comply with the 2010 ceilings. In the case of nitrogen oxides, the ceiling as it is currently set presents a difficulty in that it does not provide a cost-effective or proportionate burden for Ireland relative to the objectives of the Directive.

The National Programme on Transboundary Pollutants was updated in July 2007 to reflect additional sectoral measures which have been adopted and/or implemented by Government since the Programme was announced in 2005. Identification of additional measures which are viable and cost-effective in reducing all four pollutants, particularly all sources of NO<sub>x</sub>, is ongoing. Investment under Transport 21 and the continuous strengthening of European vehicle standards are key responses to reducing nitrogen oxides emissions in the transport sector.

**Planning Issues.**

93. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the measures planned by his Department to prevent unsustainable rezonings by local authorities, including lands that constitute a flood risk as identified by the flood policy review group and the Office of Public Works strategy to manage flood risk; and if he will make a statement on the matter. [35154/07]

121. **Deputy Pat Rabbitte** asked the Minister for the Environment, Heritage and Local Government the position regarding the need to ensure that land that is a flooding risk including where the risk could be exacerbated by the impact of climate change is not rezoned by local authorities in upcoming county development plans or that if such land is rezoned the need to ensure councils have the power to restrict, regulate or control development; and if he will make a statement on the matter. [35155/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I

propose to take Questions Nos. 93 and 121 together.

Decisions regarding the zoning of land are a reserved function of the elected members under the statutory development plan and local area plan processes. In accordance with sections 12 and 13 of the Planning and Development Act 2000 and section 9 of the Planning and Development (Amendment) Act 2002, the members of a planning authority are restricted to considering the proper planning and sustainable development of the area in question when making or varying a development plan or local area plan. The development plan must offer clear guidance on sustainable development policies and objectives, both national and local, which address the full range of sustainability issues including urban development, the creation of sustainable communities and the potential impacts of climate change. The Act outlines the steps that must be followed by the planning authority, the requirements for consultation with the public and key stakeholders, including the Minister for the Environment, Heritage and Local Government, during the drafting stages and the mandatory and discretionary objectives that must be reflected in the plan.

The First Schedule of the Act specifies, inter alia, that planning authorities may include in their development plans objectives regulating, restricting or controlling development in areas at risk of flooding. Where development is proposed in an area at risk of flooding, it is a matter for each planning authority to evaluate such risk, on the basis of a flood risk assessment where appropriate and planning permission may either be refused, or, if granted, can be made subject to conditions requiring the implementation of measures necessary to alleviate or avoid damage due to flooding.

Guidelines for Planning Authorities on Development Plans were published by my Department in June 2007 further to assist planning authorities in the preparation of development plans. The guidelines recommend that flood risk should be considered at relevant stages of the planning and development process and the aim should be to ensure that existing flood risks are either reduced or addressed and that new development does not individually or cumulatively give rise to new flood risks, particularly in the context of potential impacts arising from climate change. Moreover, my Department, in conjunction with the OPW, is preparing more comprehensive guidance on flooding and the planning system, which it is intended to issue for public consultation and finalisation next year. Preparation of these guidelines, and the mapping resources already available to planning authorities on the OPW National Flood Hazard Mapping website at [www.floodmap.ie](http://www.floodmap.ie), are two of the key actions arising from the work of the Flood Policy Review Group.

The OPW, as a prescribed consultee on all draft development plans, also has the opportunity to input its views during the development plan process, with particular reference to its statutory responsibilities in respect of river drainage, flood relief and localised flooding problems.

Where a development plan fails to set out an overall strategy for the proper planning and sustainable development of the area or otherwise significantly fails to comply with the Act, I am empowered under section 31 of the Act to direct the planning authority take the specified measures to amend the draft plan or adopted plan so as to ensure compliance with proper planning principles and policies.

#### **Local Government Elections.**

94. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government if it is his intention to introduce a cap on spending by candidates in local elections; and if he will make a statement on the matter. [35144/07]

103. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government if it is his intention to amend the Electoral Acts to provide increased transparency in the funding of political parties and greater scrutiny of political party expenditure in all electoral contests both national and local; and if he will make a statement on the matter. [35136/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Question Nos. 94 and 103 together.

The Programme for Government contains a commitment to the establishment of an independent Electoral Commission which will take responsibility for a range of electoral matters including, inter alia, the functions currently exercised by the Standards in Public Office Commission relating to election spending; the Electoral Commission will also examine the issue of financing of the political system. In this regard, I intend shortly to arrange for preliminary research on issues arising in relation to the establishment of the Electoral Commission.

In accordance with the Programme for Government my Department will be publishing a Green Paper on local government reform early in the new year. The Green Paper will examine a number of issues with the objective of making local government more transparent and responsive, and will set out options for reform in advance of a subsequent White Paper. One of the issues which the Green Paper will address is the question of expenditure limits at local elections. There are currently no such limits, although

expenditure, as well as donations over a €635 threshold, must be disclosed.

I am satisfied that the proposals for the Electoral Commission, together with the initiatives which will emerge from the Green Paper, provide an appropriate framework to progress our extensive and complex agenda for electoral and local government reform.

*Question No. 95 answered with Question No. 80.*

#### **Flood Relief.**

96. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government his views on the proposal contained in the Dublin Bay study for the development of a South Bull Island along Sandymount Strand in the context of flood relief measures for Dublin city; if his Department made a submission to the study; and if he will make a statement on the matter. [35261/07]

527. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his views on the proposal contained in the Dublin Bay study for the development of the South Bull Island along Sandymount Strand in the context of flood relief measures for Dublin city; if his Department made a submission to the study; and if he will make a statement on the matter. [35492/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 96 and 527 together.

Responsibility at Ministerial level for coastal flood protection and relief currently rests with the Minister for Agriculture, Fisheries and Food. In accordance with a recent Government decision, however, arrangements are to be made for the transfer of these functions to my Department.

Dublin City Council has a policy objective in its Development Plan 2005-11 to prepare a plan for Dublin Bay encompassing the area from, and including, North Bull Island and the South Wall to Booterstown, and concentrating also on the Port area. It is envisaged that this Plan will help to identify and determine the role of that part of the Bay as an economic, amenity, recreational, environmental and ecological resource. The Council established a Steering Group in 2006 to progress the objective and my Department is represented on the Group. Consultants were commissioned in November 2006 to prepare a study of Dublin Bay including the Port area.

The consultants' report, entitled A Vision for Dublin Bay, went on public display on 1 October 2007 with a four-week period for receipt of comments and submissions. The report contained a number of possible scenarios for the future

[Deputy John Gormley.]

development and protection of the Bay area. I understand that a large number of submissions have been received and these are currently being considered by the Council.

The consultants' report specifically addressed the need for flood prevention and mitigation measures to protect the City and Port in the event of sea water levels rising as a result of climate change. The report, as its authors state, "imagines" four alternative approaches, two of which would involve a newly constructed South Bull Island. These are, at this stage, simply visions for how flood prevention and relief might be addressed: they are not proposed solutions, and do not go into the range of economic, social, environmental, ecological, design and engineering issues that would need to be addressed in a detailed flood prevention and relief plan for the City and the Port.

#### **Climate Change.**

97. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the position regarding the Government commitment referred to in the national climate change strategy to developing a national climate change adaptation strategy; if this strategy will be completed in time for local authorities to take account of the strategy in the preparation of the next county development plans; and if he will make a statement on the matter. [35148/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The position set out in the reply to Questions Nos. 253 and 261 of 6 December 2007 and Nos. 36 and 96 of 14 November 2007 has not changed.

The National Climate Change Strategy which was published earlier this year contains a commitment to produce a national adaptation strategy within two years. The planned strategy will provide a framework for the integration of adaptation issues into decision-making at national and local level across all sectors.

#### **Dublin Bay Task Force.**

98. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the terms of reference, the membership and the report date of the Task Force on Dublin Bay; and if he will make a statement on the matter. [30709/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Programme for Government contains a commitment to establish a Dublin Bay Area Task Force to maximise the potential of the Bay for the people of the capital city. I expect to finalise

arrangements for its establishment early in the new year.

Dublin City Council has a policy objective in its Development Plan 2005-2011 to prepare a plan for Dublin Bay from (and including) North Bull Island and the South Wall to Booterstown, concentrating also on the Port area. It is envisaged that this plan will help to identify and determine the role of that part of the Bay as an economic, amenity, recreational, environmental and ecological resource.

As the first stage in the preparation of the plan for the Dublin Bay area, the Council commissioned a study of the Bay including the Port area in November 2006, and the draft study report issued for public consultation in October 2007 for a four-week period. I understand from Dublin City Council that a large number of submissions have been received and are currently being considered.

While the terms of reference for the Dublin Bay Area Task Force are not yet finalised, the approach will be to build on the analysis and work in relation to Dublin Bay by the City Council and other relevant stakeholders. The Government commitment in the National Development Plan 2007-2013 to undertake a comprehensive study of the role of Dublin Port "in the context of overall ports policy on the island of Ireland, wider transport policy, urban development policy, the National Spatial Strategy and national economic policy", which will be led by the Department of Transport, is also relevant in this regard.

*Question No. 99 answered with Question No. 76.*

#### **Planning Issues.**

100. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the position regarding his plans to require councillors to explain the reason for their zoning decisions; and if he will make a statement on the matter. [35153/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Decisions regarding the zoning of land are a reserved function of the elected members under the statutory development plan and local area plan processes. The Planning and Development Act 2000 sets out the steps that must be followed by the Council, the requirements for consultation with the public and key stakeholders, including the Minister for the Environment, Heritage and Local Government, during the drafting stages, and the mandatory and discretionary objectives that must be reflected in the plan. Similar procedures are also set down in legislation regarding variations to development plans.

In accordance with sections 12 and 13 of the Planning and Development Act 2000 and section 9 of the Planning and Development (Amendment) Act 2002, the members of a planning authority are restricted to considering the proper planning and sustainable development for the area in question when making or varying a development plan or local area plan. Having considered the manager's report, it is open to the members to decide by resolution to make or amend the plan, subject to any modifications that they consider appropriate, there is no legal requirement for the elected members expressly to set out how their decision is in the best interests of proper planning and sustainable development for the areas involved. It is in this context, and having regard to the commitment in the Programme for Government to make the local government system more transparent and responsive to its customers, that I have asked my Department to consider whether legislative or procedural changes are required to ensure that such decisions are made with the appropriate degree of transparency.

*Question No. 101 answered with Question No. 90.*

*Question No. 102 answered with Question No. 69.*

*Question No. 103 answered with Question No. 94.*

#### **Local Authority Housing.**

104. **Deputy Eamon Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of persons on local authority housing lists at the latest date for which figures are available; the steps he will take to reduce waiting lists; and if he will make a statement on the matter. [35141/07]

560. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans to deal with housing waiting lists in each local authority area throughout the country; and if he will make a statement on the matter. [35576/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):** I propose to take Questions Nos. 104 and 560 together.

The most recent assessment of need for social housing was undertaken by local authorities in March 2005. The results of that assessment indicated that there were 43,684 households on local authority housing waiting lists. Data in relation to these assessments for each housing authority are available on my Department's website at [www.environ.ie](http://www.environ.ie). The next statutory assessment of

housing need is due to be undertaken by housing authorities in March 2008.

The Government is well placed to deliver on the commitments in Towards 2016 to start or acquire some 27,000 new homes for those in need of social housing over the next three years. The total Exchequer provision for social housing in 2007 is almost €1.4 billion — an increase of 10% on the 2006 provision. This funding is supporting the commencement of a significant number of new social housing units, and further progress under the regeneration programmes, as well as bringing to completion a large number of units under both the local authority and voluntary housing programmes. Further increases in funding will be provided in 2008 to ensure that momentum on the range of social housing is maintained.

#### **Building Regulations.**

105. **Deputy Jan O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to a survey carried out by Sustainable Energy Ireland in 2005 that indicated that less than 2% of all houses comply with Part L of the Building Regulations 1997; if his Department has a copy of the survey; if he considered the implications of this survey in respect of the Draft Part L Building Regulations; and if he will make a statement on the matter. [35152/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I understand that the survey which is the subject of the Question is an unpublished report which was completed for Sustainable Energy Ireland in 2005.

My Department has not received a copy of the draft or final report, although it has been given access to an extract from the Executive Summary of the report.

The implications of the issues which were raised in this extract have been considered and addressed in the draft Part L Building Regulations, dealing with the conservation of fuel and energy in new dwellings, which were recently the subject of public consultation. On foot of this consultation, I expect to be in a position to sign new Part L Regulations before the end of this year.

#### **Register of Electors.**

106. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government if, in view of the explained anomalies in voting patterns in the general election in May 2007, he will utilise the information gained from the recent census to produce an electoral register, the validity of which he can vouch for; and if he will make a statement on the matter. [34831/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In law the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register.

The compilation of the Register and the carrying out of a Census are different processes with different statutory requirements. In addition, there are usually significant timing differences between the Census and the Register, with the Census being carried out once every five years and the Register being compiled on an annual basis. Therefore, care needs to be taken in making direct comparisons between these separate processes, and there are no proposals to utilise census data in the manner referred to in the Question.

In working to compile the Register for 2007/2008, which is currently in force, registration authorities undertook and completed the most extensive registration campaign in decades. On the basis of the work undertaken, registration authorities have achieved a significant improvement in the accuracy and comprehensiveness of the Register compared to previous years.

My Department has advised authorities that the approach this year should be to maintain and build on the progress they have made to date. Looking ahead, the Programme for Government contains a commitment to establish an independent Electoral Commission. The Commission's responsibilities will include taking charge of the compilation of a new national rolling electoral register.

#### **Social and Affordable Housing.**

107. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if, with reference to his Department's sectoral plan, protocols on individual housing needs and social housing supports for people with disabilities have been developed by the housing authorities and Health Service Executive; if these are in place throughout the country; if best practice advice on housing design approaches based on universal access philosophy, flexibility and adaptability have been published by his Department; and if he will make a statement on the matter. [35186/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):** In line with a commitment under my Department's sectoral plan, a protocol governing liaison between the Health Service Executive and housing authorities on the assessment of the individual accommodation needs of people with a disability has been developed and is now being implemented. A protocol governing support costs for social housing

projects provided for people with a disability is currently being developed and is expected to be implemented early next year.

As part of my Department's revision of the 1999 Social Housing Design guidelines, Quality Housing for Sustainable Communities was launched in March 2007, setting out the essential requirements to be met in the provision of new housing. These guidelines provide that all housing should be accessible and adaptable, that there should be ease of access and circulation for all residents, including people with impaired mobility, enabling them to move as freely as possible within and through the development, to gain access to buildings and to use the services and amenities provided, and that dwellings should be capable of adaptation to meet changing needs of residents during the course of their lifetime.

My Department recently met with the National Disability Authority to discuss possible specific best practice guidelines in the context of lifetime adaptable housing, which will further reinforce my Department's policy for social inclusion and universal accessibility.

The protocol governing the individual accommodation needs of people with a disability and Quality Housing for Sustainable Communities are available on my Department's website, [www.environ.ie](http://www.environ.ie).

#### **Residential Dwellings Register.**

108. **Deputy Olivia Mitchell** asked the Minister for the Environment, Heritage and Local Government if he will increase funding for the Private Residential Tenancies Board which will allow further investment in the regulation and registration of private rented housing standards; and if he will make a statement on the matter. [35258/07]

126. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to ensure that all rented accommodation is up to an acceptable standard; and if he will make a statement on the matter. [30545/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):** I propose to take Question Nos. 108 and 126 together.

Significantly increased funding, from the proceeds of tenancy registration fees received by the Private Residential Tenancies Board, is being made available to local authorities in respect of functions relating to private rented accommodation standards and rent books. Over €2m was provided in 2006, an increase of 28% over 2005 funding. A further €3m is being allocated in respect of 2007, linked to local authority performance in the enforcement of the standards regu-

lations, bringing total funding for this purpose since 2004 to approximately €7m.

I refer also to the reply to Question No. 67 on today's order paper regarding inspection of private rented accommodation by local authorities. I look forward to a continuation of the trend of increased levels of local authority enforcement performance in future years, supported by correspondingly strong levels of funding.

This funding is being provided in the context of an Action Programme announced in September 2006, on foot of a commitment in the partnership agreement Towards 2016, to promote improvement in standards in private rented accommodation, involving a range of measures including improved regulation, enforcement, funding and information. Good progress is being made with the Programme. In addition to increased funding, updating of the existing standards regulations in consultation with relevant interests is progressing, and two reports recently published by the Centre for Housing Research on measures to promote improvement in private rented accommodation standards will also make an important contribution to the success of the Programme.

#### **Greenhouse Gas Emissions.**

109. **Deputy Shane McEntee** asked the Minister for the Environment, Heritage and Local Government the reason €10 million for Kyoto credits was in the voted budget of the Department of Environment, Heritage and Local Government and €50 million was in the non-voted capital expenditure in the White Paper; and if he will make a statement on the matter. [35252/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The National Climate Change Strategy 2007-12 indicated a potential purchase of up to 18 million carbon allowances in part fulfilment of Ireland's obligations pursuant to the Kyoto Protocol. However, my intention is that Ireland will meet its Kyoto commitments as far as possible by emissions reductions through domestic action, rather than the purchase of credits, and therefore achieve the 3% annual reduction on average between now and 2012. As I set out in this year's carbon budget, meeting this objective will enable the Government to limit its purchase of credits to no more than 1 million tonnes per annum during 2008-12.

Under the Carbon Fund Act 2007, a Carbon Fund has been established to fund the purchase of carbon allowances and the National Treasury Management Agency has been statutorily designated as purchasing agent. In practice, the cost of purchases in any year by the Agency will be

refunded to the Carbon Fund from my Department's vote for the following year.

The provision of €10 million in my Department's Estimates for 2008 will be used to refund purchase costs incurred by the Agency in 2007. The provision of €50 million in the non-voted capital expenditure in the White Paper is an estimate of the amount set aside for any carbon allowance purchases that may arise in 2008. To the extent that any purchases are made in 2008, such costs will be refunded to the Carbon Fund from my Department's vote in 2009.

#### **Community and Recreational Facilities.**

110. **Deputy Olivia Mitchell** asked the Minister for the Environment, Heritage and Local Government the extent to which projects in the arts, sports or tourism sector are emerging to avail of the innovation fund targeted at gateway cities and towns; and if he will make a statement on the matter. [31542/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 191 of 12 December 2007.

The closing date for submissions of proposals for funding under the Gateway Innovation Fund (GIF) was 15 November 2007 and proposals have been received from all nine gateways in respect of the €300 million Fund. These proposals are currently being evaluated by the GIF Management Committee (with appropriate input from other Departments and agencies as required), against the criteria set down in the original Call for Proposals which issued in June 2007. Goodbody Economic Consultants have also been commissioned to assist in the evaluation process and in particular on the financial robustness of the proposals.

The GIF Management Committee will make funding recommendations jointly to the Minister for Finance and myself. Together with the Minister for Finance, I intend to bring recommendations on funding allocations to Government for approval in the first quarter of 2008.

The proposals include a wide spectrum of projects: projects in the arts, sports and tourism sector are well represented amongst the proposals. In addition, there are a number of other projects, including projects aimed at improving the public realm, which have the potential to improve the tourism potential of certain of the gateways.

*Question No. 111 answered with Question No. 66.*

#### **Election Management System.**

112. **Deputy Eamon Gilmore** asked the Minister for the Environment, Heritage and Local Government the cost to date of the development,



[Deputy Eamon Gilmore.]

roll out and promotion of the electronic voting and counting system; the cost to date of storage and maintenance of the system; and if he will make a statement on the matter. [35142/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The total cost incurred to date in the development and roll-out of the electronic voting and counting system is €51.3 million (including €2.6 million in respect of awareness and education initiatives). In addition, information provided by returning officers to my Department indicates that the total annual storage costs incurred by them in respect of the electronic voting machines and ancillary equipment in 2007 is some €528,000, with figures for 2004, 2005 and 2006 amounting to some €658,000; €696,000; and €706,000 respectively. The electronic voting machines do not require maintenance on an ongoing basis.

Historically, responsibility for the security and safe storage of manual voting equipment has been a matter for returning officers who are statutorily responsible for conducting the polls. Accordingly, similar responsibility was assigned to returning officers in regard to the storage of the electronic voting equipment. The Government decision to proceed with the movement of the electronic voting equipment to centralised premises was made taking into account a range of factors, including costs of current and centralised arrangements and the likely benefits to be realised. Costs incurred to date in respect of the centralised storage arrangements are some €326,000. Further costs will be incurred in relation to the completion of these arrangements, including buy-out costs.

#### **Water Charges.**

113. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government his views on whether the imposition of metered water charges for commercial customers should be extended to domestic users; and if he will make a statement on the matter. [35260/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Government policy since 1998 has been to exempt from water charges water services used by households for ordinary domestic purposes. That policy has been accommodated in the wording of Article 9 of the EU Water Framework Directive, is reflected in legislation and was reiterated in section 105 of the recently enacted Water Services Act 2007. Accordingly, the extension to the domestic sector of charges applicable to the non-domestic supply of water is not currently contemplated.

#### **Motor Taxation.**

114. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government his views on the merits of family car engine size of 1.6 litres rather than a vehicle's carbon emissions being the measure for motor tax hikes; and if he will make a statement on the matter. [29144/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the Financial Resolution No. 3 on Excise Duties (Mechanically Propelled Vehicles) taken in the House on 5 December 2007 and the Carbon Budget, which I announced on 6 December 2007. While the Financial Resolution provided for an across-the-board increase of 9.5% on motor tax rates for the existing fleet up to 2.5 litres and an 11% increase above that threshold, the Carbon Budget provided for a move to a motor tax system based on CO<sub>2</sub> emissions. The new system will apply to new cars and newly imported cars registered from 1 July 2008. Cars registered before that date will continue to be taxed under the existing system relating to cubic capacity engine sizes.

The new motor tax system will consist of seven CO<sub>2</sub> bands commonly referred to as the seven white labels A to G, with the motor tax rates increasing as cars move up the CO<sub>2</sub> bands. The bands are the same as those announced by the Tánaiste in respect of VRT, so that there will be commonality of approach as between the motor tax and VRT systems. The clear objective of this new motor tax system is to influence the purchasing decisions of consumers by rewarding the buyers of low-emitting cars and charging a premium on less efficient vehicles.

A key part of both the motor tax and VRT initiatives will be a new mandatory labelling system for cars based on CO<sub>2</sub> emission levels. This will be accompanied by an active public information campaign, which will promote the purchase of fuel-efficient cars.

#### **Water Quality.**

115. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government his views on a nationwide assessment of water treatment plants to ensure safe drinking water can be provided in view of a recent EPA report that found 56% of groundwater to be polluted, groundwater which provides about a quarter of all drinking water here; and if he will make a statement on the matter. [35255/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Local authorities are responsible for the operation and maintenance of treatment plants for

public water supplies. Earlier this year, I introduced new drinking water regulations and related monitoring requirements to strengthen controls in this sector. The Environmental Protection Agency (EPA) now has direct supervisory responsibility for local authority water supplies and the regulations give powers of both supervision and enforcement to the Agency in relation to local authorities' performance of their functions regarding drinking water. While local authorities continue to be responsible for supervising group scheme supplies, the Agency is required to supervise the performance by local authorities of their monitoring functions, and all monitoring programmes are now subject to its approval.

My Department and the EPA are examining the latest drinking water quality results for public supplies with a view to cataloguing those at greatest risk from E-Coli or other chemical exceedences as well as cryptosporidium. I expect this analysis to be completed within the next few months. The objective is to develop an action programme which identifies an appropriate solution in each case that will guarantee security and safety of supply. This could involve abandoning an existing source, upgrading a treatment plant or improving the operation and management regime.

I recently introduced a contingency funding arrangement under the Water Services Investment Programme, which will apply to any infrastructural works urgently required on foot of the current risk profiling exercise. The EPA will oversee implementation of all remedial actions as part of its enhanced supervisory function under the new regulations. This will include any necessary enforcement action against a local authority where the Agency is not satisfied that improvements either to operation and management or to infrastructure are being advanced with sufficient urgency.

The protection of surface waters and groundwaters is being considerably strengthened by the ongoing implementation of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, which came into effect on 1 February 2006, and provide statutory support for good farming practice to protect waters against pollution from agricultural sources. The Regulations include measures such as:

- set periods when land application of fertilisers is prohibited
- storage requirements for livestock manure, and
- monitoring of the effectiveness of the measures in terms of agricultural practice and impact on water quality.

The Regulations also apply limits on the land application of fertilisers and include provisions

for protection of boreholes, springs and wells and vulnerable areas on karst limestone aquifers. Implementation of the Regulations is supported by an enhanced package of financial supports for farmers by the Department of Agriculture, Fisheries and Food and by the cross-compliance inspections carried out by that Department.

Comprehensive programmes of measures to address all sources of water pollution are being prepared in the context of the preparation of river basin management plans under the Water Framework Directive. A report titled "Water Matters" was issued in June 2007 for each river basin district. The reports indicate the significant water management issues identified in each district and the measures which might need to be taken to address them.

Water treatment plants are currently subject to an increasing level of regulatory supervision and assessment and I will continue to review the measures necessary to ensure safe drinking water and protection of groundwater.

*Question No. 116 answered with Question No. 66.*

#### **Greenhouse Gas Emissions.**

117. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government the targets that have been set for reducing carbon emissions from electricity generating stations; and if they will be met. [34763/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I have no function in relation to the matter raised in the Question. Pursuant to the European Communities (Greenhouse Gas Emissions Trading) Regulations 2004, the Environmental Protection Agency determines and oversees the greenhouse gas emission caps for installations, including electricity generating stations, participating in the EU Emissions Trading Scheme.

#### **Private Rented Accommodation.**

118. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government if, in view of the report by the State funded Centre for Housing Research, it is his intention to put in place a licensing system for landlords which will ensure compliance with at least the minimum standard for the renting of residential properties; and if he will make a statement on the matter. [35135/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):** I refer to the reply to Question No. 107 of 10 October 2007 in relation to a possible licensing system for landlords. I am aware that a recent report by the Centre for Housing Research suggested the piloting of a

[Deputy Batt O’Keeffe.]

system for certification of compliance with private rented accommodation standards. While it is not proposed to introduce such a system in the short-term, this proposal will be kept under consideration in the context of possible further measures to promote improvement in standards.

#### **Planning Issues.**

119. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government the impact the proposed North-South interconnector will have on the local environment in the areas through which it passes. [34764/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I understand that the proposed development referred to is currently before An Bord Pleanála under the pre-application stages of the new strategic consent process provided for under the Planning and Development (Strategic Infrastructure) Act 2006. As Minister for the Environment, Heritage and Local Government, I am precluded, under section 30 of the Planning and Development Act 2000, from exercising any power or control in relation to any individual planning application or appeal with which a planning authority or An Bord Pleanála is or may be concerned.

All applications made under the strategic consent process must be accompanied by an Environmental Impact Statement (EIS). The Planning and Development Regulations 2001 set out detailed requirements in relation to the information to be included in any EIS. These include a requirement for a detailed description of the likely impacts of a proposed development on the environment. In reaching a determination on an application for strategic infrastructure, the Board is required to carry out an assessment of the EIS.

Under the strategic consent process all Environmental Impact Statements submitted at application stage are made publicly available by the Board for inspection or purchase.

#### **Greenhouse Gas Emissions.**

120. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government the position regarding the issue of carbon credits; the cost and breakdown of carbon credits to the Exchequer; and if he will make a statement on the matter. [28984/07]

125. **Deputy Brian O’Shea** asked the Minister for the Environment, Heritage and Local Government the position regarding the use of flexible mechanisms of purchasing carbon credits by which over half Ireland’s Kyoto carbon emission reduction targets are to be achieved as set

out in the budget carbon emissions table; the way these carbon credits will be purchased and the location from where; the amount they will cost; and if he will make a statement on the matter. [35150/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Question Nos. 120 and 125 together.

I refer to the reply to Questions Nos. 61 and 70 on today’s order paper. The Government has announced provision of €270 million for the purchase of carbon allowances over the period 2007-13. This sum is in addition to €20 million provided in my Department’s Vote in 2006.

Following the enactment of the Carbon Fund Act in March 2007, the National Treasury Management Agency is now statutorily designated as purchasing agent for the acquisition of carbon allowances. The Agency is developing a purchasing programme on foot of the potential need indicated in the National Climate Change Strategy to purchase up to 18 million allowances in partial fulfilment of Ireland’s obligations pursuant to the Kyoto Protocol. A national policy framework on the purchase of allowances, which is set out in Annex 3 to the National Climate Change Strategy 2007-12, provides guidance for the Agency in this regard.

In 2006, Ireland committed to investing €20m in the Multilateral Carbon Credit Fund offered by the European Bank for Reconstruction and Development, and a further €20m in Funds offered by the World Bank, namely the Carbon Fund for Europe and the second tranche of the BioCarbon Fund. No other commitments were made prior to the designation of the National Treasury Management Agency as purchasing agent.

*Question No. 121 answered with Question No. 93.*

*Question No. 122 answered with Question No. 81.*

#### **Wildlife Conservation.**

123. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government his views on a project (details supplied) in County Clare which is working to save old Irish goats and if he has called on the relevant State agencies to play their part in the pro-active management of the broader population of feral goats; and if he will make a statement on the matter. [30098/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Goats are not a protected species under the Wildlife Acts and I do not have any statutory function

in relation to the protection of these or other goats. However, my Department, together with the EU, Teagasc and the IFA, supports the BurrenLIFE Project (BLP) which is the first major farming for conservation project in the State.

The objective of the project is to develop a new model for sustainable agriculture in the Burren in order to conserve the habitats designated under the EU Habitats Directive. As part of its work within 20 'monitor' farms, the project is working with one local farmer to erect a secure 22 acre enclosure within which it is hoped that a breeding population of old Irish goats may be kept. This pilot project will not only support the conservation of the genetic resource, but will also monitor the impact of these feral goats on scrub and grasslands and examine their use as a 'conservation grazing' tool.

If successful, the breeding programme may be extended to other farms in the Burren. Protecting the old Irish goat is important from a number of perspectives including genetic heritage, cultural value, as well as the tourism and recreational potential, and with the support of Burren farmers, I would hope that this ancient breed may be protected for future generations to enjoy.

#### **Greenhouse Gas Emissions.**

124. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government if he will detail what constitutes the carbon sinks referred to in the budget carbon emissions table as sinks eligible for accounting under Kyoto protocol rules which represents net afforestation since 1990 and accounting for almost half of the deductions from gross carbon emissions here to enable Ireland to meet Kyoto carbon emission reduction targets; and if he will make a statement on the matter. [35149/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The provision for carbon sinks in the carbon budget table refers to sequestration, or removal of carbon dioxide from the atmosphere, from forests that are eligible for accounting under the Kyoto Protocol. The rules of the Kyoto Protocol allow Parties to include sequestration from net afforestation since 1990, i.e. sequestration from the planting of new forest since 1990, less the effects of deforestation over the same period.

Current estimates indicate that the average annual effect of sinks eligible for accounting under the Kyoto Protocol during the 2008-12 period will be 2.074 million tonnes. This represents a significant increase on the sinks estimate for 2006 due to growth of young forests planted in recent years. The 2008-12 estimate for sinks represents approximately 15% of total emissions savings of 13.6 million tonnes resulting from measures set out in the National Climate Change Strategy.

*Question No. 125 answered with Question No. 120.*

*Question No. 126 answered with Question No. 108.*

*Question No. 127 answered with Question No. 81.*

#### **Water Charges.**

128. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the estimated revenue that will accrue from the metering and charging of non-domestic water users under the water framework directive. [34830/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Implementation of the polluter pays principle and of the Water Framework Directive requires full recovery of the cost of providing water and waste water services from the users of those services. Metering enables each consumer's water services bill to be related to consumption. Local authorities are required to set their water and waste water charges at levels that will recover their expenditure on providing water and waste water services to their non-domestic users. Total income received by local authorities in respect of non-domestic water charges is estimated at € 211 million in 2006.

#### **Greenhouse Gas Emissions.**

129. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which he will achieve compliance with the guidelines discussed, identified and set out during his attendance at the recent conference on global warming in Bali; if he has identified the precise measures to be taken here to meet such targets; the extent to which budget 2008 is expected to meet such requirements; and if he will make a statement on the matter. [35191/07]

561. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans for compliance with the guidelines set out at the Bali conference; and if he will make a statement on the matter. [35577/07]

562. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his proposals to achieve parity with guidelines discussed at the recent conference in Bali; and if he will make a statement on the matter. [35578/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I

[Deputy John Gormley.]

propose to take Questions Nos. 129, 561 and 562 together.

The primary objective of the recent United Nations conference on climate change was to mandate a two-year round of formal negotiations with a view to adopting a new international agreement to succeed the Kyoto Protocol from 2013. The 'Bali Roadmap' which was adopted at the conference provides that mandate and the expectation of the EU is that the negotiations which will now take place will lead to a new agreement in 2009. This is essential if a gap between the ending of the Kyoto Protocol commitment period in 2012 and the beginning of the commitment period under the new agreement is to be avoided.

The EU has already, on a unilateral basis and without prejudice to its position in international negotiations, determined that it should make an independent commitment to achieve at least a 20% reduction of greenhouse gas emissions by 2020 compared to 1990. It has also agreed that it is willing to commit to a reduction of 30% of greenhouse gas emissions by 2020 compared to 1990 as its contribution to a global and comprehensive agreement for the period beyond 2012.

Ireland supports these commitments and is preparing for the deeper emission reductions which all developed countries must make in the period to 2020 and beyond. The Government has set a target of an annual average reduction of 3% in greenhouse gas emissions. Measures set out in the National Climate Change Strategy, and also in the Carbon Budget which I presented in association with Budget 2008, will contribute significantly, while further measures to achieve reductions across all sectors of the economy are being and will be developed by the various Ministers on the Cabinet Committee on Climate Change and Energy Security.

#### Population Statistics.

130. **Deputy Dan Neville** asked the Taoiseach the marriage rate per 100,000 in 2006. [34961/07]

**Minister of State at the Department of the Taoiseach (Deputy Tom Kitt):** The number of marriages registered in 2006 was 21,841. This equates to 515 marriages per 100,000 population. This figure is subject to revision.

131. **Deputy Dan Neville** asked the Taoiseach the number of separated and divorced persons in 2006. [34962/07]

**Minister of State at the Department of the Taoiseach (Deputy Tom Kitt):** The information requested by the Deputy is contained in the table. It should be noted that the figures for 'Separated' include deserted as this was the way the question was formulated on the 2006 Census Form.

#### Census 2006

Marital Status	Persons	Males	Females
Divorced	59,534	27,226	32,308
Separated (including deserted)	107,263	45,783	61,480

#### Departmental Expenditure.

132. **Deputy Leo Varadkar** asked the Taoiseach 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. [34758/07]

135. **Deputy Leo Varadkar** asked the Taoiseach if his Department or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34890/07]

**The Taoiseach:** I propose to take Questions Nos. 132 and 135 together.

My Department has not paid in advance for works or services that will not be completed or commenced before the end of the 2007 financial year. However, it should be noted that my Department and its agencies are required to pay some suppliers in advance for items such as subscriptions for magazines and journals (hard copy and on-line versions), local authority bin charges, domain and website registrations, software support and licence fees, some maintenance contracts and prepaid technician hours.

In the case of the Director of Public Prosecutions Office, a sum of €515,207 was paid in advance to the Office of Public Works to cover the fit out costs and the securement of additional office space. It should be noted that the Central Statistics Office (CSO) does occasionally make 'Agency Services' payments i.e. advances to the OPW to facilitate the commencement of works which the OPW contract on our behalf. Generally, the agent (OPW) requires an advance by way of imprest from which to meet payments falling due on the contract. Such advances are recorded in suspense accounts until such time as the OPW certify that the works have been completed satisfactorily and payments have actually been disbursed by them. It is only at that stage, when actual payments have been made by the OPW, that the CSO brings the expenditure to account on the CSO vote. This practice is in accordance with the Public Financial Procedures. The CSO currently have €36,594.45 in advances with the OPW in respect of the supply and installation of a generator in Cork.

In addition, the Deputy may also wish to note that in respect of the OECD Review of the Irish Public Service, the Department has increased its contribution to the OECD on a once-off basis by €490,000, to be paid over two years — 2006 and 2007. It is expected that the Review will be completed and published early in 2008. This review has two main objectives: firstly, to benchmark the Public Service in Ireland against other comparable countries; and secondly, to make recommendations as to future directions for Public Service reform. Given that this is the first whole of Public Service Review undertaken by the OECD, the work is very extensive and requires developing new approaches and working methods. In order for the OECD to develop a holistic approach to reviewing the Public Service as an entity and to apply it in the first instance to Ireland, the Government has agreed to make an additional contribution towards the work of the OECD. It is expected that the Review will be completed and published early in 2008.

#### **Decentralisation Programme.**

133. **Deputy Leo Varadkar** asked the Taoiseach 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. [34759/07]

**The Taoiseach:** The Deputy will be aware that there are no proposals to decentralise my Department or any of the bodies under its aegis. The Department of Finance is responsible for the overall decentralisation programme.

#### **Departmental Communications.**

134. **Deputy Michael Ring** asked the Taoiseach if, following his announcement of his telephone conversation with Senator Ted Kennedy, he will confirm the discussion that took place in that conversation; and if he will make a statement on the matter. [34825/07]

**The Taoiseach:** I spoke with Senator Kennedy on 7 December when we discussed the issue of immigration in the United States and the undocumented Irish in particular. I emphasised to the Senator that the resolution of this issue has been and will continue to be a priority for the Government and I referred to the strong all party support in this House on the issue.

*Question No. 135 answered with Question No. 132.*

#### **Average Industrial Wage.**

136. **Deputy Leo Varadkar** asked the

Taoiseach the way the average industrial wage is calculated; and if he will make a statement on the matter. [34695/07]

**Minister of State at the Department of the Taoiseach (Deputy Tom Kitt):** The average industrial wage is generally defined as the hourly or weekly wage rate of industrial workers in the industrial sector. Until June 2007, this data was collected in the Quarterly Industrial Inquiry (QII), in respect of industrial enterprises with 10 or more employees. In the QII, the average industrial wage was recorded on the following basis:

- The industrial sector included manufacturing industries; mining and quarrying; and the electricity, gas and water supply sector.
- Industrial workers were defined as operatives, maintenance workers, storekeepers, packers, cleaners, basic supervisory staff and apprentices. Managerial, professional, technical and clerical staff were not included in the calculation of the average industrial wage.
- Wages included the gross amount paid to employees before tax and PRSI. They included regular bonuses, overtime, service pay, shift pay and allowances, commissions, and regular bonuses. They excluded irregular pay, back-pay and redundancy payments.

The Earnings, Hours and Employment Costs Survey (EHECS) provides more detailed information, from 2006 onwards, on earnings, labour costs and hours worked in the industrial and financial sectors. During 2008, this new survey will be extended to other sectors. The results of the EHECS survey are contained in the quarterly Earnings and Labour Costs release, which was first published by the CSO in August 2007.

The EHECS survey involves some differences in scope from the surveys which it is replacing. For example, industrial enterprises with three or more employees are now being surveyed, whereas the QII covered workplaces with 10 or more employees. The EHECS survey also collects information for the entire quarter rather than for a single reference week in the quarter. The CSO has included broadly comparable tables of earnings and hours worked, from the old and new surveys, in the annex to the Earnings and Labour Costs quarterly release.

#### **Departmental Agencies.**

137. **Deputy Leo Varadkar** asked the Taoiseach the terms of reference, functions and purpose of the National Economic and Social Forum, the First Information Society Commission and the National Millennium Committee; if these agencies are still operational; the reason these functions cannot be carried out by his

[Deputy Leo Varadkar.]

Department; the benefits to the Irish taxpayer from the work of the agencies; and if he will make a statement on the matter. [35073/07]

**The Taoiseach:** The National Economic and Social Forum, established in 1993, continues in existence. The First Information Society Commission ceased to exist in December 2000 and the National Millennium Committee in June 2002. Section 10 of the National Economic and Social Development Office Act, 2006 sets out the functions of the National Economic and Social Forum (NESF), as follows:

- To advise the Taoiseach on policies to achieve greater equality and social inclusion, and such other matters as may be specified by the Taoiseach in the context of social partnership arrangements, by analysing, monitoring and evaluating relevant programmes and policies, and to facilitate public consultation on policy matters referred to it, from time to time, by the Government.

Any advice made to the Taoiseach may be made either at the request of the Taoiseach or at the initiative of the Forum. The functions of the Forum, as set out in the Act, may be amended or added to by order of the Taoiseach following consultation with any Minister represented on the Forum. It should be noted that, by helping to achieve a better balance between economic and social policies in its work, the National Economic and Social Forum (NESF) has contributed to social cohesion and inclusion in our society and has also strengthened and widened the social partnership process.

The First Information Society Commission had the function of shaping and overseeing the implementation of a strategic framework for the development of the Information Society in Ireland. The Commission was also charged with promoting, co-ordinating and monitoring the implementation of the actions required from Government and other key actors in the development of the Information Society. The terms of reference as outlined at the time of the appointment of the Commission, in particular, mandated the Commission to:

- identify quantifiable benchmarks for the development of an Information Society in Ireland and monitor the achievement of these benchmarks on an annual basis. To ask the relevant state agencies, Departments and private sector groups to assist the Commission by providing status reports and evaluations on a regular basis on the development of the Information Society within their areas of responsibility and expertise;
- develop and implement awareness programmes itself and in conjunction with rel-

evant state agencies, Departments, and private sector groups, targeted at all sectors of the community on the benefits and opportunities of the Information Society;

- recommend measures to increase access to information and communications technologies in homes, schools, businesses and public offices, and particularly measures aimed at those in disadvantaged groups;
- establish advisory groups which would highlight specific sectoral issues with respect to the Information Society and develop recommendations for action;
- encourage and monitor Information Society initiatives especially at local and regional level in the delivery of public services and information; and
- prepare an annual report for submission by the Taoiseach on the Commission's behalf to the Oireachtas.

The first Information Society Commission was established by the Government in May 1997, in response to the Report of Ireland's Information Society Steering Committee: "Information Society Ireland: Strategy for Action", and completed its term of office in December 2000. The Commission provided a forum for representatives from across all sectors to participate in the policy process of Government and therefore was an invaluable contribution to democracy and the democratic process. While it is not possible to put a monetary value on this contribution, there is no doubt that the taxpayer gained considerably from the creation of greater access to a wide sectoral opinion in this crucial policy area.

The Commission submitted three annual reports to Government. It also published a report on Lifelong Learning in the Information Society and a report on IT Access for All. Many of the recommendations contained in these reports were accepted by Government and included in the Government's Action Plan on the Information Society and the Information Society commitments in the Programme for Prosperity and Fairness.

The terms of reference of the National Millennium Committee were to examine and to make recommendations on projects of national significance to be included in the Government's Millennium Programme. It was established in 1998. The Millennium Committee's work was done by April 2000, following the commitment by the Government of Committee funds to the recommended projects. The total amount allocated to the Committee for the Millennium Programme was €30.09 million — all of which was allocated by April 2000.

A small office of four Civil Servants operating within the Department provided the secretariat to the Committee. This Office remained in place

until June 2002, when it was abolished, to super-  
 vise the drawdown of the allocated funds accord-  
 ing to agreed drawdown arrangements. The  
 establishment of this office within the operational  
 confines of the Department allowed for this  
 unique Millennium Programme to be adminis-  
 tered in a cohesive, focused fashion. The staffing  
 cost of this Office in 2002 was €132,000. The  
 Board had 13 members at the time of its  
 abolition.

#### Official Engagements.

138. **Deputy Arthur Morgan** asked the  
 Taoiseach when he will meet with the family of a  
 person (details supplied); and if he will make a  
 statement on the matter. [35077/07]

**The Taoiseach:** My officials have been in con-  
 tact with the family of the person in question and  
 I will meet with the family early in the new year.

#### National Statistics.

139. **Deputy Aengus Ó Snodaigh** asked the  
 Taoiseach the number of cocaine related deaths  
 to date in 2007. [35131/07]

**Minister of State at the Department of the  
 Taoiseach (Deputy Tom Kitt):** There were 7  
 deaths registered in the first 3 months of 2007  
 where the underlying cause of death was cocaine  
 related. There were an additional 7 deaths regis-  
 tered in the first 3 months of 2007 where cocaine  
 use was mentioned on the death certificate but  
 was not the underlying cause of death. Figures for  
 the remainder of 2007 are not yet available.

#### Departmental Records.

140. **Deputy Leo Varadkar** asked the  
 Taoiseach if his Department maintains a record  
 of visits by him to the headquarters of his Depart-  
 ment; and if he will make a statement on the  
 matter. [35547/07]

**The Taoiseach:** The Department of the  
 Taoiseach is located in Government Buildings,  
 Upper Merrion Street. The Department has no  
 offices elsewhere. No specific record of my  
 attendance in my Department is maintained.

#### Tax Code.

141. **Deputy Aengus Ó Snodaigh** asked the  
 Tánaiste and Minister for Finance if his attention  
 has been drawn to the fact that the 11% increase  
 in rent relief will have little impact on persons on  
 low incomes who have faced 12% to 20%  
 increases in rents in 2007 and that this is com-  
 pletely out of line with the rates of mortgage  
 relief and therefore further penalises those who  
 cannot afford to own a home; and if he will make  
 a statement on the matter. [35055/07]

**Tánaiste and Minister for Finance (Deputy  
 Brian Cowen):** The available evidence suggests  
 that rents have increased on average by just  
 under 10% over the past year. The increase in  
 rent relief I announced in Budget 2008 is in line  
 with these increases. Rent relief has increased by  
 a cumulative 57% over the past four Budgets. I  
 would point out that expenditure measures are  
 also employed to assist those on lower incomes,  
 many of whom are out of the tax net or paying  
 very low levels of income tax. Over €2.1 billion  
 has been allocated by the Government to social  
 and affordable housing and rent supplements for  
 2008, compared to an estimated €650 million to  
 mortgage interest relief.

#### Drug Seizures.

142. **Deputy Aengus Ó Snodaigh** asked the  
 Tánaiste and Minister for Finance the number of  
 boats available to customs officers to assist their  
 efforts to disrupt the supply of illegal drugs into  
 Ireland. [35126/07]

**Tánaiste and Minister for Finance (Deputy  
 Brian Cowen):** I am informed by the Revenue  
 Commissioners that they work very closely with  
 other Agencies in limiting and attempting to  
 prevent the importation of drugs into the State.  
 In the control of coastal smuggling, the co-oper-  
 ation of the Navy, the Garda Síochána, fisher-  
 men's organisations, harbour authorities and of  
 coastal communities is hugely valuable. The Cus-  
 toms responsibility is for the coast itself and coas-  
 tal waters.

As part of its strategy, Revenue purchased a 23  
 metre cutter, the RCC *Suirbhéir*, with full sea-  
 going capability and on board RIB (an inflatable  
 dinghy attached to the back of the cutter). This  
 vessel began active work in 2005, with a specially  
 trained and highly skilled crew of Revenue  
 officials. Since then, it has proved its usefulness  
 in patrolling coastal waters, drug seizures and  
 building stronger ties with coastal communities.  
 It has taken part in several operations, including  
 international operations to track and investigate  
 suspicious vessels. Its role was crucial recently in  
 the recovery of drugs at Dunlough Bay in Cork,  
 and off the Galway coast.

#### Tax Code.

143. **Deputy Róisín Shortall** asked the Tánaiste  
 and Minister for Finance the basis on which and  
 by whom CO<sub>2</sub> emission levels for pre-owned cars  
 imported after 1 July 2008 will be calculated; and  
 if he will make a statement on the matter.  
 [35516/07]

**Tánaiste and Minister for Finance (Deputy  
 Brian Cowen):** I am informed by the Revenue  
 Commissioners that, as outlined in Annex D to  
 the Summary of 2008 Budget Measures, in  
 respect of pre-owned cars imported after 1 July



[Deputy Brian Cowen.]

2008, the CO<sub>2</sub> emissions will have to be declared to the Revenue Commissioners on form VRT4 (declaration for registration of a used vehicle) by the person registering the vehicle. The declaration will be required to be supported by documentary evidence of the CO<sub>2</sub> emissions. Acceptable documentary evidence (provided the CO<sub>2</sub> emissions is shown) will include: the model's Certificate of Conformity, a document which, since 2001, European law has required to contain such information; a previous registration certificate; a National Car Test carried out elsewhere within the EU in compliance with EU Directive 96/96/EU (which makes car testing compulsory in all member states); a certificate from the manufacturer or distributor; a certificate from an organisation approved by the Revenue Commissioners to provide such certificates.

Where a certificate or a measurement is not available or fails to satisfy the Revenue Commissioners, the VRT tax charged could be set at the maximum VRT rate allowable i.e. 36%. Such a VRT rating would be open to appeal through the VRT appeals system. The final details of the system will be outlined in the Finance Bill 2008.

#### Architectural Heritage.

144. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance his proposals for the restoration, protection and preservation of Connolly's Foley, Maynooth, County Kildare; and if he will make a statement on the matter. [35574/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** I refer to my reply to question 163 of 10th October, 2007. The scaffolding has since been erected and the structural stability of the Folly is being assessed.

#### Flood Relief.

145. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance if a survey has been undertaken to determine the potential damage from water saturation of the retaining wall at Dun Carrig, Captains Hill, Leixlip, County Kildare with particular reference to identifying the methodology to provide adequate drainage and therefore prevent any erosion that might lead to danger in the future; and if he will make a statement on the matter. [35583/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** I am advised that the drainage problem in this case does not relate to risk of flooding and does not therefore come within the remit of the Commissioners of Public Works. I understand Kildare County Council is aware of the problem.

146. **Deputy Dara Calleary** asked the Tánaiste and Minister for Finance the process for the dispersal of the €18 million announced in budget 2008 for flood relief. [34817/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The Government has allocated €50 million in 2008, an increase of €18 million over 2007 figures, to assist the Office of Public Works in its role as lead agency in the management of flood risk nationally and the implementation of flood relief works.

Four major flood relief schemes at Clonmel, Mallow, Fermoy and Ennis are expected to be at construction stage by the end of the first quarter of 2008. These four schemes are expected to incur expected expenditure in excess of €20 million in 2008, thereby accounting for the extra allocation next year.

#### Tax Yield.

147. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he will provide details of VRT receipts on both a pre and post-budget basis for 2006 and 2007 and forecast receipts for 2008 to 2010. [34851/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am informed by the Revenue Commissioners that €1,287 million was received in 2006 and they estimate that €1,420 million VRT will be received in 2007.

The White Paper, Estimates of Receipts and Expenditure, published on Saturday 1 December last includes, inter alia, my Department's pre-Budget estimate of tax revenue for 2008. The 2008 pre-Budget estimate for Excise Duties, which includes VRT, was €5,885 million. My Department does not publish a breakdown of the components of Excise Duties.

Table 3 on page E.9. of the Budget book provides the following post-Budget forecasts for Excise Duties: €5,989 million for 2008; €6,210 million for 2009; €6,415 million for 2010.

The Revenue Commissioners produce Post-Budget estimates for VRT. Their post-Budget estimates for VRT for 2006 and 2007, the net receipts for 2006 and the expected net receipts outturns for 2007, together with the forecast for 2008, 2009 and 2010 on a post-Budget basis are set out in the following table.

Year	Post Budget Estimate	Receipts
	€m	€m
2006	1,308	1,287
2007	1,538	1,420 (f)
2008	1,388	
2009	1,395	
2010	1,424	

(f) forecast figures for 2007 outturn.

148. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he will provide details of receipts from stamp duty forecast for 2008 to 2010 on both a pre and post-budget basis. [34852/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The White Paper, Estimates of Receipts and Expenditure for the year ending 31 December, 2008, published on Saturday 1 December includes, inter alia, my Department's pre-Budget estimates of tax revenue for 2008. The pre-Budget forecast for Stamp Duties for 2008 is €2,950 million. My Department has not produced such pre-Budget estimates for later years.

Table 3 on page E.9 of the Budget book provides the following post-Budget forecasts for Stamp Duty: €2,855 million in 2008; €2,975 million in 2009; and €3,120 million in 2010.

149. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the basis for the calculation that the net effect on tax projections from budget 2008 changes would be €661 million additional tax revenues. [34853/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** Budget day measures have an impact on the economy in that they can result in changes in consumption and investment patterns leading to additional tax revenues. In Budget 2008 the impact of the Budget Measures on tax buoyancy was estimated at €661 million. As is customary, table 7 on page E14 of the Budget book sets out the effects of the implementation of the Budget day tax and expenditure measures on the pre-Budgetary position shown in the White Paper on Receipts and Expenditure.

#### **Departmental Expenditure.**

150. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if his Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34885/07]

**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.

#### **Tax Code.**

151. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Finance his views on granting a tax exemption to a voluntary group based in Cobh, County Cork whose members operate an emergency response unit; and if he will make a statement on the matter. [34917/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The granting of a charitable tax exemption is a matter for the Revenue Commissioners. In this regard, I am advised by Revenue that the group referred to by the Deputy have not applied for such an exemption.

While all charitable organisations applying for tax exemption require a legal structure and a Governing Instrument, it is not essential that the organisation be a registered company. Full details in relation to the application process (including the application form itself) are contained in information booklet CHY1, Applying for Relief from Tax on the Income and Property of Charities, and can be obtained online at [www.revenue.ie](http://www.revenue.ie) or by phoning Lo call 1890 666 333. The completed application with the necessary supporting documentation, should be sent to the Office of the Revenue Commissioners, Charities Section, Government Offices, Nenagh, Co. Tipperary.

In relation to VAT, I would like to explain that charities and non-profit groups engaged in non-commercial activity are exempt from VAT under the VAT Directive, with which Irish VAT law must comply. 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.

However, 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 and Dividend Withholding Tax.

#### **National Development Plan.**

152. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance the steps he will take to ensure a full uptake of the national development plan in the Border midland western regions; and if he will make a statement on the matter. [34970/07]

153. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance the plans he has to ensure that the National Development Plan 2007-13 investment envelope will lead to a better balance in economic development over the regions; if he will provide a commitment that the Border midland western region in particular will

[Deputy Michael Ring.]

receive priority for funds; and if he will make a statement on the matter. [34973/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I propose to take Questions Nos. 152 and 153 together.

Balanced regional development, in line with the National Spatial Strategy, and the development of the rural economy are important horizontal issues in the National Development Plan 2007-2013. The Central Monitoring Committee (CMC) for the NDP has been established to oversee the rollout of the Plan. The inaugural meeting of the CMC took place on the 21st of November 2007. Membership of the Committee includes representatives of all the Regional Assemblies and Authorities.

The NDP also provided for the establishment of a Gateways Innovation Fund with an allocation of €300m over the period 2008-2010. I am pleased to note that this initiative has met with an enthusiastic response, with all 9 Gateways (including the 5 Gateways in the BMW Region) identified in the NSS submitting bids. The Minister for the Environment, Heritage and Local Government and I will bring our recommendations to Government in the new year regarding the allocation of the Fund.

The National Development Plan is a top Government priority, as I confirmed in my recent announcement of Budget 2008. On that occasion, I stated that I am determined to roll out the NDP as planned. The Plan will help transform all regions in the country, both socially and economically, including the Border, Midland and Western Region.

Council Area	2003	2004	2005	2006	2007	Total to date (Areas)
	€M	€M	€	€	€	€M
Dublin City Council	1.18	1.0	1.64	1.18	1.7	6.70
Fingal County Council	0.02	0.7	0.88	0.03	0.5	2.13
Meath County Council	0.75	1.0	1.65	2.60	0.4	6.40
Totals (years)	1.95	2.7	4.17	3.81	2.60	15.23

The Office of Public Works and the local authorities are satisfied that the works undertaken have been completed in a manner which will provide the national standard of protection against flooding, ie protection against a flood event commonly known as the 100 year flood event.

#### Departmental Agencies.

155. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the terms of reference, functions and purpose of the Disabled Drivers Medical Board of Appeals; if the agency is still operational; the reason these functions cannot be

#### Flood Relief.

154. **Deputy Finian McGrath** asked the Tánaiste and Minister for Finance the position in relation to a project (details supplied); the amount spent over the past few years; and if work is completed to a satisfactory standard. [34998/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The Office of Public Works has been carrying out works on the River Tolka in conjunction with the three local authorities concerned, Dublin City Council, Meath County Council and Fingal County Council, since 2003. The works have been carried out as a result of the recommendations contained in the River Tolka Flooding Report completed in 2003. The Report recommended a number of works from Dunboyne, County Meath to Luke Kelly Bridge in Dublin City which should be undertaken to provide the standard level of protection against a flood with a 1% probability of occurring in any year.

All the works are now practically completed except for some works in Mulhuddart which include the replacement of Mulhuddart Bridge, currently at procurement stage, and the construction of a pumping station in Drumcondra, also at procurement stage.

The OPW has undertaken most of the works directly, some works have been procured by the local authorities, and all have been funded by OPW. The total amount spent since the Report was completed amounts to €15.23 million. OPW also contributed €0.7million in 2002 towards the costs of the Study.

carried out by his Department; the benefits to the Irish tax-payer gained from the work of the agency; and if he will make a statement on the matter. [35071/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The Disabled Drivers Medical Board of Appeal was established by the Minister for Finance under the Disabled Drivers (Tax Concessions) Regulations 1989 and is currently regulated by the Department of Finance under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations, 1994.

The availability of an appeals mechanism is an essential aspect of the Disabled Drivers and Dis-

abled Passengers scheme which provides relief from VAT and Vehicle Registration Tax (up to a certain limit) on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities, as well as relief from excise on the fuel used in the car, up to a certain limit. The disability criteria for these concessions are set out in the 1994 Regulations. In order to qualify for the reliefs under the scheme, an applicant must attain a Primary Medical Certificate, confirming that they are permanently and severely disabled within the strict qualifying criteria set out in the Regulations.

The initial application for a Primary Medical Certificate is made to the Senior Medical Officer of the relevant local Health Service Executive administrative area. A person whose application is refused can appeal the decision to the Disabled Drivers Medical Board of Appeal, which may review the decision based on the available medical evidence. The review process carried out by the Board requires medical expertise and, for this reason, a Board consisting of medical practitioners is necessary. Members are appointed by the Minister for Finance on the nomination of the Minister for Health and Children. The Medical Board of Appeal is an independent body whose decision as to eligibility is final.

#### National Lottery.

156. **Deputy Kieran O'Donnell** asked the Tánaiste and Minister for Finance if ministerial or departmental approval was given in 1993 or 1994 of the involvement of the national lottery in discussions with the Sonas consortium relating to a development in Dublin; and if he will make a statement on the matter. [35079/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am informed by my Department that its records do not indicate that approval was sought from or given by either the Minister or the Department in 1993 or 1994 in respect of the involvement of the National Lottery Company in discussions with the Sonas/Ogden Group which was proposing to build a complex in Dublin comprising an international conference centre and a casino.

157. **Deputy Kieran O'Donnell** asked the Tánaiste and Minister for Finance if reports of meetings between the national lottery and the Sonas consortium relating to a development in north Dublin were submitted to him in 1993 or 1994; and if he will make a statement on the matter. [35080/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am informed by my Department that its records do not indicate that any reports of meetings between the National Lottery Company and the promoters of the Sonas/Ogden develop-

ment proposal were submitted to the Minister in 1993 or 1994.

158. **Deputy Kieran O'Donnell** asked the Tánaiste and Minister for Finance if in 1993 or 1994 he or his Department had knowledge of discussions between the national lottery and the Ogden-Sonas consortium relating to a development in north Dublin; and if he will make a statement on the matter. [35081/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am informed by my Department that its records indicate that, in August 1994, there was knowledge of discussions between the National Lottery Company and Sonas/Ogden Group. I outlined the background to this in a recent reply (Dáil Question No. 87) answered on 6 December 2007.

159. **Deputy Kieran O'Donnell** asked the Tánaiste and Minister for Finance the number and dates of meetings which took place in 1993 or 1994 between him and the promoters of the Ogden/Sonas consortium; and if he will make a statement on the matter. [35082/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am informed that there are no records on file in my Department of meetings between the Minister and the promoters in question during the period specified. However, the records contain a claim by the then Chief Executive of An Post that his understanding was the Minister had met such a promoter. Also, in a copy on file of a September 1994 letter from the Ogden/Sonas promoters to the Department of the Taoiseach, there is reference to the promoters having made a presentation to members of the Government and officials in March 1994, but the Department of Finance's records give no further information on this.

#### Flood Relief.

160. **Deputy Ulick Burke** asked the Tánaiste and Minister for Finance if provision has been made in budget 2008 for the maintenance of the Dunkellin river basin from the estuary through to Killeely, Craughwell to include Aggard, Monksfield and Cregaclare and the Ardrahan area; and if he will make a statement on the matter. [35089/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The Dunkellin River forms part of a Drainage District and maintenance responsibility for this area lies with the Local Authority. However, the Commissioners of Public Works are currently in consultation with the Irish Farmers Association and Galway Co. Council in relation to a programme of maintenance works to relieve flooding on the Dunkellin

[Deputy Noel Ahern.]

River from downstream of Killeely to Craughwell. The proposed works are to include a portion of the existing Drainage District in the Aggard, Monksfield and the Ardrahan areas.

The Dunkellin River drains a number of turloughs and is therefore ecologically very sensitive, and the OPW will be consulting with a range of conservation management groups including National Parks and Wildlife Service, the Western Regional Fisheries Board and the Central Fisheries Board. Pending a favourable outcome to this consultation process, it is envisaged that these works will commence in 2008.

#### **Tax Code.**

161. **Deputy Seán Fleming** asked the Tánaiste and Minister for Finance the number and value of PAYE refunds made in 2004 and 2005; the years to which these claims applied; the number of claims for each of these years; and the value of these refunds for each of these years. [35177/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I understand from the Revenue Commissioners that they are not in a position to provide the information requested by the Deputy within the timescale for issue of a reply to his question. The Commissioners have advised me that they will contact the Deputy directly, and supply the information requested, insofar as it is available.

162. **Deputy Michael Creed** asked the Tánaiste and Minister for Finance if he proposes in the Finance Bill to assist school transport operators who have been adversely affected by the end of the fuel rebate; and if he will make a statement on the matter. [35269/07]

**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

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.

#### **Flood Relief.**

163. **Deputy Paul Connaughton** asked the Tánaiste and Minister for Finance the reason there is flooding at Cloonfaughna, Glinsk via Castlerea, County Galway on an annual basis during winter; if his attention has been drawn to the tremendous hardship that many families in the locality have to endure, and that the flooding is particularly bad between two particular houses (details supplied) at Cloonfaughna; the steps that have been taken to alleviate this flooding; and if he will make a statement on the matter. [35299/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The channel in the area referred to forms part of the River Suck Joint Drainage District for which Roscommon and Galway County Councils have maintenance responsibility. The Commissioners of Public Works had not been made aware of a flooding problem in this area. If further details are provided an OPW engineer will look into the matter.

#### **Tax Code.**

164. **Deputy Finian McGrath** asked the Tánaiste and Minister for Finance if he will re-examine a case (details supplied). [35325/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am having this matter re-examined in consultation with the Revenue Commissioners and I will revert to the Deputy as soon as possible.

#### **State Property.**

165. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the use for which the Taoiseach's residence at Farmleigh is being used; and if he will make a statement on the matter. [35526/07]

166. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the cost to date of the Taoiseach's residence at Farmleigh; and if he will make a statement on the matter. [35527/07]

167. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the status of the Taoiseach's residence at Farmleigh; and if he will make a statement on the matter. [35528/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** I propose to take Questions Nos. 165 to 167, inclusive, together.

The Taoiseach does not have a residence at Farmleigh.

#### Departmental Investigations.

168. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if will launch an investigation to ascertain the source of the leak that led to details of budget 2008 appearing in a newspaper (details supplied) before he made his budget speech; and if he will make a statement on the matter. [35529/07]

169. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if his attention has been drawn to the fact that details of budget 2008 were published in a newspaper (details supplied) prior to his speech in Dáil Éireann; and if he will make a statement on the matter. [35530/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I propose to take Questions Nos. 168 and 169 together.

I and my Department are fully conscious of the need for secrecy in relation to all Budget matters. That is why, in advance of the Budget, the Secretary General of my Department wrote to the Secretary Generals of all other Government Departments and to the Chairman of the Revenue Commissioners reminding them of the need for absolute secrecy when dealing with papers or issues relating to the Budget. That said it is fair to say that every year there is speculation in the media as to what changes will be announced in the Budget. Some of this speculation will prove to be accurate while some of it will be incorrect. In relation to this year's Budget I do not believe that there is any need to investigate the matter.

#### Departmental Records.

170. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if his Department maintain a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35542/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** My Department does not keep records in relation to my attendance at the Department's headquarters.

#### Garda Stations.

171. **Deputy Niall Collins** asked the Tánaiste

and Minister for Finance his plans for the provision of a replacement Garda station (details supplied) in County Limerick; the status of an application by the local community to purchase the old Garda station; and if he will make a statement on the matter. [35552/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The provision of a new Garda Station at Doon, Co. Limerick is currently under consideration. The position in regard to the old Garda Station will become clear in the context of how it is decided to proceed in regard to the new station.

#### Compensation Claims.

172. **Deputy Niall Collins** asked the Tánaiste and Minister for Finance the position regarding compensation claims by persons (details supplied) lodged against the Office of Public Works. [35553/07]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** Compensation claims on behalf of the individuals in question have been submitted to the Commissioners of Public Works. Correspondence and discussions have taken place over a number of years between OPW Valuation Staff and the Agricultural Advisor for the people in question but, to date, no agreement on compensation levels has been agreed.

All compensation claims are considered under the relevant provisions of the Arterial Drainage Acts under which damage and benefit to a holding are taken into account. In default of agreement being reached, the claim may be deferred to independent and binding arbitration. I would point out that claimants are also entitled to claim fair and reasonable costs of valuation and legal advice as an element of the damages.

#### Tax Collection.

173. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if his attention has been drawn to cases where moneys being paid electronically in November to the Revenue Commissioners have not been taken yet by the Revenue; the cause of this problem; and the extent of same. [35634/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am advised by the Revenue Commissioners that a debit instruction provided by a customer or his/her agent to Revenue is processed by Revenue where there is consistency between that instruction and customer and account information already provided to Revenue.

In the very limited number of instances where an inconsistency arises, Revenue must resolve the inconsistency before the debit instruction can be processed. To do otherwise could have con-

[Deputy Brian Cowen.]

sequences for taxpayers if, for example, incorrect debits were made.

In November, an inconsistency arose in respect of only twenty-seven instructions valued at €880,000 out of almost 140,000 electronic payments valued at €5 billion in the month. Seventeen of the cases have already been resolved and the remainder are being progressed to resolution by Revenue with the customer or his/her agent.

#### **Departmental Staff.**

174. **Deputy P. J. Sheehan** asked the Tánaiste and Minister for Finance if a temporary unestablished civil servant is disqualified from being a member of a local authority or from contesting local elections; and if he will make a statement on the matter. [35648/07]

175. **Deputy P. J. Sheehan** asked the Tánaiste and Minister for Finance if a special advisor to a Minister is disqualified from being a member of a local authority or from contesting local elections; and if he will make a statement on the matter. [35649/07]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I propose to take Questions Nos. 174 and 175 together.

The Civil Service Code of Standards and Behaviour (promulgated on 9 September 2004) at Section 5 restated the rules governing civil servants who wish to stand for election to local authorities.

In summary civil servants, established or unestablished, may not involve themselves in politics other than as provided for in the Code. Special advisors to Ministers are exempt from these restrictions. Staff in the industrial grades and clerical officers and their equivalent may be involved in politics in a limited way as set out in the Code.

#### *Section 5 Civil Service Code of Standards and Behaviour*

##### *Civil Servants and Politics*

5.1 Restrictions have traditionally been imposed on civil servants engaging in political activity to ensure public confidence in the political impartiality of the Civil Service. This section restates the existing restrictions.

5.2 (a) Civil servants are not permitted to seek a nomination or to stand for election to either House of the Oireachtas or to the European Parliament. This restriction applies to all categories of staff. Civil servants above clerical level cannot stand for local election.

(b) Civil servants in the craft and state industrial related grades are free to engage in politics and may stand for local election. The general

restriction in relation to election to either House of the Oireachtas or the European Parliament applies.

(c) Members of the clerical grades in the Civil Service and non-industrial civil servants in grades with salary maxima equal to or below the Clerical Officer maximum may apply to their Department/Office for permission to engage in politics on the same basis as the staff referred to at (b). Officers employed on particular types of work may, at the discretion of departmental management, have their applications refused. In cases where permission would otherwise be refused, Departments/Offices should examine the possibility of moving an officer to a less sensitive area.

(d) All civil servants above clerical level are totally debarred from engaging in any form of political activity.

5.3 Civil servants in category (d) may not engage in public debate (e.g. letter writing to newspapers, contributions to television or radio programmes etc.) on politics, except if required to do so as part of their official duties. This is not intended to change existing practice. Civil servants in category (c) may engage in public debate on politics only with the prior permission of their department/office. These provisions do not preclude publication by civil servants of material on public affairs in accordance with statute or where such publication was authorised by the department/office.

##### *Special Advisors*

5.4 The provisions of Paragraphs 5.1 and 5.2 do not apply to the posts of Government Press Secretary, Deputy Government Press Secretary, Assistant Government Press Secretary, and all Ministerial and Attorney General Private Office staff holding temporary unestablished positions and whose tenure is coterminous with that of the relevant Minister/Attorney General (e.g. personal assistants, special advisors, personal secretaries in offices of Ministers and civilian drivers of Ministers of State).

##### **Grant Payments.**

176. **Deputy Charles Flanagan** asked the Minister for Health and Children if he has received a request for funding from a group (details supplied); and if same will be considered in the context of grant aid arrangements. [34923/07]

**Minister of State at the Department of Health and Children (Deputy Máire Hootor):** The Department received a request for funding from this organisation on the 11th December 2007. However as 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, the correspondence has been forwarded directly to the

HSE. The Executive is the appropriate body to consider the particular matter raised by the Deputy. The Parliamentary Affairs Division of the Executive have been asked to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Health Services.**

177. **Deputy Michael McGrath** asked the Minister for Health and Children if additional home help hours will be provided to a person (details supplied) in County Cork. [34822/07]

**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.

#### **Hospital Services.**

178. **Deputy Seán Sherlock** asked the Minister for Health and Children when the Wrixon report will be published; and if she will make a statement on the matter. [34823/07]

**Minister for Health and Children (Deputy Mary Harney):** I take it that the Deputy is referring to the review of acute hospital services in the HSE South which is being chaired by Prof. Gerry Wrixon. This will identify the appropriate model for acute service provision in Cork and Kerry and will recommend how best to reconfigure acute hospital services in the area to deliver on this model.

I am advised by the HSE that the final draft is currently being reviewed by the Project Team. The review has taken slightly longer than anticipated as its scope was broadened to incorporate community based services and to allow wider consultation with key stake holders.

The publication of the report is a matter for the HSE.

#### **Child Care Services.**

179. **Deputy Joe Costello** asked the Minister for Health and Children if she will respond to the concerns expressed in correspondence (details supplied); and if she will make a statement on the matter. [34833/07]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** As the Deputy will be aware, I have responsibility for the Equal Opportunities Childcare Programme

2000-2006 (EOCP) and the National Childcare Investment Programme 2006-2010 (NCIP), which are being implemented by the Office of the Minister for Children.

The main supports the Government makes available to parents to assist them with their childcare costs are Child Benefit and the Early Childcare Supplement. The latter payment is the responsibility of my Office, and it alone amounts to expenditure of over €400m in a full year. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of childcare they choose. In addition to these universal supports, Government childcare policy has also recognised the need to target additional supports towards disadvantaged families.

Under the Equal Opportunities Childcare Programme 2000-2006 (EOCP), which is co-funded under the EU Social Fund (ESF), targeted support was provided through the staffing support grant scheme whereby community based not-for-profit childcare providers with a strong focus on disadvantage were awarded grant aid towards their staffing costs to allow them to operate reduced fees to disadvantaged parents. Funding under this scheme was originally awarded for a limited period during which services were expected to move towards sustainability. This funding was subsequently continued to the end of 2007, where it was considered necessary to enable services to continue to make their services accessible to disadvantaged parents. This continuation funding was subject to the condition that tiered fee structures were implemented by the services in question.

With the closure of the EOCP in December 2007, to continue to support community childcare services to provide affordable childcare to disadvantaged parents, the Community Childcare Subvention Scheme (CCSS) is being introduced from January 2008 under the Exchequer funded National Childcare Investment Programme 2006-2010 (NCIP), the successor programme to the EOCP. The CCSS has been allocated €153 million over the next 3 years, representing a 16% increase in funding over the EOCP staffing scheme, and will continue to support community childcare services to provide reduced childcare fees for disadvantaged parents, complementing the universal supports in place for all parents. Under the new scheme, it will be possible to ensure that the level of grant aid which individual services qualify for will reflect the actual level of service they provide and the profile of the parents benefiting from their service. As part of their application for funding under the new scheme, services are required to ask parents using their services to complete a simple declaration form which is to be included in a return to my Office and on which basis the level of subvention for each service will be determined. The subvention



[Deputy Brendan Smith.]

received by services will, in turn, be reflected in the reduced fees for parents who qualify as disadvantaged under the scheme.

In practice, this will mean that parents with children in such services and in receipt of most social welfare payments (or participating in a scheme such as Community Employment which demonstrates an underlying entitlement to same) or parents in receipt of Family Income Supplement (FIS), will have a weekly subvention paid to the service in respect of their child. A higher subvention will be paid where the subvented child is a baby, in recognition of the higher costs associated with the care of children aged under 1 year. Parents who do not qualify for subvention will be charged the cost price for their childcare service. However, as community not-for-profit services will, generally, have availed of capital grant aid under the EOCP or NCIP removing the requirement to cover rent or a mortgage, and as the services are run on a not-for-profit basis, this should still be significantly below the market price.

It is considered that the new scheme will provide an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community childcare services generally. The scheme has been informed by and takes account of a number of enhancements recommended by the Value for Money Review of the EOCP. These include the fact that the subvention to services will be more responsive to the level of service provided as well as the degree of parental disadvantage supported and the ceiling for funding, which existed under the previous scheme, is being removed. Account will also be taken of all of the operational costs of the service rather than staffing costs alone. Services, including full-time, part-time and sessional ones, which at present are, in some cases, inaccessibly priced for disadvantaged parents, will be available to them at more appropriate rates under the new scheme.

The new scheme has clear advantages over its predecessor. There is an increase in the level of funding available under it, and a majority of services will benefit from the changes it introduces. Existing EOCP staffing grant recipients who enter the new scheme will continue to be funded at their current levels until July 2008. My Office has engaged in a series of meetings with existing grant recipients to outline to them the details of the new scheme and to gather feedback from the services themselves. A meeting with representatives of the City and County Childcare Committees has also taken place.

Transitional arrangements have been made under which existing grant recipients will continue to be funded at their current levels until 1st July 2008. This is to ensure that existing childcare

services are facilitated to adjust to the new scheme, including making any adjustments necessary to their fee structures. As signalled when I announced the new scheme in July this year, the transitional period between now and 1 July 2008 is being used to monitor and review the impact it will have on individual groups, on the basis of the more detailed and comprehensive data received during November and December. This review is now complete and is under consideration by the Government.

#### **Health Services.**

180. **Deputy James Bannon** asked the Minister for Health and Children the core funding she is providing for the Irish Osteoporosis Society to ensure the continuation and expansion of its work. [34842/07]

**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.

#### **Cancer Screening Programme.**

181. **Deputy John O'Mahony** asked the Minister for Health and Children if, due to the delay in rolling out BreastCheck in County Mayo, this service will be made available to women aged 65 and over when the service commences; and if she will make a statement on the matter. [34863/07]

**Minister for Health and Children (Deputy Mary Harney):** I officially opened the BreastCheck static unit for the Western Region at University College Hospital Galway yesterday. BreastCheck commenced the screening process in the Western region last May, with the provision of a mobile unit on the grounds of Roscommon County Hospital. The expansion of the BreastCheck programme to the Western region covers counties Mayo, Clare, Donegal, Galway, Leitrim, Roscommon, Sligo and Tipperary North Riding. The screening sequence for roll out to individual counties will be dictated by BreastCheck's operational considerations such as maximising uptake, most efficient use of mobile and static units and radiographic personnel. The Programme is designed to offer repeat screening within an interval of 21-27 months.

The expert advice from BreastCheck and from the National Cancer Forum, as contained in the National Strategy for Cancer Control, is that fol-

lowing the national extension of the programme, the upper age limit should be extended to women aged 69 years. The priority of BreastCheck is to screen women who have not yet been screened and accordingly it is fully focussed at present on the completion of the first round of screening in the West and South. I will consider extending the age limit as recommended when the national roll-out of the programme is sufficiently developed and it is assured that a quality service is being delivered. Any woman irrespective of her age who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her area.

### Community Development.

182. **Deputy Michael McGrath** asked the Minister for Health and Children the financial supports available from her Department in terms of both start-up costs and running costs for community groups who wish to establish youth cafes in their community. [34875/07]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** The launch of the National Recreation Policy in September this year highlighted the Government's commitment to the development of youth cafés.

As the Deputy will be aware there are already a number of youth cafés in operation around the country. Funding for these existing initiatives is provided through local City/County Council and Health Service Executive. In addition, the Department of Community, Rural and Gaeltacht Affairs operate a number of relevant funding programmes aimed at supporting community development, locally based community and voluntary groups as well as programmes aimed specifically at supporting projects for disadvantaged youth.

At this stage, my focus is to bring better coherence to the approach taken to date, retaining the strong inter-agency element and identifying an appropriate model(s) for youth cafés for future developments. Since September my office has undertaken a small survey of some of the existing cafés looking at mission/objectives, management and organisation, service levels and the role of young people. I have recently requested the National Children's Advisory Council's advice on the development of a youth café model and research work has been commissioned by the Council in this regard. This work will ensure that funding is targeted and co-ordinated most effectively on a model or models of youth cafés which meet the needs identified by young people themselves. Discussions are underway with my Cabinet colleagues regarding a youth café programme and appropriate funding mechanisms. I am considering which agency could best lead on the programme and how to ensure any funding

which might be made available augments, without displacing, the existing inter-agency resources.

### Departmental Expenditure.

183. **Deputy Leo Varadkar** asked the Minister for Health and Children if her Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34887/07]

**Minister for Health and Children (Deputy Mary Harney):** My Department has not paid in advance for any works or services that will not be completed before the end of 2007.

The position in relation to agencies is a matter for the agencies themselves.

### Child Care Services.

184. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 133 of 13 November 2007 if he will provide the funding required to ensure that the facility remains open in 2008; and if she will make a statement on the matter. [34894/07]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** As the Deputy will be aware, I have responsibility for the Equal Opportunities Childcare Programme 2000-2006 (EOCP) and the National Childcare Investment Programme 2006-2010 (NCIP), which are being implemented by the Office of the Minister for Children.

Further to my reply of 13 November 2007 the application for interim support funding under the NCIP by the Group in question was declined in September 2007 as their application had not demonstrated sufficient ability to efficiently manage and sustain the service from September 2007 and therefore did not meet the requirements of the NCIP interim support scheme. The Group was invited to contact their local City/County Childcare Committee should they wish to apply for funding under the new Community Childcare Subvention Scheme which will come into effect in January 2008. I understand that the Group requested a review of this decision which is under process and the Group will be informed of the outcome shortly.

The interim support scheme under the NCIP was introduced as an interim measure pending the introduction of the new Community Childcare Subvention Scheme, to facilitate Groups which were unable to meet the contractual deadline of December 2006 for funding under the EOCP staffing support scheme.

### Health Services.

185. **Deputy Róisín Shortall** asked the Minister for Health and Children further to Parliamentary Question No. 136 of 28 November 2007 the reason no answer has been forthcoming from the Health Service Executive; and if she will arrange for same without delay. [34902/07]

**Minister for Health and Children (Deputy Mary Harney):** My Department is advised that a reply was issued to the Deputy by the Health Service Executive regarding this matter on the 13th December, 2007.

### Victim Support Services.

186. **Deputy Simon Coveney** asked the Minister for Health and Children if the Government is taking steps to support victims of female genital mutilation here; and if this is already the case if she will explain the steps. [34922/07]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** In order to raise awareness of the issue of Female Genital Mutilation (FGM) among those who work with immigrant communities, my Department wrote to the former health boards in 2001 and again in 2004 and to the Health Service Executive in February 2007 drawing their attention to the issue of FGM and requesting that personnel, particularly those working with immigrant communities, should be aware of the issue and should educate and inform such communities about the dangers, unacceptability and illegality of FGM.

I understand that the Reception and Integration Agency (RIA), which operates under the aegis of the Department of Justice, Equality and Law Reform, has disseminated an information and education booklet entitled "Understanding Female Genital Mutilation". The booklet, published by Comhlámh, is aimed at health professionals and others interested in becoming, or who are already involved in, actions to raise awareness of the issues surrounding the practice and elimination of FGM.

### Health Services.

187. **Deputy Phil Hogan** asked the Minister for Health and Children when core funding will be allocated to the Irish Osteoporosis Society in order for this charity to continue and expand its vital work; and if she will make a statement on the matter. [34925/07]

**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.

188. **Deputy Michael McGrath** asked the Minister for Health and Children if a treatment will be provided to a person (details supplied) in County Cork. [34944/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

### Patient Statistics.

189. **Deputy Dan Neville** asked the Minister for Health and Children the percentage of presentations at accident and emergency units having self-harm and attempted suicide under 30 years of age; and the number presenting by people aged less than 50 years. [34959/07]

190. **Deputy Dan Neville** asked the Minister for Health and Children the number of presentations to hospitals due to deliberate self-harm in 2005 and 2006; the number of persons involved in these presentations; and the percentage of male versus female. [34960/07]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** I propose to take Questions Nos. 189 and 190 together.

A National Registry of Deliberate Self-Harm, which is a national system of population monitoring for the occurrence of deliberate self-harm, has been operating in general hospitals in the Republic of Ireland since 2001 and is managed by the National Suicide Research Foundation.

In each of the years 2005 and 2006, there were approximately 10,900 deliberate self-harm presentations to Accident and Emergency Departments in Ireland made by 8,600 individuals. Women and men accounted for 56% and 44% of all deliberate self-harm presentations, respectively.

Persons under 30 years of age accounted for almost half of all presentations, 46% or 5,000. 87% or 9,500 of the deliberate self-harm presentations were by persons under 50 years of age.

#### **Departmental Properties.**

191. **Deputy Lucinda Creighton** asked the Minister for Health and Children if the State has unfettered ownership of the site occupied by St. Luke's Cancer Hospital, Rathgar, Dublin 6; if the board of St. Luke's have a legal say in the future disposal of the land; if there are restrictions on the use of the land; and if she will make a statement on the matter. [34967/07]

**Minister for Health and Children (Deputy Mary Harney):** It is important to note that the transfer of services from St. Luke's Hospital to new facilities at St. James's Hospital is not due to take place for a number of years. In the meantime, two additional linear accelerators will be commissioned at St. Luke's in early 2008 and two replacement linear accelerators will be commissioned later in 2008. These will provide much needed interim capacity pending the roll out of the National Plan for Radiation Oncology.

The decision to transfer services from St. Luke's was taken by the Government in the context of its consideration of the National Plan for Radiation Oncology Services. The decision is based on expert advice and is designed to ensure that radiation oncology is integrated with all other aspects of cancer care, including surgery and medical oncology. This is in line with best international practice. I am convinced that this model will provide better patient centred treatment with improved quality of service and outcome for patients. The Board of St. Luke's Hospital and its Executive Management Team are fully committed to supporting the Government's decision in relation to the development of radiation oncology.

No decisions have yet been taken in relation to the future use of the site and facilities at St. Luke's. However, I intend to ensure that these resources are utilised in the best interest of the health services. I am having enquiries made regarding the legal questions raised by the Deputy in relation to the site and will write to her as soon as possible.

#### **Nursing Homes Repayment Scheme.**

192. **Deputy Michael Ring** asked the Minister for Health and Children when a claim under the health repayment scheme will be granted to a person (details supplied) in County Mayo. [34974/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment

Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

193. **Deputy Michael Ring** asked the Minister for Health and Children the number of claims received under the health repayment scheme; the number of those applications that have been verified to date; and if she will make a statement on the matter. [34975/07]

194. **Deputy Michael Ring** asked the Minister for Health and Children the numbers that have received a payment, of the number of claims verified under the health repayment scheme; and the number that are waiting to be paid under this scheme. [34976/07]

195. **Deputy Michael Ring** asked the Minister for Health and Children the number of claims, under the health repayment scheme that have been refused to date; the category reason for their refusal; and if she will make a statement on the matter. [34977/07]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 193 to 195, inclusive, together.

The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator KPMG/McCann Fitzgerald.

The HSE has informed my Department that since the commencement of the scheme over 33,000 claims have been received and 5,346 payments totalling over €105m have issued. 8,320 offers of repayment, totalling over €160m, have been made.

The HSE has indicated that approximately 40% of applications will be rejected under the scheme and has informed my Department that 5,567 rejection letters have been issued as of 7 December 2007. Of these rejections 2,877 relate to institutions outside the scope of the scheme, 1,603 relate to applications where the relevant person's date of death is prior to 9 December 1998. The remaining rejections are due to miscellaneous factors where, for example, the patient was admitted after 9 December 2004 or where duplicate claims were submitted on behalf of a patient.

#### **Nursing Homes Repayment Scheme.**

196. **Deputy Michael Ring** asked the Minister for Health and Children the number of people who submitted an appeal in relation to the funding offered to them under the health repayment

[Deputy Michael Ring.]

scheme; the average appeal processing time; and the number of appeals that have been successful to date. [34978/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Repayment Scheme Appeals Office has indicated to my Department that as of the 7th December 2007 the total number of people who have indicated their intention to appeal under the health repayment scheme is 1,959. However of this figure 895 appeal forms have actually been received. I wish to advise the Deputy that 398 of these relate to the funding offered under the scheme. I understand that 285 appeals have been completed.

#### Hospital Services.

197. **Deputy Noel O'Flynn** asked the Minister for Health and Children if she will expedite a cataract operation for a person (details supplied) in County Kilkenny in view of the urgent medical circumstances of the patient. [34982/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

198. **Deputy Noel O'Flynn** asked the Minister for Health and Children if she will expedite a hip operation for a person (details supplied) in County Kilkenny in view of the medical circumstances of the patient. [34983/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

#### Health Services.

199. **Deputy Michael Ring** asked the Minister for Health and Children if transport will be provided to a person (details supplied) in County Mayo. [34988/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Disabled Drivers.

200. **Deputy Finian McGrath** asked the Minister for Health and Children if a person (details supplied) in Dublin 5 will be assisted. [34995/07]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Deputy should be aware that the Primary Medical Certificate is a requirement of the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme which the Department of Finance has statutory responsibility for. I would like to bring the Deputy's attention to two schemes administered by the Health Service Executive (HSE): the Motorised Transport Grant and the Mobility Allowance.

The HSE may pay a Motorised Transport Grant towards the purchase of a vehicle and/or adaptations to a vehicle being purchased by a person with a severe disability who is 17 years or older and under 66 years of age, where a vehicle is essential for him or her to retain employment. From 1st January 2008 the maximum personal rate is €5,020.50.

A Mobility Allowance is payable by the HSE, subject to a means test, to persons with a severe disability. Applicants must be 16 years or older and under 66 years. The allowance provides financial support to eligible people who are unable to walk or use public transport and is intended to enable them to benefit from a change in surroundings — for example, by financing the occasional taxi journey. From 1st January 2008 the maximum rate of Mobility Allowance is €202

per month. For both schemes applicants should apply to their local HSE office.

### **Housing Aid for the Elderly.**

201. **Deputy Finian McGrath** asked the Minister for Health and Children the additional financial provisions provided by her Department from the 2008 Estimates and budget for the care and support costs for voluntary housing associations providing sheltered housing for older people, following the previous finance provided for an additional €1 million for the combined years of 2006 and 2007 that she previously announced as part of the care package for older people in November 2005; her views on whether the current financial commitment of less than €2 million for the whole country or €1 per day for an older person living in sheltered housing represents a real commitment providing support for the care costs in sheltered housing; and if she will make a statement on the matter. [34997/07]

**Minister of State at the Department of Health and Children (Deputy Máire Hctor):** Government policy in relation to older people is to support people to live in dignity and independence in their own homes and communities for as long as possible and, where this is not possible, to support access to quality long-term residential care. This policy approach is renewed and developed in the latest partnership agreement, Towards 2016.

The focus in Budget 2008 was to ensure continued improvements in the key area of community and home-based services. In this regard an additional package of €22m has been allocated for community initiatives including an additional €1.1m allocated to progress the development of sheltered housing for older people.

The Deputy may be aware that earlier this year the Department of the Environment, Heritage and Local Government established a Cross Departmental Team on Sheltered Housing, involving the Department of Health and Children, the HSE, Office for Social Inclusion and the local authorities. The Cross Departmental Team will, in conjunction with the Office of the Minister for Older People, develop and oversee policy in relation to sheltered housing provision for older people and agree protocols for integrated management and delivery of housing and related care services. The establishment of the Cross Departmental Team forms part of an overall strategic response to the housing needs of older people, as outlined in the Government's Housing Policy Statement, Delivering Homes, Sustaining Communities, which was published earlier this year.

### **Nursing Homes Repayment Scheme.**

202. **Deputy John Perry** asked the Minister for Health and Children if she will intercede with the

Health Service Executive to ensure that a person (details supplied) in County Sligo receives their long stay patient repayment; if she will not defer the answer; and if she will make a statement on the matter. [35014/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

### **Decentralisation Programme.**

203. **Deputy Frank Feighan** asked the Minister for Health and Children further to her reply to Parliamentary Question No. 56 of 19 November 2007, the date on which an applicant for a transfer (details supplied) from the Department of Social and Family Affairs to the General Registrars Office of her Department in Roscommon was put on a priority list on CAF; and their current number on the priority list. [35018/07]

**Minister for Health and Children (Deputy Mary Harney):** As stated in my response on 29th November 2007 (PQ reference number 31761/07) my Department has been advised by the Department of Finance who manage the Central Applications Facility that the individual concerned in addition to a number of other officers has a priority application on CAF for the General Register Officer (GRO), Roscommon. My Department has been advised by the Department of Finance that all such applicants are given preference for available posts based on agreements previously reached with relevant trade unions as follows: first preference will be given to staff currently serving in posts being decentralised; second preference will be given to staff serving at the same grade in other posts in the same Department, Office or organisation; third preference will be given to staff on existing transfer lists, including both internal and inter-Departmental transfer lists; fourth preference will be given to staff serving in the same or equivalent grade on the basis of seniority in the grade.

As the person concerned has not applied to be included on this Department's Central Transfer List to the General Register Office, Roscommon they do not have priority over other priority applicants who are on the Central Transfer List. Therefore the person concerned would be placed under category four above. Where a person is on a particular list is also dependent on whether or not those ahead of them accept or reject a post offered in line with the agreements previously mentioned. As this is not usually known until

[Deputy Mary Harney.]

such time as offers of posts are made to individuals it is not possible to determine this particular individual's place on the priority list. The Deputy may wish to note that responsibility for the GRO will transfer from my Department to the Department of Social and Family Affairs on the 1st January 2008.

#### **Hospital Services.**

204. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive a date for surgery for a knee replacement operation; and if she will make a statement on the matter. [35045/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Health Services.**

205. **Deputy James McDaid** asked the Minister for Health and Children the allocation of funding by the Health Service Executive to people with Asperger's syndrome; the budget of the HSE in the north west allocated towards Asperger's syndrome; and the services in place in the north west for people with Asperger's syndrome. [35060/07]

**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 new residential, respite and day places and also for the continuation of the implementation of the transfer of persons with intellectual disability from psychiatric hospitals and other inappropriate placements. The Government is also honouring its promise in relation to the Multi Annual Investment Programme for people with disabilities, with a further €50m investment in which was announced in the 2008 Budget.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Execu-

tive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

206. **Deputy Joe Costello** asked the Minister for Health and Children if her attention has been drawn to the fact that a person (details supplied) in Dublin 7 has received a bill from a debt collection agency for dental treatment carried out on a minor over five years ago; and if she will make a statement on the matter. [35087/07]

**Minister for Health and Children (Deputy Mary Harney):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Health Service Staff.**

207. **Deputy Tom Hayes** asked the Minister for Health and Children when the freeze on recruiting staff will end; the way the situation is impacting on the South Tipperary General Hospital; and if the particular circumstances for that hospital, whereby they are already short-staffed, has been taken into account. [35090/07]

**Minister for Health and Children (Deputy Mary Harney):** The current pause on the recruitment of additional staff is a temporary measure initiated as part of the Health Service Executive financial break-even plan. Of course, in any instance where a critical or essential vacancy arises it may be filled through redeployment of existing staff by the Line Manager or re-assignment of responsibilities based on an assessment of the priority of need.

Notwithstanding this, the Health Service Executive recognises that there are some circumstances where the appointment of staff may be necessary in frontline services. Accordingly, a process has been put in place to evaluate, monitor and approve requests for derogation from the general recruitment pause. A small group has been established including a representative of the National Hospitals Office, PCCC and other Directorates of the HSE and this group meets regularly to consider such applications. Of the applications for derogation received to date, 860 WTEs (wholtime equivalents) have been approved where posts have been identified as critical to service delivery.

I have been advised by the Health Service Executive that the recruitment pause will continue for December 2007 and the current arrangement will be reviewed prior to the end of the year. It is intended that a robust employment

control framework will continue to be applied to services in 2008.

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 of South Tipperary General Hospital raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Hospital Services.**

208. **Deputy Charles Flanagan** asked the Minister for Health and Children if her attention has been drawn to the fact that a person (details supplied) in County Laois, when referred from Portlaoise Hospital to Dublin for an urgent ultrasound, was told that they would have to wait up to four months before they could be seen; and if she will make a statement on the matter. [35110/07]

**Minister for Health and Children (Deputy Mary Harney):** My Department is advised that a reply issued to the Deputy by the Health Service Executive regarding this matter on 17th December 2007.

#### **Nursing Homes Repayment Scheme.**

209. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive payment under the health repayment scheme; and when this money will be awarded. [35116/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

210. **Deputy Michael Ring** asked the Minister for Health and Children when a claim under the health repayment scheme will be awarded to a person (details supplied) in County Mayo. [35117/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division

of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

211. **Deputy Michael Ring** asked the Minister for Health and Children when payment will be made on a claim under the health repayment scheme to a person (details supplied) in County Mayo. [35118/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

212. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied in County Mayo will be notified of the decision on their claim under the health repayment scheme. [35119/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

213. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive payment under the health repayment scheme. [35120/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

214. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive payment under the health repayment scheme. [35121/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the



[Deputy Mary Harney.]

Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

### **Cancer Screening Programme.**

215. **Deputy Jimmy Deenihan** asked the Minister for Health and Children when BreastCheck is expected to be rolled out to County Kerry; and if she will make a statement on the matter. [35123/07]

**Minister for Health and Children (Deputy Mary Harney):** I officially opened the static unit for the Southern Region at the South Infirmity/Victoria Hospital in Cork yesterday. BreastCheck commenced the screening process in the Southern region in October. The expansion of the BreastCheck programme to the Southern region covers counties Kerry, Limerick, Cork, Waterford and Tipperary South Riding. The screening sequence for roll out to individual counties will be dictated by BreastCheck's management and operational considerations such as maximising uptake, most efficient use of mobile and static units and radiographic personnel. The Programme is designed to offer repeat screening within an interval of 21-27 months.

### **Drugs-related Deaths.**

216. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the number of cocaine related deaths to date in 2007. [35130/07]

**Minister for Health and Children (Deputy Mary Harney):** There are no official statistics on the number of cocaine related deaths to date in 2007. In general there is a minimum 6 month delay between a person dying and an inquest into the death. The General Mortality Register, the main source of information on drug-related deaths prior to the establishment of the National Drug Related Deaths Index in 2005, shows that the number of cocaine-only deaths was 2 in 2002, 1 in 2003 and 9 in 2004 — the latest year for which data are available.

The statistics in the General Mortality Register are collected by the Central Statistics Office which measures — as it is required to do — direct drug-related deaths based on an international classification system. It does not have a reliable measure of deaths which are indirectly related to drug use and so does not provide the full picture of drug-related deaths. For example a death through an infectious disease contracted through drug use may not feature in the General Mortality Register as drug-related.

To remedy these limitations, the Department of Health and Children and the Department of Justice, Equality and Law Reform jointly asked the Health Research Board to establish a National Drug Related Deaths Index.

This index was established to comply with Action 67 of 'Building on Experience: National Drug Strategy 2001-2008'. The index is a census of drug and alcohol related deaths and deaths among substance users in Ireland which is one of the European Monitoring Centre for Drugs and Drug Addictions (EMCDDA) key indicators to measure the consequences of the drug situation. The data for the index is drawn from a number of sources including the General Mortality Register; the Coroner's Service; the Hospital In-patient Enquiry (HIPE); and the Central Treatment List.

Retrospective work done to date on the index indicates that there were 14 cocaine-related deaths in 2002 compared to 7 in 2001 and 5 in each of the years 1998-2000. Of the 14 deaths in 2002, 12 were of known drug users and 11 involved more than one drug. Eleven of those who died were living in the Dublin area. Incomplete data for 2003 shows 4 cocaine-related deaths but data collection in Dublin is not yet completed.

The data presented above from the National Drug Related Deaths Index includes statistics from the coroner's service on "sudden and unexpected deaths with positive drug toxicology or a history of drug dependency". This data is extracted from closed coroner files. Files may not be closed for a period of time due to a number of reasons such as awaiting toxicology results, pathology results, Garda reports and delay in criminal court proceedings. These processes must be complete before an inquest is held and the file closed. For example, for some deaths which occurred in 2003 the inquest was held in 2005. This indicates that there may be up to a 2 year delay before the cause of death is ascertained and the file is closed.

A steering committee, co-chaired by the Department of Health and Children and the Department of Justice, Equality and Law Reform provides general and technical advice on the development of the National Drug Related Death Index. The first report from the Index will be available in late 2008.

### **Health Services.**

217. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo and will be provided with home help by the Health Service Executive. [35160/07]

**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.

218. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the amount of money spent in 2007 on privately operated home care provision the amount to be spent in 2008 under this heading; and if she will make a statement on the matter. [35167/07]

**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.

219. **Deputy Pat Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with an appointment; and if she will make a statement on the matter. [35168/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

#### Services for People with Disabilities.

220. **Deputy Finian McGrath** asked the Minister for Health and Children the number of places provided in 2006 for people with an intellectual disability; the services where people were placed; and the number of people who came off waiting lists as a result of these new places. [35181/07]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Deputy's question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accord-

ingly, 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.

As the Deputy may be aware an additional sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This amount incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism, including therapy services.

#### Cancer Incidence.

221. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding an issue (details supplied). [35182/07]

**Minister for Health and Children (Deputy Mary Harney):** I understand that the National Cancer Registry issued a response on 5 March 2007 to the Deputy's question of 20 February 2007.

#### Health Services.

222. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if assistance will be given to a person (details supplied) in County Louth; and if she will make a statement on the matter. [35185/07]

**Minister for Health and Children (Deputy Mary Harney):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### Medical Cards.

223. **Deputy Michael Creed** asked the Minister for Health and Children if she will confirm that all cancer patients are entitled to a medical card. [35271/07]

**Minister for Health and Children (Deputy Mary Harney):** At present, medical cards are granted primarily on the basis of means and individual circumstances. Under the Health Act, 2004, determination of eligibility for medical cards is the responsibility of the Health Service Executive. Persons aged seventy years and over are automatically entitled to a medical card, irrespective of means. The HSE has discretion, in

[Deputy Mary Harney.]

cases of exceptional need, to provide assistance to individuals where undue hardship would otherwise be caused.

The HSE has indicated that applications from persons with a serious illness have been and will continue to be dealt with in as sensitive and compassionate a manner as possible, taking into account the needs of the applicant during what is a very difficult and stressful time for them and their families.

### Alcohol Consumption.

224. **Deputy Deirdre Clune** asked the Minister for Health and Children the plans, she has to ensure that alcohol consumption will be reduced; and if she will make a statement on the matter. [35298/07]

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

My Department supports the view that the level of alcohol consumption in a population is an important determinant of health and disease. Therefore, alcohol policy must take into account the total drinking population when defining the scope of public health action as well as targeting high-risk groups and individual high-risk drinkers. Policies to reduce harmful use of alcohol reach far beyond the realm of health and involve such sectors as, fiscal policy, trade, agriculture, education and employment, thus falling within the responsibilities of numerous Governmental agencies and organizations.

The Strategic Task Force on Alcohol (STFA), which was established in January 2002, published two reports which together provide approximately 100 recommendations across a wide range of sectors. These recommendations are consistent with the measures identified by the World Health Organisation as being effective in reducing alcohol consumption in a population. When used appropriately and together the following strategies can lead to a reduction in overall consumption of alcohol across the population:

- regulating and restricting alcohol availability;
- reducing the demand for alcohol through taxation and pricing mechanisms;
- regulating the marketing of alcoholic beverages, (in particular those practices that influence younger people);
- implementing appropriate drink-driving policies;
- implementing screening programmes and brief interventions against hazardous and harmful use of alcohol and

- providing easily accessible and affordable treatment services for people with alcohol-use disorders.

My Department is maintaining a coordinating role in relation to alcohol policy and is continuing to pursue implementation of measures that will protect public health. I will continue to work with my Ministerial colleagues in those Government Departments which can make a significant contribution to the implementation of measures that would reduce alcohol consumption and reduce alcohol-related harm in this country.

### Long-Term Illness Scheme.

225. **Deputy Olwyn Enright** asked the Minister for Health and Children if there are proposals to change the terms of the long term illness scheme; if so, the reasons for the changes; her views on the matter; and if she will make a statement on the matter. [35306/07]

243. **Deputy Seán Fleming** asked the Minister for Health and Children the proposed changes in respect of the long-term illness scheme; the way it will affect patients; and if she will make a statement on the matter. [35554/07]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 225 and 243 together.

Under the 1970 Health Act, the Health Service Executive may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition, through the Long Term Illness Scheme (LTI). The LTI does not cover GP fees or hospital co-payments. The conditions are: mental handicap, mental illness (for people under 16 only), phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, Parkinsonism, conditions arising from thalidomide and acute leukaemia. Products which are necessary for the management of the specified illness are available to LTI patients. Other products are available according to the patient's eligibility. There are currently no plans to change the scheme or extend the list of eligible conditions.

### Health Services.

226. **Deputy Finian McGrath** asked the Minister for Health and Children if she will make a case (details supplied) a priority. [35326/07]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Deputy's question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service

Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy. As the Deputy may be aware an additional sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This amount incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism, including therapy services.

#### **Nursing Homes Repayment Scheme.**

227. **Deputy John Perry** asked the Minister for Health and Children if she will intercede with the Health Service Executive to ensure that long stay patient repayments are made to a person (details supplied) in County Sligo as soon as possible; and if she will make a statement on the matter. [35333/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

#### **Disabled Drivers.**

228. **Deputy Tom Sheahan** asked the Minister for Health and Children her views on awarding primary medical certificates to disabled and handicapped persons; and if she will make a statement on the matter. [35340/07]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy should be aware, the Disabled Drivers and Disabled Passengers (Tax Concessions) regulations, 1994 were drawn up by the Minister for Finance and come under the remit of the Department of Finance. The Department of Health and Children has no statutory responsibility for the regulations or their operation. To qualify, a person must meet the medical criteria specified in the regulations to the scheme which are not set by the Department of Health and Children. The senior area medical officer within the relevant Health Service Executive region will issue a primary medical certificate if he/she is satisfied that the applicant fulfils the medical criteria set out in the Department of

Finance's Disabled Drivers and Disabled Passengers (Tax Concessions) regulations.

#### **Medical Cards.**

229. **Deputy Jack Wall** asked the Minister for Health and Children if a person (details supplied) in County Kildare who is the holder of a medical card is entitled to dentures; and if she will make a statement on the matter. [35351/07]

**Minister for Health and Children (Deputy Mary Harney):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Health Services.**

230. **Deputy Róisín Shortall** asked the Minister for Health and Children if, in view of the high prevalence of osteoporosis here and the valuable work in providing information and support carried out by the Irish Osteoporosis Society, she will give positive consideration to providing care funding for this organisation on a mutiannual basis; and if she will make a statement on the matter. [35355/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular 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.

#### **National Health Strategy.**

231. **Deputy Róisín Shortall** asked the Minister for Health and Children the progress of the working group on eligibility for healthcare; and when she will publish its report. [35367/07]

**Minister for Health and Children (Deputy Mary Harney):** My Department is currently reviewing eligibility with a view to clarifying and updating the present provisions relating to eligibility for health and personal social services. The eligibility review is being carried out by a team in the Department rather than by way of a working group. The intention is to bring forward legislation which will define specific health and personal social services more clearly; set out who should be eligible for what services, as well as

[Deputy Mary Harney.]

criteria for eligibility; establish when and in what circumstances charges may be made and provide for an appeals framework. It is expected that the legislation will be published in 2008.

#### **Drugs Payment Scheme.**

232. **Deputy Róisín Shortall** asked the Minister for Health and Children when the changes she announced as part of budget 2008 in relation to the increase in the monthly threshold for the drugs payment scheme will take effect. [35369/07]

**Minister for Health and Children (Deputy Mary Harney):** The appropriate statutory instrument is currently being prepared and it is planned that the increase in the monthly threshold for the drugs payment scheme will take effect from 1 January 2008.

#### **Health Insurance.**

233. **Deputy Seán Fleming** asked the Minister for Health and Children the amount of payments by private health insurance companies to public hospitals in respect of private patients on a hospital basis for 2006; and the annual operating budget for each of these hospitals. [35377/07]

**Minister for Health and Children (Deputy Mary Harney):** The information sought by the Deputy relates to the management and delivery of health and personal social services which is the responsibility of the Health Service Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to reply directly to the Deputy.

#### **Child Abuse.**

234. **Deputy Finian McGrath** asked the Minister for Health and Children if she will ensure that all adults and children with disabilities are protected following the Galway abuse report; if she will ensure that they have a safe and caring place; and if she will make this a priority in 2008. [35380/07]

**Minister for Health and Children (Deputy Mary Harney):** My Department has, over the years, developed a number of protocols and procedures sometimes in conjunction with other relevant bodies, in identifying, preventing and dealing with child abuse in all its various forms. These protocols include: Report of the Committee on Non Accidental Injury to Children (1976); Memorandum on Non Accidental Injury to Children (1977); Guidelines on the Identification and Management of Non-Accidental Injury to Children (1980); Non Accidental Injury to Children (Revised 1983); Child Abuse guidelines (1987);

Child Care Act, 1991; UN Convention on the Rights of the Child (ratified 1992); Guidelines on recruitment and selection of staff in the health services (1994 & 1995); Notification of Suspected Cases of Child Abuse between Health Boards and Garda (1995); Putting Children First — A discussion document on Mandatory Reporting (1996); Putting Children First — Promoting and Protecting the Rights of Children (1997); Protections for Persons Reporting Child Abuse Act (1998); Children First — National Guidelines for the Protection and Welfare of Children (1999); Trust in Care — Guidelines for Dealing with Allegations of Abuse in Health Care Institutions (2005); Our Duty to Care — The principles of good practice for the protection of children & young people (2002); Stay Safe Programme for Primary Schools; Child Care Regulations (1995 and 1996).

The protection of children and vulnerable adults from abuse has always been a priority for my Department. Under the Health Act, 2007, the Health Information and Quality Authority (HIQA) will have power to set standards and to inspect residential facilities. As HIQA prepares for this role, I have asked the HSE to take all possible action to ensure the quality and safety of these services.

The HSE has published Guidelines for the Provision of Residential Services for Young People with Disabilities. Over the coming months, the HSE will roll out a Service Review System to support service providers in implementing the quality criteria contained in the Guidance document. In addition, the HSE is arranging for changes to the Service Level Agreements that it has with the disability service providers to enable it to review the quality and safety of the service which it funds.

235. **Deputy Alan Shatter** asked the Minister for Health and Children the action the Government proposes taking to implement the recommendation contained in the report published on 11 December 2007 into services provided by the Brothers of Charity in Galway and the physical and sexual abuse of intellectually disabled children in the period 1965 to 1998 in institutions run by the Brothers; the reason there was an unaccountable delay of eight years in the publication of the report; and her views on whether the report is comprehensively addressing allegations raised in the circumstances in which just 21 victims of alleged abuse were interviewed although 135 residents in Brothers of Charity institutions have sought compensation through the Redress Board. [35384/07]

**Minister for Health and Children (Deputy Mary Harney):** 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 Kilcormac Residential Services, Clarinbridge, Co. Galway.

The Inquiry was established in 1999 when the Western Health Board and An 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 Kilcormac services against 18 people. 11 were members of the Brothers of Charity congregation, 4 were lay staff and 3 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. 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 reiterate 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, Galway. The HSE has advised me that the original Inquiry Team acted promptly in 2000 by notifying An 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 former Western Health Board at the time and the HSE have worked closely with the Brothers of Charity in offering immediate support for those affected, follow-up for each individual client now using the service, and follow-up for service users generally. In relation to the number of cases investigated, it is important to bear in mind that only those who made formal complaints could be dealt with individually 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/campus style residential services for people with disabilities and to relocate them to more appropriate community settings. I should say that the Woodlands Residential Centre was closed in 1984, and the Kilcormac 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.

I consider that the delay in preparing this report is totally unacceptable. The HSE has already apologised individually to each complainant and did so again on the day 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 am arranging 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.

#### **Adoption Services.**

236. **Deputy John Cregan** asked the Minister for Health and Children if applications to the Health Service Executive by persons (details supplied) to foster children will be expedited in view of the extenuating circumstances involved; and if she will make a statement on the matter. [35395/07]

**Minister for Health and Children (Deputy Mary Harney):** The Deputy's question relates to the management and delivery of health and social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Pharmacy Regulations.**

237. **Deputy Jim O'Keeffe** asked the Minister for Health and Children if a drug (details supplied), available under special licence in the UK and elsewhere, for pain relief for those suffering from multiple sclerosis will be made avail-

[Deputy Jim O’Keeffe.]

able on prescription here; and if not, the reason for same. [35508/07]

**Minister for Health and Children (Deputy Mary Harney):** My Department is aware that Sativex is a cannabis based product and that claims have been made in respect of cannabis based products and their possible benefits for patients suffering from certain conditions such as Multiple Sclerosis.

Applications for Marketing Authorisations for medicinal products are made to the Irish Medicines Board (IMB). On receipt of an application, the IMB assesses the quality, safety and efficacy data submitted and judges if the benefits of the product outweigh the risk for the proposed indication. If the benefits are deemed to outweigh the risks then the product is normally granted an authorisation.

The current legal position in relation to cannabis is that it is a Schedule 1 controlled drug under the Misuse of Drugs Act 1977 which means that it has no recognised medical use under the law. Under Section 13(1) of the MDA 1977, the manufacture, production, preparation, sale, supply (including administration), distribution and possession of cannabis is unlawful except for the purposes of research. Licences may only be granted for the purposes of research, forensic analysis or as an essential intermediate or starting material in an industrial manufacturing process. Licences may also be granted in the case of certain low Tetrahydrocannabinol plant varieties of Cannabis for the growing of hemp.

Approval was granted a number of years ago for a clinical trial into the use of a cannabis based medicinal extract in controlling cancer related pain but the trial never took place. As the law currently stands, it would not be possible for a cannabis extract to be licensed here for medical use or for a General Practitioner to prescribe it. There are currently no plans to change the law in this regard. The IMB has confirmed that no application for a Marketing Authorisation has been made in respect of Sativex.

#### **General Practitioner Contract.**

238. **Deputy Leo Varadkar** asked the Minister for Health and Children her views on the impact that recent decisions by the Competition Authority to prohibit negotiations between the Government, or its agencies and trade associations, representatives groups of the self-employed and so on, has had on the progress in agreeing a new general practitioner contract; her further views on legislative changes in this area; and if she will make a statement on the matter. [35531/07]

239. **Deputy Leo Varadkar** asked the Minister for Health and Children if she will report on the

progress being made in agreeing a new general practitioner contract; and if she will make a statement on the matter. [35532/07]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 238 and 239 together.

A review of the contractual arrangements for the provision of general practitioner services commenced in 2005 under the auspices of the Labour Relations Commission. However, in the course of 2006 and 2007 both the Health Service Executive and my Department have received legal advice which identifies significant competition and procurement law issues such that it is not permissible to develop contracts for service and the associated fee arrangements on a negotiated basis. These matters are governed by both European Union and national competition law.

In the light of the detailed legal advice obtained, my Department is at present working, in consultation with relevant Government Departments and with the HSE, to devise appropriate new arrangements for the development and the pricing of contracts for the provision of health services, including the GMS general practitioner contract. It is my wish that, once these arrangements have been finalised, the development of a new GMS GP contract should be progressed as a matter of urgency by the HSE with a view to putting in place contractual arrangements which will facilitate the delivery of general practitioner services as a key and integral component of a modern primary care service.

#### **Departmental Records.**

240. **Deputy Leo Varadkar** asked the Minister for Health and Children if her Department maintain a record of visits by her to the headquarters of her Department; and if she will make a statement on the matter. [35544/07]

**Minister for Health and Children (Deputy Mary Harney):** There is no reason for my Department to maintain a record of my visits to Hawkins House. I can inform the Deputy that it is my practice to conduct my official business from my Leinster House office when the House is in session, and from my office in the Department at all other times.

#### **Hospital Services.**

241. **Deputy Dan Neville** asked the Minister for Health and Children when a knee replacement operation will take place at Orthopaedic Hospital, Croom, County Limerick for a person (details supplied) in County Limerick. [35549/07]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal

social services was assigned to the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

*Question No. 242 withdrawn.*

*Question No. 243 answered with Question No. 225.*

#### **Nursing Home Repayment Scheme.**

244. **Deputy Seán Fleming** asked the Minister for Health and Children the payments to date under the long stay charges repayment scheme; and the amount of this that has been lodged to patients' accounts which are administered by Health Service Executive staff on behalf of patients. [35555/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator KPMG/McCann Fitzgerald. The HSE has informed my Department that since the commencement of the scheme over 33,000 claims have been received and 5,346 payments totalling over €105m have issued. 8,320 offers of repayment, totalling over €160m, have been made.

The HSE have informed me that to date over €56.5m has been lodged to patients private property accounts administered by Health Service Executive staff on behalf of patients.

245. **Deputy Seán Fleming** asked the Minister for Health and Children the level of administration fees being charged for the management of patients' funds in bank accounts which are the proceeds of the long stay charges repayment scheme and weekly State or other pensions of the patient; and if she will make a statement on the matter. [35556/07]

**Minister for Health and Children (Deputy Mary Harney):** Regulations allowing the HSE to impose a charge for the administration of patient property accounts came into effect on 11 September 2007. This administration charge will be used to offset the costs of a central investment unit to invest money held in these accounts with the National Treasury Management Agency and the associated external audit fees. The administration charge will be limited to 25% of interest earned, so the client's principal sum and the majority of the interest earned will not be affected. The service associated with the oper-

ation of these accounts locally will continue to be provided without any administration charge. To date the HSE has not raised charges under these Regulations, but it is preparing to do so.

#### **Health Services.**

246. **Deputy Seán Fleming** asked the Minister for Health and Children the reason it takes so long to issue post-mortem and autopsy results from the Health Service Executive, Pathology Department, Midlands, Regional Hospital, Tullamore in respect of patients who died in the hospital; and her views on whether this delay is acceptable as the coroner can not issue a death certificate until these reports are received. [35557/07]

**Minister for Health and Children (Deputy Mary Harney):** The information sought by the Deputy relates to matters within the area of responsibility of the Health Service Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

#### **Pharmacy Regulations.**

247. **Deputy Bernard J. Durkan** asked the Minister for Health and Children her recent proposals to resolve the ongoing dispute with the pharmacists with particular reference to the need to enter into open-ended discussions with the pharmacists union; and if she will make a statement on the matter. [35584/07]

**Minister for Health and Children (Deputy Mary Harney):** To address concerns expressed by the Irish Pharmaceutical Union (IPU), on behalf of community pharmacists, about the implications of the legal advice on competition law on their right to negotiate fees through the Union, a process of dialogue was established, chaired by Bill Shipsey SC, to explore ways in which concerns raised by the IPU about the implications of this legal advice might be addressed. I am also exploring, in consultation with the Attorney General, the other relevant Government Departments and the HSE, the best way of progressing the development of a new contract with pharmacists. Any new process would have to be consistent with competition law. There is ongoing engagement between the IPU and the Health Service Executive (HSE) under the auspices of Mr. Shipsey and, in view of the progress in this regard, the HSE has decided to defer the implementation of the new reimbursement rates planned to take effect for community pharmacists on 1st December 2007 to a later date.

#### **Child Care Services.**

248. **Deputy Bernard J. Durkan** asked the



[Deputy Bernard J. Durkan.]

Minister for Health and Children if she has received correspondence from a centre (details supplied) in County Kildare or on behalf of parents whose children are attending same in relation to the loss of staffing grant and new subvention scheme; her plans to address this issue in early date; and if she will make a statement on the matter. [35596/07]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** As the Deputy will be aware, I have responsibility for the Equal Opportunities Child care Programme 2000-2006 (EOCP) and the National Child care Investment Programme 2006-2010 (NCIP), which are being implemented by the Office of the Minister for Children.

The main supports the Government makes available to parents to assist them with their child care costs are Child Benefit and the Early Child care Supplement. The latter payment is the responsibility of my Office, and it alone amounts to expenditure of over €400m in a full year. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of child care they choose. In addition to these universal supports, Government child care policy has also recognised the need to target additional supports towards disadvantaged families.

Under the Equal Opportunities Child care Programme 2000-2006 (EOCP), which is co-funded under the EU Social Fund (ESF), targeted support was provided through the staffing support grant scheme whereby community based not-for-profit child care providers with a strong focus on disadvantage were awarded grant aid towards their staffing costs to allow them to operate reduced fees to disadvantaged parents. Funding under this scheme was originally awarded for a limited period during which services were expected to move towards sustainability. This funding was subsequently continued to the end of 2007, where it was considered necessary to enable services to continue to make their services accessible to disadvantaged parents. This continuation funding was subject to the condition that tiered fee structures were implemented by the services in question.

With the closure of the EOCP in December 2007, to continue to support community child care services to provide affordable child care to disadvantaged parents, the Community Child care Subvention Scheme (CCSS) is being introduced from January 2008 under the Exchequer funded National Child care Investment Programme 2006-2010 (NCIP), the successor programme to the EOCP. The CCSS has been allocated €153 million over the next 3 years, representing a 16% increase in funding over the EOCP staffing scheme, and will continue to sup-

port community child care services to provide reduced child care fees for disadvantaged parents, complementing the universal supports in place for all parents. Under the new scheme, it will be possible to ensure that the level of grant aid which individual services qualify for will reflect the actual level of service they provide and the profile of the parents benefiting from their service. As part of their application for funding under the new scheme, services are required to ask parents using their services to complete a simple declaration form which is to be included in a return to my Office and on which basis the level of subvention for each service will be determined. The subvention received by services will, in turn, be reflected in the reduced fees for parents who qualify as disadvantaged under the scheme.

In practice, this will mean that parents with children in such services and in receipt of most social welfare payments (or participating in a scheme such as Community Employment which demonstrates an underlying entitlement to same) or parents in receipt of Family Income Supplement (FIS), will have a weekly subvention paid to the service in respect of their child. A higher subvention will be paid where the subvented child is a baby, in recognition of the higher costs associated with the care of children aged under 1 year. Parents who do not qualify for subvention will be charged the cost price for their child care service. However, as community not-for-profit services will, generally, have availed of capital grant aid under the EOCP or NCIP removing the requirement to cover rent or a mortgage, and as the services are run on a not-for-profit basis, this should still be significantly below the market price.

It is considered that the new scheme will provide an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community child care services generally. The scheme has been informed by and takes account of a number of enhancements recommended by the Value for Money Review of the EOCP. These include the fact that the subvention to services will be more responsive to the level of service provided as well as the degree of parental disadvantage supported and the ceiling for funding, which existed under the previous scheme, is being removed. Account will also be taken of all of the operational costs of the service rather than staffing costs alone. Services, including full-time, part-time and sessional ones, which at present are, in some cases, inaccessibly priced for disadvantaged parents, will be available to them at more appropriate rates under the new scheme.

The new scheme has clear advantages over its predecessor. There is an increase in the level of funding available under it, and a majority of services will benefit from the changes it intro-

duces. Existing EOCP staffing grant recipients who enter the new scheme will continue to be funded at their current levels until July 2008. My Office has engaged in a series of meetings with existing grant recipients to outline to them the details of the new scheme and to gather feedback from the services themselves. A meeting with representatives of the City and County Child care Committees has also taken place.

Transitional arrangements have been made under which existing grant recipients will continue to be funded at their current levels until 1st July 2008. This is to ensure that existing child care services are facilitated to adjust to the new scheme, including making any adjustments necessary to their fee structures. As signalled when I announced the new scheme in July this year, the transitional period between now and 1 July 2008 is being used to monitor and review the impact it will have on individual groups, on the basis of the more detailed and comprehensive data received during November and December. This review is now complete and is under consideration by the Government.

I am also pleased to advise the Deputy that the Group in question has applied to enter the new scheme and a letter has issued from the Child care Directorate of my Office requesting them to forward outstanding information. When this is received a letter of approval for transitional funding under the NCIP Community Child care Subvention Scheme (CCSS) will issue. This funding will, for the first six months of 2008, be based on the level of funding currently being provided to the Groups under the EOCP staffing support grant scheme and subject to the necessary contractual arrangement with Pobal, who manage the day to day operation of the EOCP and NCIP.

#### Health Services.

249. **Deputy Enda Kenny** asked the Minister for Health and Children the allocation to be made to the Irish Osteoporosis Society in 2008 in view of the work they do; and if she will make a statement on the matter. [35637/07]

**Minister of State at the Department of Health and Children (Deputy Máire Horder):** 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.

#### Nursing Homes Repayment Scheme.

250. **Deputy Dan Neville** asked the Minister for

Health and Children if she will be taking applications for claims from patients who were in private nursing homes in the same way as she is accepting applications for claims from people who were in public nursing homes under the Health Repayment Scheme (details supplied); and if she will make a statement on the matter. [35645/07]

**Minister for Health and Children (Deputy Mary Harney):** The Health (Repayment Scheme) Act 2006 provides a clear legal framework to repay recoverable health charges for publicly funded long term residential care. All those fully eligible persons who were wrongly charged and are alive will have their charges repaid in full. The estates of all those fully eligible persons who were wrongly charged for publicly funded long term residential care and died since 9 December 1998 will have the charges repaid in full. The scheme does not allow for repayments to the estates of those who died prior to that date. Recoverable health charges are charges which were imposed on persons with full eligibility under the Health (Charges for In-patient Services) Regulations 1976 as amended in 1987 or charges for in-patient services only, raised under the Institutional Assistance Regulations 1954 as amended in 1965. It is not my intention to extend the parameters of the health repayment scheme.

#### Irish Blood Transfusion Service.

251. **Deputy Ciarán Lynch** asked the Minister for Health and Children the strategic goals for the Irish Blood Transfusion Service over the next five years; and if she will make a statement on the matter. [35651/07]

**Minister for Health and Children (Deputy Mary Harney):** The Irish Blood Transfusion Service (IBTS) published a Strategic Plan in 2005 for the period 2005-2009. It is in the process of reviewing that Plan and will publish a revised version in 2008. The following are the high level strategic goals of the IBTS over the next five years.

- To provide a consistent and safe blood supply,
- To build a new state of the art facility in Cork that will meet the highest standards of safety and quality,
- To continually monitor emerging viruses and implement strategies to prevent transmission of viruses,
- To keep abreast of the development of a test for the detection of vCJD and to take whatever steps are necessary to minimise the risk of this disease being transmitted,

[Deputy Mary Harney.]

- To implement pro-active measures to prevent the transmission of disease, i.e. pathogen inactivation technologies,
- To restructure the operation of donation clinics which will ensure that the IBTS recruits and retains sufficient donors to meet hospital demands,
- To ensure that the IBTS recruits, trains and develops the staff with the appropriate levels of expertise and knowledge that will enable it to provide a world class transfusion service,
- To ensure that the IBTS is at the leading edge of implementing new technologies, and
- To provide a cost effective and efficient service.

The IBTS continually review its goals to ensure that it dealing with the priority issues in blood transfusion.

#### Coast Guard Service.

252. **Deputy Liz McManus** asked the Minister for Transport if he will reconsider the decision to downgrade the marine stations at Valencia and Malin Head; and if he will make a statement on the matter. [35505/07]

258. **Deputy Joe McHugh** asked the Minister for Transport his views on making an application under the Interreg programme for the upgrade of the Malin coastguard station; and if he will make a statement on the matter. [35046/07]

259. **Deputy Joe McHugh** asked the Minister for Transport the reason a report carried out by senior coast guard executives in 2006 is not available under the Freedom of Information Act 1997; the reason this report is being kept from the public; and if he will make a statement on the matter. [35047/07]

260. **Deputy Joe McHugh** asked the Minister for Transport the amount it will cost to carry out the proposal to build two new coast guard stations; the cost of upgrading the existing centres; and if he will make a statement on the matter. [35048/07]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 252 and 258 to 260, inclusive, together.

As the Deputies are aware I have recently confirmed that new equipment should be procured to operate two fully manned marine rescue centres. I have also confirmed that locating one on the east coast and one on the west coast is the preferred option and that the east coast centre should be co-located with the HQ of the Irish

Coast Guard and Maritime Administration. The east coast location is part of the Decentralisation Programme and the costs will be met as part of that Programme. The Office of Public Works is not yet in a position to finalise the cost of the relocation.

In relation to the west coast I consider that the site should provide an infrastructural and technically robust location and also be situated where all the staff at the centre will be encouraged to live within close proximity to enable them to be called on in an emergency. The Centres should be within a reasonable distance of each other to facilitate resilience and mutual support in the event of the loss of one centre, facilitate staff training and development and reduce associated costs. I have not yet decided where the location should be. The work to determine the best west coast site is in progress and the costs involved will be part of that process. The option of exploring funding such as Interreg Programme funding does not arise at present.

The existing centres at Malin and Valentia will not be closed or be disposed of as IRCG locations. The Stations will remain manned and details of what functions will be run from them have yet to be completed.

In relation to staff, I want to restate my deeply held appreciation of the work done by those working in these centres today. I do not want to, nor do I intend to lose the emergency management expertise that has been developed and indeed I am determined to ensure that it is retained for future generations. At an individual level, no one will lose their job in this process. Nor will they be forced to move to new locations. This presents challenges, as it does in the decentralisation programme, but they are challenges that are being discussed with the staff involved and that will be overcome in consultation with them. I am not aware of a report on this subject carried out by senior Coast Guard executives in 2006.

#### Light Rail Project.

253. **Deputy Finian McGrath** asked the Minister for Transport the position regarding a project (details supplied) in Dublin 9. [34857/07]

**Minister for Transport (Deputy Noel Dempsey):** The Railway Procurement Agency is responsible for the delivery of Metro North. In February 2006 public consultation on the preferred alignment for Metro North got underway and in October of that year my predecessor announced the preferred alignment selected by the RPA. Since then the RPA has undertaken significant detailed design work and engaged extensively with local communities and businesses, in particular, with residents and interested parties in the Drumcondra area. The views expressed during this consultation played a sig-

nificant role in the selection of a revised alignment through Drumcondra in October this year.

The Environmental Impact Statement (EIS) for the Metro North project will set out the likely significant environmental effects associated with the project, both in construction and in operation, and the appropriate actions to ensure that these effects are mitigated. At present the relevant environmental assessments are being completed. These include an assessment of the impacts on human beings, including a health assessment, as a result of the construction and operation of Metro North.

Following completion of the Environmental Impact Statement, the Agency hopes to be in a position to lodge an application for a railway order to An Bord Pleanála early next year. The railway order, where granted by An Bord Pleanála, will determine the final alignment for Metro North. Subject to the grant of an enforceable railway order the RPA plans to commence construction of the project in 2009. I have been advised that the RPA is in on-going discussions with the Board of Management of Corpus Christi School to ensure all of their concerns are addressed.

#### Rail Network.

254. **Deputy John O'Mahony** asked the Minister for Transport his plans to upgrade the Dublin to Westport rail service; the status of this service;

Payment	2007 Comment
€780.45 (inc VAT) annual hosting fee for the Transport 21 website.	Paid in July 07. Includes payment in advance for this service up to July 08. This is normal practice with a website hosting company.
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	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. I understand from the RPA that they have made no payments in advance for works or services that will not be completed before the end of the 2007 financial year.
Advance payment of €5,600.00 for Boats Purchase	Advance payment in respect of a deposit required by the seller of four EA 16 D Class Boats due to be delivered in January/February 2008. The Irish Coast Guard requires the boats for Search and Rescue services
Advance payment of €19,901.66 for Boat Purchase	Advance payment in respect of a deposit required by the seller of an 8.5 metre RIB due to be delivered to the Irish Coast Guard before April 2008.

#### Air Services.

256. **Deputy Olivia Mitchell** asked the Minister for Transport if Aer Lingus indicates to him, plans to lease or otherwise transfer some of the Heathrow slots either to other airports or to other airlines; and if he will make a statement on the matter. [35043/07]

257. **Deputy Olivia Mitchell** asked the Minister for Transport if he will indicate to Aer Lingus his

and if he will make a statement on the matter. [34866/07]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to my reply to Question No. 507 of 26 September 2007 which was as follows:

The provision of services on the Dublin to Westport line is a matter for Iarnród Éireann. However, I understand that the resignalling works on the Westport and Ballina lines have recently been completed. I have also been informed by the company that they intend to introduce new rolling stock on the service in late 2008 and that this will result in an increase in the daily frequency of service on the line from the current level of three services each way to five services each way.

The position remains the same.

#### Departmental Expenditure.

255. **Deputy Leo Varadkar** asked the Minister for Transport if his Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34891/07]

**Minister for Transport (Deputy Noel Dempsey):** The information requested by the Deputy is contained in the following table:

desire to be informed at an early date of plans to transfer or lease Heathrow slots to other airlines; and if he will make a statement on the matter. [35044/07]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 256 and 257 together.

The utilisation of airport slots is a commercial matter for Aer Lingus. The Government's share-

[Deputy Noel Dempsey.]

holding does not confer on me a right to influence commercial operations of the company or to have preferential access to price sensitive information in advance of other shareholders.

Arrangements to safeguard Heathrow slots are built into the Company's Memorandum and Articles of Association of Aer Lingus. The Company is obliged under these provisions to notify shareholders of any proposal to dispose Heathrow Slots. The measures also provide for the possibility that any disposal of Heathrow slots by the Company can be prevented by 30.2% of the votes cast at an Extraordinary General Meeting. 25.2% of the shares in the Company are held by the Minister for Finance on behalf of the State. I understand that the ESOT holds 12.5%, Ryanair hold 29.3% and the remaining 33% of shares are held by various private bodies and financial institutions. These arrangements do not apply to the transfer of slots between routes to and from Heathrow.

Also, under the Memorandum and Articles of Association, the State is entitled to appoint three directors to the board of Aer Lingus. Currently, there is only one State appointed director serving on the board and it is proposed that two further appointments be made in the near future. The State appointees will be mandated to seek to ensure that all future decisions of the company that have significant implications for wider Government, aviation or regional development policies are considered at board level. This will give the State appointees the opportunity to raise the public policy implications of each decision and to ensure that the full commercial implications for the company are taken into account.

*Questions Nos. 258 to 260, inclusive, answered with Question No. 252.*

### **Airport Development Projects.**

261. **Deputy Pat Breen** asked the Minister for Transport if the economic and tourism plan for the mid-west region is near completion; if funding will be made available for the plan; and if he will make a statement on the matter. [35061/07]

**Minister for Transport (Deputy Noel Dempsey):** The economic and tourism development plan for the Shannon Airport Catchment area has been finalised in consultation with Department of Arts, Sport & Tourism, Department of Enterprise, Trade & Employment, Department of Communications, Energy and Natural Resources and the Department of Finance. It is proposed to publish the Report on the Department's website shortly.

### **Departmental Agencies.**

262. **Deputy Leo Varadkar** asked the Minister

for Transport the terms of reference, functions and purpose of the Integrated Ticketing Project Board and the Marine Casualty Investigation Board; if these agencies are still operational; the reason these functions cannot be carried out by his Department; the benefits to the Irish taxpayer gained from the work of these agencies; and if he will make a statement on the matter. [35084/07]

**Minister for Transport (Deputy Noel Dempsey):** The independent reviews of the Integrated Ticketing project, undertaken in early 2006, strongly recommended continuing with the Integrated Ticketing project, on the basis of enhanced governance arrangements being put in place, including the establishment of an Integrated Ticketing Project Board with responsibility for delivering the project within an agreed specification, timeline and budget pending the establishment of the Dublin Transport Authority. This Board comprises representatives from the RPA, Bus Eireann, Dublin Bus, Irish Rail, private bus operators, the Department of Transport and the Department of Social and Family Affairs, as appropriate.

I am satisfied as to the continuing need for the Board arising from the recommendations in the reviews, which have been undertaken.

The Marine Casualty Investigation Board (MCIB) was established on 5 June, 2002 under Section 7(1) of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000. The terms of reference, function and purpose of the MCIB is to carry out investigations into marine casualties that take place in Irish waters or involve Irish registered vessels. The main purpose of the Board's investigations is to establish the cause or causes of a marine casualty with a view to making recommendations to the Minister for Transport for the avoidance of similar marine casualties in the future. It shall not be the purpose of an investigation to attribute blame or fault.

The MCIB is an independent statutory body with its own funding provided for by the Oireachtas under Section 19 of the Act. Under the legislation, the MCIB is independent of the Minister and the Department of Transport in the performance of its functions and, in general, shall be independent of any other person or body whose interests could conflict with the functions of the board.

### **State Airports.**

263. **Deputy Pat Breen** asked the Minister for Transport if he will provide details of scheduled passenger traffic from Shannon Airport to North America, Great Britain, Europe and Dublin Airport, for schedule periods (details supplied) in tabular form; the name of the airline operating the route; the frequency of the route; the capacity each airline provides on the route; the routes con-

firmed to date in terms of summer 2008 and winter 2008-09; the frequency of these routes; the capacity of these routes; the additional routes expected to be confirmed; and if he will make a statement on the matter. [35184/07]

**Minister for Transport (Deputy Noel Dempsey):** The collection of aviation data relating to airlines operating out of Shannon Airport is an operational matter for the Shannon Airport Authority and I have no function in the matter.

#### Departmental Property.

264. **Deputy Fergus O'Dowd** asked the Minister for Transport the number and full details of the number of mobile telephones used by him and supplied by his Department; the annual cost of same for each year since 1997 to date in 2007; and if he will make a statement on the matter. [35331/07]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to my answer to Dáil Question No. 358 of Tuesday 11th December in which I provided the information sought.

#### Rail Network.

265. **Deputy Joe McHugh** asked the Minister for Transport the negotiations that have taken place between his Department and the Northern Ireland Minister for Transport, in relation to a railway link between Letterkenny and Derry; if there are proposals for a Derry to Dublin rail link alongside the proposed new dual carriageway; if so if there is money set aside for these projects; and if he will make a statement on the matter. [35407/07]

**Minister for Transport (Deputy Noel Dempsey):** No negotiations have taken place between my Department and the Department for Regional Development in Northern Ireland regarding a Letterkenny-Derry rail link. I am not aware of any proposals for a direct Dublin-Derry railway line. Services to and from Derry via Belfast are a matter for the Northern Ireland Authorities. I have raised this generally at the North-South Ministerial Council.

#### Departmental Records.

266. **Deputy Leo Varadkar** asked the Minister for Transport if his Department maintains a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35548/07]

**Minister for Transport (Deputy Noel Dempsey):** No such records are kept.

#### Rail Services.

267. **Deputy Bernard J. Durkan** asked the Minister for Transport if his attention has been drawn to the proposed cessation of the 8 a.m. Dublin to Sligo train which stops at Maynooth and various other locations; if his attention has been drawn further to the likely hardship and inconvenience caused by such a proposal; if he will intercede or direct those involved with a view to ensuring the continuation of this service; and if he will make a statement on the matter. [35591/07]

**Minister for Transport (Deputy Noel Dempsey):** This is a day to day operational matter for Iarnród Éireann and I have no role in relation to this.

#### Human Rights Issues.

268. **Deputy Simon Coveney** asked the Minister for Foreign Affairs if the Government is taking steps to support victims of female genital mutilation internationally; and if this is already the case if he will explain the steps. [34922/07]

**Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt):** In order to raise awareness of the issue of Female Genital Mutilation (FGM) among those who work with immigrant communities, my Department wrote to the former health boards in 2001 and again in 2004 and to the Health Service Executive in February 2007 drawing their attention to the issue of FGM and requesting that personnel, particularly those working with immigrant communities, should be aware of the issue and should educate and inform such communities about the dangers, unacceptability and illegality of FGM.

I understand that the Reception and Integration Agency (RIA), which operates under the aegis of the Department of Justice, Equality and Law Reform, has disseminated an information and education booklet entitled "Understanding Female Genital Mutilation". The booklet, published by Comhlámh, is aimed at health professionals and others interested in becoming, or who are already involved in, actions to raise awareness of the issues surrounding the practice and elimination of FGM.

#### Citizenship Applications.

269. **Deputy Dan Neville** asked the Minister for Foreign Affairs if he will process an application for foreign birth citizenship for a person (details supplied) in County Cork. [35507/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** I presume that the person in question wishes to apply for Irish citizenship by Foreign Births Registration. If so, she should apply to the Department's Consular Services Office at 1A

[Deputy Dermot Ahern.]

South Mall, Cork, where the application will be processed.

An applicant for Foreign Births Registration is required to confirm his / her entitlement to Irish citizenship. This will involve producing sufficient documentation including birth, marriage and death certificates, where appropriate, and other relevant records for herself and the parent, and grandparent if relevant, through whom citizenship is claimed. I have asked the Office in Cork to provide her with the necessary application form and details of the requirements for Foreign Births Registration.

### Foreign Conflicts.

270. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support the protection of fundamental human rights in Sri Lanka and work to facilitate dialogue in that country and to raise this at EU and UN level. [34861/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** I am deeply concerned by the deteriorating situation in Sri Lanka. Ireland, together with our partners in the EU, takes a close interest in the situation in that country, and in particular the disturbing level of serious human rights violations. We have consistently sought to impress on both the government of Sri Lanka and the LTTE (Liberation Tigers of Tamil Eelam) the importance of curbing violence and human rights violations and returning to meaningful peace talks. We continue to take the firm view that there can be no military solution and urge all sides to refrain from actions that make a negotiated settlement more difficult to achieve. Ireland is fully committed to assisting the work of the Norwegian facilitator in this regard. We regret the fact that, at this point, neither party appears willing to engage in meaningful negotiations.

I welcome the recent visit to Sri Lanka of the UN High Commissioner for Human Rights, Ms Louise Arbour. The High Commissioner reported on her visit to the resumed 6th Session of the Human Rights Council in Geneva on 11 December 2007, where she stressed the need for an independent actor to gather information and publicly report on the human rights situation in Sri Lanka. She further suggested that the government would benefit from the support of a standing presence of the Office of the High Commissioner for Human Rights (OHCHR) in the country. Despite discussions between the OHCHR and the Sri Lankan authorities subsequent to her visit, no agreement has been reached on possible models for a presence in that country. The OHCHR will however continue to assist the authorities in strengthening the national

human rights system. Ireland continues to support calls for an OHCHR presence in Sri Lanka.

Ireland and the EU will of course take a keen interest when Sri Lanka is reviewed under the UN Human Rights Council's Universal Peer Review process in April 2008.

The situation in Sri Lanka is regularly discussed with EU partners, and the EU continues to play an active role as one of the four Co-Chairs of the 2003 Tokyo Conference on Reconstruction and Development of Sri Lanka. At their last meeting in June 2007, the Co-Chairs expressed their concern about the conflict and said that there can be no justification for the use of military means. Ireland, together with our EU partners, will continue to monitor developments closely and will ensure that the issue continues to receive attention in relevant international fora.

### Human Rights Issues.

271. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will raise the plight of the Miami Five wives at UN level. [34862/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The case to which the Deputy refers relates to five Cuban citizens who were convicted in the US in 2001 on charges ranging from espionage to first degree murder. A panel of three judges from the 11th Circuit Court of Appeals in Atlanta overturned the 2001 convictions on 9th August 2005 and ordered a retrial based on new evidence. The Miami District Attorney duly filed an appeal against the decision of the 11th Circuit Court of Appeals. Following an appellate hearing on 14 February 2006, a 10-2 decision to uphold the 2001 convictions was issued on 9 August 2006.

It is my understanding that a number of appeals lodged on behalf of the defendants remain under active judicial review within the framework of the US domestic legal system. As I have previously informed the Deputy on several occasions, the Government has no standing in this matter, which is a bilateral consular question between the US and the Cuban authorities and, consequently, I do not intend to pursue this matter.

With regard to the question of family visits, as I have previously informed the Deputy, I am aware from the 2005 Report of the UN Working Group on Arbitrary Detention that, as of October 2005, sixty visas had been issued for visits by family members but that visas had not been granted to the wives of two of the convicted men on the stated grounds of US national security. I am also aware from media reports that the US authorities recently turned down further requests for visas from the two women in question. Again, I do not believe that this is a matter on which I have any

standing and I do not intend, therefore, to raise it with the US authorities or at UN level.

### Departmental Expenditure.

272. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if his Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34886/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** My Department has not paid in advance for any works or services which have commenced but will not be completed before the end of 2007. As I indicated to the Deputy in my reply to Parliamentary Question 34734, 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 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 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.

### Passport Applications.

273. **Deputy Phil Hogan** asked the Minister for Foreign Affairs the reason a passport was refused to a person (detail supplied) in County Kilkenny; and if he will make a statement on the matter. [34924/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The Passport Office may issue passports only to Irish citizens. As the child in question was born in the State after 1 January 2005, his entitlement to citizenship is governed by the Irish Nationality and Citizenship Act, 2004. Under the Act, a person born in the State after 1 January 2005, where neither parent is an Irish or British citizen, may claim citizenship by birth (and thereby establish eligibility for a passport) only where a parent has been lawfully resident in the State for three of the four years preceding his or her birth.

The child's father presented his passport to the Passport Office as proof of such required residence. However, an examination of that passport revealed that the period of lawful residence in the

State was insufficient to meet the requirements of the Act. The Department has again reviewed this case, but the position remains that the Department is not authorised to grant a passport on the basis of the application and the documentation provided to date.

The Department of Justice, Equality and Law Reform is responsible for issues of citizenship and immigration, including in particular the determination of any issues arising under the Irish Nationality and Citizenship Act 2004. Accordingly, the child's parents may wish to correspond directly with that Department regarding the entitlement of the child to Irish citizenship.

### Departmental Agencies.

274. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the terms of reference, functions and purpose of the Development Education Advisory Committee; if the agency is still operational; the reason these functions cannot be carried out by his Department; the benefits to the Irish taxpayer gained from the work of the agency; and if he will make a statement on the matter. [35026/07]

**Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt):** The Development Education Advisory Committee (DEAC) was appointed by the Minister for Foreign Affairs in 2003 to advise on development education policy and on ways of increasing knowledge and understanding of development issues in Ireland. The Committee also has a role in overseeing reviews and evaluations of development education activities and in managing an annual consultation forum.

The Committee serves a two year term and comprises eleven members who are experienced professionals from the formal and non-formal education sectors, as well as from the Department of Education and Science and the National Council for Curriculum and Assessment. The expert advice provided by members contributes directly to the effectiveness of the work of the Department in promoting development education.

In recent years the Committee has identified new opportunities for development education and successfully promoted shared learning between key stakeholders in the sector through annual consultations. The DEAC has provided detailed advice in preparing the new 2007-2011 Irish Aid Development Education Strategy. The term of the Committee was renewed for a further two years in October this year.

275. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the terms of reference, functions and purpose of the Dion advisory committee; if the agency is still operational; the reason



[Deputy Leo Varadkar.]

these functions cannot be carried out by his Department; the benefits to the Irish taxpayer gained from the work of the agency; and if he will make a statement on the matter. [35027/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The Díon Advisory Committee has no executive or operational function. All operational matters in relation to the considerable Government support for our community in Britain — particularly the vulnerable among our citizens there — are the responsibility of the Department of Foreign Affairs, and specifically are managed by the Irish Abroad Unit in the Department and the Embassy in London, with the assistance of our Consulates in Scotland and Wales. However, Díon provides valuable advice on applications for funding received from organisations in Britain.

The Advisory Committee was set up originally in 1984 in response to concerns about the situation of a considerable number of our emigrants in Britain. The Chairperson and the Secretary of the Committee are officials at our Embassy in London, and the other members serve in a voluntary capacity. This is selfless work by a small number of volunteers, for which I have, on many occasions, expressed my sincere appreciation. I would like to do so again here.

The members of the Committee have traditionally been chosen for their knowledge and wide experience of the Irish community in Britain, and the issues that they face.

276. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the terms of reference, functions and purpose of the National Committee For Development Education; if the agency is still operational; the reason these functions cannot be carried out by his Department; the benefits to the Irish taxpayer gained from the work of the agency; and if he will make a statement on the matter. [35028/07]

277. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the terms of reference, functions and purpose of the Ireland-United States Commission for Educational Exchange, the Hunger Task Force and the National Committee for Development Education; if the agencies are still operational; the reason these functions cannot be carried out by his Department; the benefits to the tax payer here gained from the work of the agencies; and if he will make a statement on the matter. [35056/07]

**Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt):** I propose to take Questions Nos. 276 and 277 together.

The Ireland-United States Commission for Educational Exchange, more commonly known as the Fulbright Commission for Ireland, was

established by the Educational Exchange (Ireland and the United States of America) Act, 1991. The Commission facilitates a programme of educational exchange between Ireland and the United States of America. The Commission remains operational. The Commission comprises eight members, four of whom are appointed by the Minister for Foreign Affairs and four of whom are appointed by the Ambassador of the United States to Ireland.

Over the last 50 years some 700 Irish students and scholars have enjoyed and benefited from educational opportunities in the United States, under the aegis of the Commission and its predecessor the Scholarship Exchange Board.

The establishment of a Hunger Task Force was one of the recommendations of the White Paper on Irish Aid published in September 2006. The aim of the Hunger Task Force is to identify the additional, appropriate and effective contributions that Ireland can make to international efforts to reduce hunger. Members of the Hunger Task Force include a number of renowned national and international experts in the field of food security and development.

The first meeting of the Hunger Task Force took place in Dublin on 14th September 2007 and the second in University College Cork on the 16th of November 2007. Two further meetings are planned for the first half of next year and the report of the Hunger Task Force is due around the middle of 2008.

The report will outline a number of key actions which Ireland can take to give practical leadership internationally on the attainment of the Millennium Development Goal of halving the proportion of those who suffer from hunger by 2015. It is expected that the report will also result in Ireland taking a more effective and focused approach to tackling hunger.

The National Committee for Development Education (NCDE) was established in 1994. Its aim was to promote development education through cooperation with groups, schools, and other relevant institutions in Ireland. Other functions included the administration of Department of Foreign Affairs grants for development education, monitoring the impact of this support and fostering good practice.

The NCDE was instrumental in promoting development education in the formal and non-formal education sectors. The significant work carried out by the Committee in each of the areas of its mandate was noted in the 2002 Ireland Aid Review. In December 2002 the NCDE ceased operation and its functions were assumed by the Department of Foreign Affairs. A Development Education Advisory Committee was established in 2003 to advise the Minister of Foreign Affairs and Irish Aid on development education and on ways of increasing knowledge and understanding of development issues. The term of the Commit-

tee was renewed for a further two years in October this year.

### Departmental Records.

278. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if his Department maintain a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35543/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** I have an office in the Headquarters of my Department, Iveagh House, and use that office, and other meeting and reception rooms in that building, for official business on an ongoing basis. It simply would not make sense for my Department to maintain a record of my attendance in my own office. In addition, related to Oireachtas business, I also work from an office in Leinster House.

### Human Rights Issues.

279. **Deputy Martin Mansergh** asked the Minister for Foreign Affairs the efforts the European Union is making to secure the release of Ms. Ingrid Betancourt and other political hostages held by the FARC guerillas in Colombia. [35640/07]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The Government, together with our EU partners, has consistently condemned the practice of hostage-taking and kidnapping by the FARC guerrillas and other illegal armed groups in Colombia and continues to offer full support to the Colombian Government in its search for a negotiated solution to the internal armed conflict and the release of all hostages.

Conclusions on Colombia were most recently adopted at the General Affairs and External Relations Council of 19 November 2007, in which I participated. In these Conclusions, the Council strongly condemned the violations of international humanitarian law that continue to be committed by illegal armed groups in Colombia. In this context, we demanded that they stop kidnapping and all other acts of terrorism or violence against the civilian population forthwith. The Council also reaffirmed the EU's solidarity with the Colombian government, the Colombian people and all victims of such acts.

The Council further expressed its hope that progress would be made in taking forward negotiations between the Colombian government and illegal armed groups, in order to reach a humanitarian agreement, to secure the release of all hostages, to end the armed conflict and to bring lasting peace to Colombia. In the same spirit, the Council welcomed all initiatives taken with the Colombian government's support with the objective of promoting a successful peace process.

Member States of the EU, in particular France and Spain, have over the last two years been engaged in efforts to assist in the facilitation of a humanitarian exchange resulting in a release of all hostages held by illegal armed groups. Most recently, renewed efforts have been made by the President of France, with the full support and encouragement of all the Member States of the EU, including Ireland.

Ireland will continue to support the Government of Colombia in its search for a negotiated solution to the internal armed conflict, including through direct engagement with those illegal armed groups which may be prepared to negotiate. We will also continue to work with, and support the efforts of, our EU partners in promoting in every way possible a positive resolution to the plight of Ingrid Betancourt and all other kidnap victims in Colombia.

### EU Directives.

280. **Deputy Joe Costello** asked the Minister for Enterprise, Trade and Employment the reason he and the Government have reiterated their opposition to the draft EU Directive on Temporary Agency Workers; and if he will make a statement on the matter. [34834/07]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** Ireland adopted a consistent and constructive approach in the discussions on the draft EU Directive on temporary Agency Work, at the ESPHCA Council, on 5 December. We fully supported the Portuguese Presidency in its efforts to fashion an overall compromise solution by way of an integrated approach to discussions of the two proposed Directives on the Organisation of Working Time and Temporary Agency Work. The Portuguese Presidency presented these two sensitive dossiers as a package for consideration by the ESPHCA Council.

On the proposed Directive on Temporary Agency Work, I was clear and unequivocal at Council. I indicated that Ireland fully supported the thrust of the objectives of the proposed Directive. I also indicated that any such instrument must be balanced and be to the benefit of all parties concerned — employees and enterprises alike. I informed my ministerial colleagues, however, that I was concerned that the latest proposals on the table did not contain all the necessary elements of balance. Thus, permitted exemptions provided for in the proposed Directive would be to the advantage, or benefit, of some Member States and not others. This would be the case for those Member States where equal pay legislation is complemented by collective agreements and where deviation from the equal pay clause in legislation may be permitted by collective agreements. I stressed here that if

[Deputy Billy Kelleher.]

exemptions from the equal treatment principle were to be allowed in the proposed Directive for those countries with collective agreements, then other means of providing for appropriate flexibility should be allowed for those Member States without collective agreements.

Finally I indicated to Ministers that Ireland considered the exemption proposed for short duration temporary agency assignments (under Article 5.4 of the proposed Directive) — i.e. a maximum of six weeks — to be such as not to provide the required flexibility. It could damage future job creation prospects and could deter the use of a legitimate form of employment, which would be to the detriment of our economy and agency workers.

Regrettably, having identified the remaining issues of concern to various Member States, the Presidency decided not to pursue the search for a solution at the Council. Ireland was fully prepared to assist in trying to resolve outstanding issues at the Council rather than postpone addressing these to a later date.

On my return from Council, I fully apprised the social partners of the outcome of the discussions and the current state of play regarding future progress of this dossier in a detailed letter to them, last week. This was with a view to help prevent any confusion and, to correct any misinformation from various quarters, in relation to Ireland's negotiating position.

#### Community Employment Schemes.

281. **Deputy John O'Mahony** asked the Minister for Enterprise, Trade and Employment the number of community employment participants that were and are on CE schemes in County Mayo in the years 2002 to 2006 and to date in 2007; the breakdown per scheme; and if he will make a statement on the matter. [34867/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The following table provides the numbers of participants on CE Schemes in Co. Mayo in the years 2002 to 2006 and to date in 2007.

Year	Participants
2002	1,031
2003	767
2004	795
2005	811
2006	774
2007	784 (currently 838 places are approved)

The following table details the current Community Employment Projects in Co. Mayo and

the number of approved places in each project in the area.

Name of Scheme	Number of approved places
Western Alzheimer Foundation	27
Cerebral Palsy Ireland	26
Mayo Assoc Football League	16
Mayo County Council	16
Castlebar Council of Trade Union	20
Castlebar Care Underprivileged	28
Mayo Abbey Parish Community	25
Clar IRD	24
McMahon Park Ltd	16
Iorras Domhnann	32
Udaras na Gaeltachta	30
IRD North Mayo	17
Kilmoremy Parish	24
Moygownagh Enterprises	30
Ballina Tidy Towns Ltd	19
Irish Wheelchair Association	12
Ballina Street Festival	36
North West Reg Fisheries	15
Kiltimagh Community Employment	21
Charlestown Development	19
Meitheal Mhuigheo	25
Meitheal Mhuigheo	25
Bofield Bonniconlon Co	15
Swinford Area CE	19
Barnacarroll Sports Centre	17
Michael Davitt National	21
Foxford Sports Leisure	17
Barnacarroll Sports Centre	17
Mulranny Day Centre	25
Inishturk Community Council	11
Ballycroy Parish & Community	16
Udaras na Gaeltachta	24
Meitheal Mhuigheo	27
Clare Island comm Co-Op	11
Westport chamber of Commerce	25
Western Care	16
Clogher Environmental Group	20
Carnacon community Dev	20
St Colmans Care Centre	27
<b>Total</b>	<b>838</b>

#### Departmental Expenditure.

282. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if his Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34883/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The works or services paid for in advance by my Department,

that will not be completed before the end of the 2007 financial year are set out on the following 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.

Project paid for in advance but will not be completed by end of 2007

Name of Service Provider	Nature/Purpose of Service	Reason for payment in advance	Amount
Corporate Risk Strategies Ltd (CRS)	Health and Safety Consultancy — to act as the Competent person for the Department in identifying health and safety risks in the Departments 9 buildings following the implementation of the comprehensive Safety, Health and Welfare at Work Act 2005 and its implications for the Department.	The 6 month project was due to commence in June 2007 but the start date was delayed by one month in order to comply with Public Procurement Guidelines. The bulk of the contracted work has been completed to the satisfaction of the Department. The remainder of the work will be completed within a 6 month period (by end of January 2008) and only involves the finalisation of Safety Statements for each of the Department's 9 buildings which work is well underway by CRS and involves ongoing co-operation between the Department and CRS.	€6,050 (€5,000 plus VAT of €1,050)
Science Gallery, Naughton Building, Trinity College	This refers to a once off financial allocation to assist with the setting up and operationalising of Science Gallery. This will be a venue for science exhibitions and events which will appeal to visitors aged 13 and over.	It is anticipated that 80% of the work will be completed by the end of the financial year, 31 December 2007 and the remainder completed by end January 2008. This relates to the fulfilment of the awareness strand of the Strategy for Science, Technology and Innovation 2006-2013.	€1.454m
The National Employment Rights Authority (NERA)	TV/Radio time slots for its publicity/awareness campaign to run in 2008.	It is industry norm to book in advance	€300,000

Information Technology (IT)\*

Name of Service Provider	Nature/Purpose of Service	Reason for payment in advance	**Amount
			€
Gartner	Analyst advisory service	On-going subscription	3,024
Butler Group	Research services	On-going subscription	4,834
Eurokom	Managed e-mail service	Annual payment for the service provided	8,919
Techniche Limited	Maintenance of the Department's remote access environment.	Drawdown from maintenance contract	2,125
CMOD	Peoplesoft HRMS Services Support Contract	Annual Support Contract (not calendar year basis)	15,803
BearingPoint	Peoplesoft HRMS Managed Service Contract	Annual Support Contract (not calendar year basis)	10,243
Hewlett Packard	Hardware Support Contract	Annual Support Contract (not calendar year basis)	852
Hewlett Packard	Hardware Support Contract	Annual Support Contract (not calendar year basis)	790
Hewlett Packard	Hardware Support Contract	Annual Support Contract (not calendar year basis)	6,742
Hewlett Packard	Hardware Support Contract	Annual Support Contract (not calendar year basis)	6,660
UK Oracle User Group	User Group Membership	Annual Membership Subscription	1,096
OKI Systems (Ireland)	Printer Support Contract	Annual Support Contract (not calendar year basis)	1,986
Version 1	Software Support	Fixed Assets Register Support	1,712
Version 1	Software Support	Financial Management System Support	12,353

[Deputy Micheál Martin.]

Name of Service Provider	Nature/Purpose of Service	Reason for payment in advance	**Amount
Version 1	Software Support	Electronic Travel & Subsistence and Progress Support	€ 9,116
Sword	Software Support	Quarterly Support Contract, including on-site engineer (not calendar year basis)	112,530

\*The Department's IT Unit is a licensed user of various software products. These licences must be purchased in advance (similar to a TV licence) and cover usage for a full year, but not necessarily on a calendar year basis.

\*\*All amounts are VAT inclusive.

### Work Permits.

283. **Deputy Mattie McGrath** asked the Minister for Enterprise, Trade and Employment the status of an appeal in relation to the issuing of an employment permit to a person (details supplied) in south Tipperary; when a decision will be made; and if he will make a statement on the matter. [35029/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Appeals Officer has requested some additional information from the employer in relation to this case. On receipt of that information a decision will be made on this appeal.

284. **Deputy Michael Ring** asked the Minister for Enterprise, Trade and Employment if he will review a decision to refuse an employment permit for a person (details supplied) in County Mayo. [35032/07]

285. **Deputy Michael Ring** asked the Minister for Enterprise, Trade and Employment if he will review a decision to refuse an employment permit for a person (details supplied) in County Mayo. [35033/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** I propose to take Questions Nos. 284 and 285 together.

The Employment Permits Section of my Department informs me that these applications were refused on the grounds that the issue of permits in this instance would lead to more than 50% of the employees in the stated company being non-EEA nationals.

The employer was notified of this decision in writing and of their right to appeal. To-date no such appeal has been received in the Employment Permits Section.

### Departmental Agencies.

286. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the terms of reference, functions and purpose of the An Foras Áiseanna Saothair, the National Competitiveness Council, the Personal Injuries Assessment Board, the National Standards Authority of

Ireland and 35 city and county enterprise boards; if the agencies are still operational; the reason these functions can not be carried out by his Department; the benefits to the tax payer here gained from the work of the agencies; and if he will make a statement on the matter. [35059/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The following is the information requested by the Deputy:

#### 1. Foras Áiseanna Saothair (FÁS)

The terms of reference, functions and purpose of An Foras Áiseanna Saothair (FÁS) are set out in the Labour Services Act, 1987. In summary the main functions and purpose relate to the provision of training or retraining for employment and the provision of assistance in obtaining employment or work experience. The role of FÁS is reviewed on an ongoing basis through the formation of its Statements of Strategy. The current FÁS Strategy Statement and the complementary Training Strategy outline the vision and direction for FÁS for the period 2006 to 2009. The strategy is closely aligned to the policy goals of my Department and was developed in close collaboration with my Department. In addition a comprehensive internal and external consultation process involving all relevant stakeholders was undertaken by FÁS. In implementing its strategy FÁS carries out a range of specialised activities, which lend themselves to provision by a dedicated agency, with specific skills.

In response to the changing demands of the economy and a situation of virtually full employment, the training and up-skilling of workers have become a key focus. The National Partnership agreement Towards 2016 includes commitments to increased training of those in employment, with a particular focus on the low skilled, disadvantaged communities and those in vulnerable sectors. FÁS plays a major role in delivering such training, addressing skills needs, barriers to access and progression, the issue of life-long learning and helping to tackle early school-leaving, literacy and numeracy issues. It has, for example, increased its activity in in-company training and provided additional training and employ-

ment schemes for people with disabilities. It works in close collaboration with industry to ensure that the training and curricula meet the needs of employers. It has also developed specific training in areas such as childcare. It works in partnership with the community training centres to provide early school leavers with basic skills and work experience and to assist with progress to further training and development. Such activities produce positive externalities for tax-payers by reducing the potential need to draw on social benefits, and by spreading the tax burden, due to increased tax revenue arising from higher-skilled employment.

## 2. *The National Competitiveness Council (NCC)*

The National Competitiveness Council (NCC) is a social partnership body, which reports to An Taoiseach on key competitiveness issues facing the Irish economy together with recommendations on policy actions required to enhance Ireland's competitive position. The taxpayer benefits from the independent and comprehensive commentary and advice which this body produces. The functions of the NCC are:

(a) To prepare and submit to An Taoiseach, an Annual Report on Competitiveness Policy outlining the main challenges facing the business sector in Ireland over the medium term and policy responses required to meet them.

(b) To publish an Annual Competitiveness Report examining and monitoring the international competitiveness of the business sector in Ireland, and to prepare such other reports on priority competitiveness issues, as appropriate, with recommendations on measures required to improve competitiveness.

(c) To undertake from time to time such other functions as An Taoiseach or the Minister for Enterprise, Trade and Employment may decide. The membership of the NCC consists of representatives of the employer and trade union social partnership pillars; persons with relevant expertise in competitiveness; a representative of the Department of Enterprise, Trade and Employment; and the Chief Executive of Forfás. Council Members are appointed by the Minister for Enterprise, Trade & Employment who also appoints a Chairperson from amongst the Members. In addition, representatives of other Government Departments attend Council meetings in an observatory capacity. Finally, the Council may invite additional representatives of the Government Departments and Agencies to attend Council meet-

ings in an observer capacity where it appears appropriate.

Each year the NCC publishes the an Annual Competitiveness Report, Benchmarking Ireland's Performance, which is a collection of statistical indicators of Ireland's competitiveness performance in relation to 16 other economies and the OECD and EU averages. The NCC also publishes Ireland's Competitiveness Challenge, based on the benchmarking report and the latest research to outline the main challenges to Ireland's competitiveness and the policy responses required to meet them. As part of its work, the NCC also publishes other papers on specific competitiveness issues. The NCC is operational, recently publishing its 2007 reports.

By its very design, as a social partnership body, it would not fall within the remit or function of the Department of Enterprise, Trade and Employment. The secretariat is, however, provided by Forfás which is an agency falling under the aegis of the Department.

## 3. *Personal Injuries Assessment Board (PIAB)*

The purpose and functions of the Personal Injuries Assessment Board are set out in the Personal Injuries Assessment Board Act 2003 and the Personal Injuries Assessment Board (Amendment) Act 2007. The Personal Injuries Assessment Board was established as an independent Statutory Body in April 2004 as part of the Government's insurance reform programme, with the aim of allowing certain classes of personal injury claim, where liability is uncontested, to be settled without the need for the costs associated with litigation. The threat of rising insurance costs at the time posed serious risks to Irish business and the economy generally.

Since its establishment the PIAB has successfully fulfilled its legal obligations: the PIAB is now assessing many claims three times faster and four times cheaper than under the old litigation system, which is of benefit to the taxpayer.

The fact that the Board is established as a statutorily independent body delivering fair and equitable assessments is one of the factors underpinning its success.

The PIAB has made a very positive contribution to the success of the Government's insurance reform programme and has pared down the personal injury claims process in a wholly positive way. Motor premiums are currently at levels last seen in December 1997 and, taking account of inflation, at 1989 levels. The PIAB has succeeded in establishing a new non-adversarial culture of settling claims. The

[Deputy Micheál Martin.]

effects are felt throughout the Court system, where valuable time has been freed up to deal with cases that should more properly reside there.

#### 4. *The National Standards Authority of Ireland (NSAI)*

The National Standards Authority of Ireland Act 1996 established the NSAI as an independent statutory body with specific functions relating to certification and the development of standards. Functions relating to the Legal Metrology Service (LMS) and National Metrology were transferred to the NSAI by the Industrial Development (Enterprise Ireland) Act 1998. The functions of the LMS are set out in the Metrology Act 1996 and are designed to secure confidence in measurements used in trade, through the exercise of controls on measuring instruments and quantities of pre-packed and loose goods and to implement a national system of measurement, more usually referred to as National Metrology. The NSAI also has responsibility for the Irish Agrément Board (IAB), which advises the NSAI on construction products and processes suitable for Agrément assessment and certification in Ireland.

The functions of the NSAI require professional and technical competencies and skills not available within my Department. The benefits of the work of the NSAI to the taxpayer can be summarised as the provision of a wide range of enterprise support services and also the securing of consumer confidence in measurements used in trade. The NSAI, through charging for its services, self finances approximately two thirds of its annual expenditure requirements.

#### 5. *City and County Enterprise Boards (CEBs)*

The 35 City and County Enterprise Boards (CEBs) are statutorily recognised under Section 10 of the Industrial Development Act 1995 and continue to be operational. The Boards are incorporated individually as companies, limited by guarantee under the Companies Acts, with individual Memoranda and Articles of Association. The functions of the CEBs are set out in Section 10(1) of the Act and are essentially to promote and assist economic development within their area of operations and, in particular, by means of enterprise creation and business development.

My Department is responsible in respect of the legislative basis and policy framework for the CEBs. However, the Boards have a specific targeted remit in the development of indigenous enterprise potential regionally and, accordingly, they are best placed, structurally and geographi-

cally, to carry out these functions at a local level throughout the country.

Through the activities and range of supports provided by the 35 City and County Enterprise Boards the micro-enterprise sector in Ireland has been strengthened since their establishment in 1993 which, in turn, is of benefit to the taxpayer and the economy as a whole.

#### **Refund Policies.**

287. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the no refund policies that often apply not only to airline travel but to associated booking of accommodation; if such policies are fully in accord with the spirit of consumer protection law which would require the applications of the conditions of any agreement to supply service in a reasonable manner; if his attention has further been drawn to the recent moves by the EU Commission to investigate unreasonable terms of being applied on the websites of low cost airlines; and if he will make a statement on the possibility of developing new consumer codes of practice in this area. [35086/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** I have no direct responsibility for the investigation of complaints relating to contracts for airline travel and associated accommodation. I am aware, however, of a number of issues relating to those contracts, including that of non-availability of, or restrictions on, refunds.

The National Consumer Agency has been examining various practices in the airline industry in recent months, including matters relating to the fairness or otherwise of the terms of contracts for air travel. The Agency plans to engage directly with the airlines concerned in the period ahead with a view to securing voluntary compliance with the provisions of the relevant legislation in this area. I understand that if voluntary compliance is not forthcoming, the Agency intends to take enforcement action, where warranted.

I am aware of the recent 'sweep' or joint enforcement action co-ordinated by the European Commission to check airline websites for compliance with the requirements of consumer protection legislation relating, in particular, to price information, limitations on ticket availability and fair contract terms. The issues covered by this action are among those under examination by the National Consumer Agency.

The review or approval of codes of practice, or the issuing of guidelines to traders, are matters for the National Consumer Agency under the powers and functions conferred on the Agency by the Consumer Protection Act 2007.

### Job Losses.

288. **Deputy Pat Breen** asked the Minister for Enterprise, Trade and Employment if his Department has received notification through its Department's early warning system of Shannon free zone firms where jobs are judged to be seriously at risk or if other State agencies under his Departments remit have received this notification; the number employed in these firms; and if he will make a statement on the matter. [35169/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Notifications of firms in difficulty and where jobs are at risk are received from all of the Industrial Development agencies under my Department's Early Warning System. However, the information is provided on a confidential basis and it must remain confidential. The Deputy will understand that this is commercially sensitive information which could be of benefit to national or international competitors in the context of Industrial Development projects already established in this country and our ability to attract further projects in the future.

289. **Deputy Pat Breen** asked the Minister for Enterprise, Trade and Employment if he will provide a listing by firm of job losses announced or notified by Shannon free zone firms in 2007; and if he will make a statement on the matter. [35170/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Two companies based in the Shannon Free Zone announced job losses in 2007. Mohawk Europa announced job losses of 92 in August 2007. The Company, a manufacturer of specialized cutting tools, attributed the losses to increasing costs, the impact of a strengthening Euro and decreased order levels. The company's survival plan did not meet with the approval of employees and the company ceased trading.

Tyco Electronics announced job losses of 178 in September 2007. This Company, a manufacturer of engineered electronic components, decided to transfer its Shannon manufacturing and assembly operations to India, Mexico and China following a strategic review of worldwide operations.

The Zone is performing well against a very difficult global business background and whilst job losses are always regrettable, significant gains have also been made in recent years and a healthy pipeline augers well for the future. Latest available figures show companies located in the Free Zone spend in excess of €610million on wages and Irish sourced materials and generate sales of €3.3billion, with over 70% of these sales accounted for by the international services sector.

Shannon Development is committed to facilitating the Free Zone's manufacturing base move up the value chain through capability enhancement programmes with a strong emphasis being placed on R&D supports. Substantial investment in next generation office space such as the 1 million sq ft Westpark Campus development at Shannon represents a serious vote of confidence in the Zone's ability to continue to attract world leaders in the international services and other sectors.

As part of its three year Corporate Plan drawn up to give effect to its new mandate, Shannon Development is at an advanced stage in overseeing a comprehensive masterplan to regenerate the Shannon Free Zone and adjoining areas. The masterplan is being prepared by external consultants in close cooperation with all key stakeholders, including IDA Ireland and Shannon Airport, and will serve as the basis for regeneration and development of the Zone in the coming years.

This multi-million investment implementation will result in large scale development of offices, laboratories, factories and warehouses, which will provide accommodation for businesses in key growth sectors and maintain the Shannon Free Zone's leading position in the international market into the future. IDA Ireland, in cooperation with Shannon Development, is continuing to market the Zone as a centre for FDI through its network of overseas offices.

### Grant Payments.

290. **Deputy Paul Kehoe** asked the Minister for Enterprise, Trade and Employment the financial assistance provided to the National Irish Safety Organisation on an annual basis from State or public resources; and if he will make a statement on the matter. [35388/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** NISO, the National Irish Safety Organisation, which is a voluntary and non-profit making body making a valuable contribution to occupational health and safety in Ireland, received an allocation of €100,000 in 2006 and €75,000 in 2007 from my Department to assist it in a major restructuring and redevelopment plan which it is undertaking following a strategic review. It is proposed to make a grant of €100,000 available to NISO in the Estimates for 2008.

### Health and Safety Regulations.

291. **Deputy Paul Kehoe** asked the Minister for Enterprise, Trade and Employment if, in view of the forthcoming changes to training requirements announced by FÁS under the construction skills certification course for machinery which are due to come into force in January 2008, provision has



[Deputy Paul Kehoe.]

been made to award credit for certified experience gained by construction workers in other States particularly EU member states; if he is satisfied based on the certified experience gained to date in the operation of the current scheme that it is necessary to change the training and certification duration from one day to five days; his views on whether training gained within other EU member states which is certified to the relevant national standard is acceptable here; if allowances will be made for overseas experience gained; and if he will make a statement on the matter. [35389/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Under the Safety, Health and Welfare at Work (Construction) Regulations, 2001 specific categories of workers (including those engaged in the Operation of Plant Machinery) were required to have certification under the Construction Skills Certification Scheme (CSCS). Workers were required to successfully complete a one day Training/Assessment Programme for each category of machine in order to qualify for Certification. Successful candidates were entitled to apply for a FÁS CSCS Registration Card. This training was geared towards Experienced Workers.

In August 2007, FÁS launched a series of New Entrant Plant Machinery Training Programmes for inexperienced workers in compliance with the Safety, Health and Welfare at Work (Construction) Regulations, 2006. The programmes are four days in duration. All candidates on CSCS Programmes are required to have successfully completed a Safe Pass Programme, satisfy the age requirement and have six months experience under the close personal supervision of a person who is in possession of a valid CSCS Registration Card relevant to the task concerned. Upon completion of the New Entrant Programmes workers can then present themselves for the one day Experienced Training/Assessment Programme.

With regard to allowances to be made for overseas experience gained, Council Directive Number 2005/36/EEC and Council Directive No. 2006/100/EC makes provision for recognising awards and certified experience gained by workers in other States particularly EU Member States.

Training and Certification gained by individuals within other EU Member States is acceptable in Ireland provided such training is recognised by the relevant State approved body within the individual's Member State.

#### Work Permits.

292. **Deputy Willie Penrose** asked the Minister

for Enterprise, Trade and Employment the reason his Department is holding up the issue of work in Ireland visas administered through the work in Ireland programme via USIT; the reason the necessary regulations have not been put into effect by his Department to enable this type of working holiday visa for applicants to be issued; and if he will make a statement on the matter. [35512/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Government recognises the value of international work and travel programmes for students. They contribute to the development of lasting links with other countries and provide valuable experience for students themselves. At the same time, it is essential that any such programmes be compatible with Ireland's existing employment permit and immigration legislation.

My Department, in cooperation with the Department of Foreign Affairs and Justice, Equality and Law Reform, has been in consultation with USIT in relation to the operation of the Work in Ireland programmes and I understand that discussions are in the final stages, with a view to new arrangements being in operation shortly.

#### Community Employment Schemes.

293. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the percentage of people who complete community employment schemes who subsequently go onto full-time employment; and if he will make a statement on the matter. [35524/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The 2006/2007 Follow Up Survey of FÁS Participants (carried out by the ESRI on behalf of FÁS) highlights that, of those interviewed in the period following their completion of a CE scheme, 30% were in employment (17% part-time, 12% full time and 1% self employed) and 6% had progressed to other training and education programmes. An additional 29% had taken the opportunity to avail of a further period of Community Employment.

294. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the portion of the FÁS budget allocated to community employment schemes for the past five years; and if he will make a statement on the matter. [35525/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Details relating to the FÁS budget for Community Employment for the years 2002 to 2006 are outlined as follows:

	2002	2003	2004	2005	2006
CE Budget (€million)	332.697	276.705	270.134	292.981	324.04
Proportion of FÁS allocation	39%	34%	32%	31%	33%

### Departmental Records.

295. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if his Department maintain a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35540/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** I understand that the diary maintained by my private office generally indicates the location for my official duties from day to day.

### Decentralisation Programme.

296. **Deputy Pat Breen** asked the Minister for Enterprise, Trade and Employment the progress in respect of the decentralisation programme of Enterprise Ireland in Shannon, County Clare; the number transferred to date; the make-up of the people who have taken up posts; the persons who have transferred from Dublin; the persons who are transferring upon promotion; the persons who are new recruits; and if he will make a statement on the matter. [35633/07]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Following the transfer of responsibility for indigenous industry development in the Mid-West Region from Shannon Development to Enterprise Ireland (EI) from 1 January 2007, Enterprise Ireland established its new National Regional Development Headquarters, which incorporates the County Enterprise Coordination Unit, in Shannon. This has given Enterprise Ireland a major presence in Shannon. Currently 40 staff, including a number of staff transferred from Shannon Development and over 20 local recruits, are based at recently leased offices in Westpark, Shannon. It is expected that this number will increase to about 65 over the coming months. A senior manager has been appointed as Head of Regions and Entrepreneurship to oversee the establishment of the EI presence in the Mid-West Region. EI managers with responsibility for the County Enterprise Coordination Unit and EI Regional Development strategy as well as the Regional Director with responsibility for the Mid-West Region are now in place in the Shannon office. As part of EI's regional strategy, these posts were assigned to the new office in Shannon from Dublin.

The Government decentralisation programme provides for the transfer of the Enterprise Ireland Headquarters, with 300 posts, to Shannon.

Further progress in effecting this move is contingent on a number of factors, including the level of interest in the Shannon location expressed through the Central Applications Facility and the resolution of certain key issues for agency decentralisation in discussions at central level. I understand that there have been 25 applications through the Central Applications Facility from civil and public servants for transfer to Shannon. Enterprise Ireland, working closely with the Office of Public Works, has identified, but not yet acquired, a preferred site for the construction of a new HQ building in Shannon.

### Sports Funding.

297. **Deputy Pat Breen** asked the Minister for Arts, Sport and Tourism his plans to introduce a players grant scheme for camogie players and ladies football players; and if he will make a statement on the matter. [34827/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The agreement reached between my Department, the Irish Sports Council, the GAA and the GPA, is in recognition of the contribution of Senior Inter County players to our indigenous sports of hurling and football. The scheme is a response to a joint submission from the GAA and the GPA for support for Senior Inter County players and I have no plans to extend the scheme to other team sports.

### Departmental Expenditure.

298. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if his Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34878/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** My Department only makes payments for works or services on the basis of matured liabilities with the exception of small ongoing maintenance support contracts and subscriptions.

All the funds discharged through my Department's Vote are monitored and controlled in accordance with public financial procedures established by the Department of Finance. The payment for works or services by the agencies

[Deputy Séamus Brennan.]

under the aegis of my Department is a matter for the bodies themselves.

### **Campus and Stadium Ireland.**

299. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism when he will lodge a planning application for phase one of Sports Campus Ireland as described in their development control plan; and if he will make a statement on the matter. [34941/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** I refer the Deputy to my reply to his Dail Question No. 57 of 25th October last on this matter.

The National Sports Campus Development Authority is in the process of appointing a Project Management Team and a Design Team. When these appointments are made detailed plans will be drawn up to give effect to the Government decision to implement Phase One of the Development Control Plan prepared by the Authority. Planning permission will then be sought for this phase. It is expected the planning application will be submitted to Fingal Co. Co. during the course of 2008.

### **Culture Ireland.**

300. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the terms of reference, functions and purpose of Culture Ireland; if the agency is still operational; the reason these functions cannot be carried out by his Department; the benefits to the Irish taxpayer gained from the work of the agency; and if he will make a statement on the matter. [35023/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** Culture Ireland was established in 2005 as the new national agency under the aegis of my Department for the promotion of Irish arts and culture worldwide, including music, theatre, dance, film, literature, visual arts, traditional arts, architecture, opera and circus.

Arts and culture are among Ireland's strongest national achievements and play a key role in creating global recognition for the country. Culture Ireland was established to build on this competitive advantage and develop the expertise and capacity to maximise Ireland's international cultural impact, in parallel with our efforts in the field of tourism, trade and inward investment. By creating strategic opportunities for Irish artists to present their work abroad, Culture Ireland will raise Ireland's cultural reputation around the world, help to create sustainable careers for Irish artists and increase Ireland's global attractiveness as a centre of creativity and a preferred destination for business and tourism.

Culture Ireland works closely with other internationally focussed State agencies, in particular Tourism Ireland and the Irish Film Board, to ensure resources and impacts are maximised. In its first three years it has initiated and developed strategic promotions and showcases at key global arts events, and helped to foster a new level of confidence, ambition and international recognition for Irish artists.

Culture Ireland is a small flexible organisation, staffed primarily by officials from my Department and led by an externally recruited CEO. It benefits from economies of shared accommodation, overheads and administrative cost with my Department and delivers its extensive grant programmes at marginal cost to the taxpayer. For further information on its strategy, programme and activities the Deputy may wish to access its website at [www.cultureireland.ie](http://www.cultureireland.ie).

### **Sports Funding.**

301. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism if the grant in aid to the Irish Sports Council of €57 million for 2008 includes the €3.5 million promised for Gaelic players which is administered by the Council; and if he will make a statement on the matter. [35036/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The financial provision for the Irish Sports Council and its programmes for 2008 is €57.327 million. This includes provision for the €3.5 million in respect of the new scheme for Senior Inter County Gaelic Players.

### **Campus and Stadium Ireland.**

302. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the purpose for which approval has been given for capital works to the extent of €1.2 million to the National Sports Campus Development Authority; and if he will make a statement on the matter. [35037/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** I refer to my reply to Dáil Questions Numbers 6, 7 and 22 of 29 November last.

Following legal proceedings against Dublin Waterworld Ltd. for breaches of the lease of the National Aquatic Centre, it was returned to State control on 1 December 2006. I would refer the Deputy to two particular conditions of that lease i.e the requirement to put in place a capital maintenance programme and a sinking fund. The court found that these two conditions among others had not been complied with. As a result the Centre was not up to the standard that one would expect of such a facility when it was taken over by the National Sports Campus Development Authority (NSCDA) (Operations) Ltd., a sub-

sidiary of the NSCDA, established for the purpose of operating the Centre.

€1.2m has been provided on bringing the Centre up to the standard expected of such a facility and it is now in top quality. I would like to invite the Deputy to visit the Centre and see it for herself at first hand and I am sure she will agree with me that it is one of the key elements of our national sporting infrastructure.

303. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism if he has an estimate of the unutilised capacity at the National Aquatic Centre in order to establish the potential to grow usage of the centre and reduce the demand for an annual subsidy. [35038/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** I refer the Deputy to my reply to Dáil Questions Nos. 6, 7 and 22 of 29 November last. The National Aquatic Centre reverted to the control of the NSCDA by way of its subsidiary company NSCDA (Operations) Ltd. from 1st December 2006, following legal proceedings against the previous operator. Its first full year's trading has just been completed and is currently being assessed and reviewed.

In its first year of trading since the National Aquatic Centre reverted to the overall control of the Authority over 532,000 people will have visited the Centre, that is, in terms of swimming access, swimming lessons and membership. From this base the centre can continue to grow further business utilisation. On a day to day level, the generation of business is a matter for the Authority and its subsidiary Company and it is considering all available options for growing further the utilisation of the Centre in terms of pricing structures, re-branding, marketing, advertising, and normal trading hours for a facility of this nature which has to cater, on a balanced basis, for broad categories of recreational, competitive and elite users.

#### **Air Services.**

304. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the fact that prior to the decision to open the Belfast base, Aer Lingus considered expansion plans from a base in Birmingham; if he had an input into this decision; and if he will make a statement on the matter. [35039/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** Aviation policy is a matter for my colleague the Minister for Transport, Noel Dempsey T.D. I had no input into the decision referred to by the Deputy.

305. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism if he made representations or had discussions with Aer Lingus

regarding the transfer of its planned new base from Birmingham to Belfast; and if he will make a statement on the matter. [35040/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** I made no such representations or had such discussions regarding the issue raised by the Deputy.

#### **Campus and Stadium Ireland.**

306. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the cost to date of legal and consultant costs incurred in connection with legal cases involving CSID since 2005; and if he will make a statement on the matter. [35041/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The legal and consultant costs incurred in connection with legal cases involving Campus and Stadium Ireland Development Ltd. (CSID), from 2005 and up to its dissolution at the end of 2006 was €1,323,080. From the beginning of 2007, the functions of CSID were taken over by the statutorily established National Sports Campus Development Authority (NSCDA).

307. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism if the accounts of CSID have been filed for the year ending 2006 as required by law; and if he will make a statement on the matter. [35042/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The Directors' Report and Financial Statements for the year ending 31 December 2006 of Campus and Stadium Ireland Development Ltd. have been laid before the Houses of the Oireachtas.

#### **Natural History Museum.**

308. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism if he has considered the possibility of transferring some or all of the items which are currently on display in the Natural History Museum to some of the other national museums for display during the period which the Natural History Museum is closed for repairs; and if he will make a statement on the matter. [35067/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The Natural History Museum is an Institution much-loved by both adults and children and I am anxious that the public would not, if possible, be deprived of its displays for the duration of the period necessary for its repair and redevelopment.

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

[Deputy Séamus Brennan.]

statutorily responsible for operational matters concerning its collection. In discussions with the Chairman of the Board and the Director of the National Museum of Ireland, I have emphasised the importance of alternative viewing arrangements during the duration of the refurbishment period. The National Museum of Ireland is considering the possibility of displaying a selection of the exhibits currently in the Natural History Museum elsewhere in the National Museum's facilities during the period in question. While consideration of this is at an early stage, I understand that a number of locations within the National Museum, in Dublin and at the Museum of Country Life in Turlough Park in Co. Mayo, are being assessed for use as display areas for a selection of these exhibits.

The National Museum of Ireland also intends to carry out long-needed conservation works on many of the exhibits in the Natural History Museum and the opportunity to address this work that is provided by the closure of the Museum for repairs and redevelopment will be fully utilised.

#### Departmental Funding.

309. **Deputy Niall Collins** asked the Minister for Arts, Sport and Tourism the level of funding made available to a recipient (details supplied) in County Limerick by his Department for the

Scheme	Description
Sports Capital Programme	Provides funding to sporting and community organisations at local, regional and national level throughout the country
Arts and Culture Capital Enhancement Scheme (ACCESS)	Provides capital grants to arts and cultural centres around the country
Local Authority Swimming Pool Programme	Provides grant aid towards the capital costs of a new pool or the refurbishment of an existing pool.

Culture Ireland currently operates as part of my Department and it is managed by a Board which is independent in its decision making on grants and funding for the promotion of Irish Arts internationally.

#### Departmental Records.

311. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if his Department maintain a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35536/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** My Department's headquarters is in Kildare Street, Dublin 2. I am in regular attendance at my office there, which is recorded in my official diary.

#### Social Welfare Code.

312. **Deputy James Bannon** asked the Minister

period 1997 to date in 2007; and the persons who are the share holders or beneficial owners of the facility. [35102/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** My Department has provided €353,000 in current funding and €650,000 in capital funding to this facility in the period 2002 to date. The body is a guarantee licence company and its shareholders are in the public domain. The Deputy may obtain details of its shareholders from the Companies Registration Office.

310. **Deputy Niall Collins** asked the Minister for Arts, Sport and Tourism if he will provide a schedule of all grant and funding schemes administered by his Department. [35103/07]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** My Department operates a range of promotional programmes and initiatives in the arts, sport and tourism sectors either directly, or through bodies operating under its remit. The overall policy framework governing the work of the Department is set out in our Statement of Strategy and annual reports, copies of which are available in the Dáil Library or on the Department's website.

A list of the individual schemes and programmes operated directly by the Department is as follows:

for Social and Family Affairs if he will abolish the category of qualified adult within the social welfare system making all people so categorised independently eligible for social welfare payments and paying those eligible directly. [34843/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The social welfare system is designed to provide income supports and access to relevant services in a timely manner to all our customers. The system is neutral with regard to how it treats men and women; receipt of payment is generally dependent on contingency and other conditions being met. A person in receipt of a social welfare payment may claim an increase, known as a qualified adult allowance, in respect of his/her spouse or partner. Levels of payment and how they apply are exactly the same for men and women. However, while there is equity in access to the system, the impact of past labour market experience and the traditional roles of

women in the home and the labour market are still reflected in some features of the social welfare system. One such feature is the status of the qualified adult, the majority of whom are women.

Significant changes have taken place in society in the past decades and the social welfare system has changed to reflect these changes, particularly to ensure that as many people as possible qualify for a social welfare payment in their own right. Considerable reform and expansion has taken place in the social insurance system to make it as inclusive as possible. This together with the increasing numbers of women entering employment has meant that more women are establishing their own entitlement to social insurance payments. In the case of State Pension schemes the qualified adult increase is now paid directly to the qualified adult. In addition, the Programme for Government includes a commitment to provide a personal pension payment, set at the level of a full rate State Pension (non-contributory), for pensioner spouses in receipt of the qualified adult increase.

The reform proposals outlined in the Government Discussion Paper: 'Proposals for Supporting Lone Parents' further address this aspect of the social welfare system, as well as proposing the abolition of the contingency of lone parenthood, the reform proposes the departure from the concept of 'qualified adult' within social assistance or means tested payments. Under these proposals, where a household means test is met, all individuals would claim for — and receive — a payment in their own right, thus ensuring consistency in treatment and equity across the social welfare system and recognising the changing role of women in society and the labour market. This would also mean that supports for education, training and employment would be offered to former qualified adults of working age, who are not currently engaged with.

These reform proposals would represent a fundamental change in the social welfare system, moving away from a derived entitlement to entitlement in the individual's own right. This aspect of the proposals, together with the development of a new income support scheme for lone parents and other low income families, and the non-income supports necessary to accompany such a payment, are currently being examined and developed by this Department in co-operation with other relevant Departments and agencies.

#### **Social Insurance.**

313. **Deputy James Bannon** asked the Minister for Social and Family Affairs if he will credit the work of homemakers within the social insurance system abolishing the category disregard and replacing it with a system of credits for this work; and if he will make these credits retrospective. [34844/07]

330. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if consideration might be given to allowing social welfare contribution credits in cases where one parent takes time off from work during the children's formative years; and if he will make a statement on the matter. [35588/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Question Nos. 313 and 330 together.

The social welfare pension rights of those who take time out of the workforce for caring duties are protected by the Homemakers scheme which was introduced in and took effect from 1994. The scheme allows up to 20 years spent caring for children or incapacitated adults to be disregarded when a person's social insurance record is being averaged for pension purposes. However, the scheme will not of itself qualify a person for a pension. The standard qualifying conditions, which require a person to enter insurance 10 years before pension age, pay a minimum of 260 contributions at the correct rate and achieve a yearly average of at least 10 contributions on their record from the time they enter insurance until they reach pension age, must also be satisfied. The minimum paid contributions required will increase to 520 in 2012.

These conditions are designed to ensure that those qualifying for pensions have had an adequate and sustained commitment to the social insurance system as well as to uphold the contributory principle that underpins the qualifying conditions for all social insurance payments.

While there are no plans to alter these arrangements in the immediate term, the operation of this scheme is subject to review in the context of the Green Paper on Pensions, with particular regard being paid to the operative date of the scheme and the use of credits for pension purposes rather than the current system of disregards.

A consultation process on the Green Paper is now underway and will remain open until mid 2008. The Government will respond to the views expressed during the consultation process by publishing a framework for future pensions policy and I expect that this will be available towards the end of next year.

It should also be noted that people of working age who are no longer liable for PRSI contributions may opt to protect their pension entitlements by applying to become a voluntary contributor. In order to be admitted to the voluntary contributions scheme, a person must have a minimum of 260 weeks of PRSI paid in either employment or self-employment and apply within 12 months of the end of the tax year during which they last paid PRSI or had a PRSI credited contribution. The requirement to have 260 paid contributions to gain access to the scheme is essential in that it ensures that the requisite minimum

[Deputy Martin Cullen.]

number of paid contributions required is in place to establish a contributory pension entitlement.

### Social Welfare Benefits.

314. **Deputy James Bannon** asked the Minister for Social and Family Affairs if he will introduce a means tested full-time parental allowance for all low income parents of children up to the age of eight years. [34845/07]

315. **Deputy James Bannon** asked the Minister for Social and Family Affairs if he will introduce a means tested part-time parental allowance for all low income parents of children aged eight to fourteen years. [34846/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 314 and 315 together.

The concept of a parental allowance referred to by the Deputy was proposed in the Government discussion paper “Proposals for Supporting Lone Parents”. The discussion paper put forward proposals for the introduction of a new social assistance payment for lone parents and other low income families with young children. It also proposed a range of additional services including the expanded availability and range of education and training opportunities; the extension of the National Employment Action Plan; focused provision of childcare and improved information services.

The new social assistance payment, currently being developed by officials in my Department will have the long term aim of assisting people to achieve financial independence through supporting them to enter employment – the avenue that offers the best route out of poverty.

As I have recently reported to the house, the development of any new scheme to support low income parents can only be introduced when the necessary co-ordinated supports and services — dealing with issues including access to childcare support, education and training — are put in place on the ground by other Departments and Agencies.

This is why the non-income recommendations contained in the discussion paper are currently being tested in two areas: Coolock and Kilkenny. These tests are focused on identifying and resolving any practical and administrative issues that may arise in advance of the scheme being introduced. The tests are now scheduled to run until the end of January 2008, with a report then being made to the Cabinet Committee on Social Inclusion. They will allow for operational and logistical co-ordination between the relevant Departments and Agencies to be considered and will facilitate the development of the policy and operational details of the new scheme and accompanying supports.

Although the terms of the new scheme have not been finalised the objective is to ensure that the necessary financial and other supports are in place to assist families towards improved employment prospects and that all disincentives to work are kept to a minimum.

316. **Deputy James Bannon** asked the Minister for Social and Family Affairs if he will abolish the limitation rule for all social welfare payments. [34847/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Where both members of a couple are claiming social welfare payments and one or both of the claimants is in receipt of jobseekers allowance (JA), farm assist or pre-retirement allowance their combined payments cannot exceed the amount which would be payable if only one person was being paid with an increase for a qualified adult dependant, where appropriate. In this situation one or both of the payments would be limited to ensure that the relevant household rate of payment would not be exceeded. The removal of the limitation for the approximately 5,700 cases affected would have a direct cost of €19.8m in a full year.

The removal of the limitation would also provide an incentive to all those for whom qualified adult increase is currently in payment to claim JA in their own right, subject to being available for full-time employment. In the majority of cases this would result in an increase of €66.50 per week in 2008 terms. This development would have significant implications, both in terms of increased cost and live register numbers as it would apply (subject to means assessment) to qualified adults of working age across a range of schemes in addition to those currently affected by the limitation rule. There is a total of some 57,000 payments in this grouping, with additional potential costs estimated at up to €197m per annum in the case of 100% take-up.

The Government discussion paper: Proposals for Supporting Lone Parents, published in March 2006, outlines proposals for reform of income support arrangements for lone parents and low income families. It proposes a new allowance for all low income families with children under a specified age. This allowance would replace both the current one-parent family payment and the social assistance qualified adult allowance. In these circumstances no limitation would apply where the new allowance recipient cohabits with a person in receipt of a social assistance payment, e.g. jobseeker’s allowance.

Lifting limitation for this limited period of time would have the effect of increasing household income in such situations by up to €66.50 per week, recognising the higher costs associated with care of young children. It would also assist in addressing the problem of poverty among children in low income families. Any proposal to

abolish the limitation rule in full could only be considered in a budgetary context and in the light of competing priorities.

317. **Deputy John Perry** asked the Minister for Social and Family Affairs if he will ensure that a person (details supplied) in County Sligo is provided with rent subvention in view of extenuating circumstances; and if he will make a statement on the matter. [34969/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Health Service Executive has advised that it has not received an application for rent supplement from the person concerned. It has further advised that the person concerned should contact the community welfare officer if he wishes to discuss his entitlement to rent supplement.

318. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and granted the carers allowance. [34971/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The person concerned applied for carer's allowance on 9 October 2007. The medical criteria for award of Carer's Allowance have been satisfied, and the case is being examined to determine that all other conditions for receipt of the allowance are satisfied. On completion of the necessary investigations a decision will be made and the person concerned will be notified directly of the outcome.

Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These Officers are statutorily appointed and I have no role in regard to making such decisions.

319. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and granted carers allowance. [34972/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The person concerned applied for half rate carer's allowance on 5 October 2007. The case has been referred to my Department's Medical Assessor to determine if the medical criteria are satisfied; in addition the case is being examined to determine that all other conditions for receipt of the allowance are satisfied. On completion of the necessary investigations a decision will be made and the person concerned will be notified directly of the outcome. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These Officers are statutorily appointed and I have no role in regard to making such decisions.

### **Pensions Ombudsman.**

320. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the terms of reference, functions and purpose of the Family Support Agency and the Office of the Pensions Ombudsman; if the agencies are still operational; the reason these functions cannot be carried out by his Department; the benefits to the Irish taxpayer gained from the work of the agencies; and if he will make a statement on the matter. [35072/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The establishment of a statutory agency to oversee the provision of services to families was first suggested in the report of the Commission on the Family in 1998, with the recommendation that the Family Mediation Service be established on a statutory footing.

The Family Support Agency was established, with a wider remit, in 2003 under the terms of the Family Support Agency Act, 2001 to bring together the pro-family related programmes and services which are designed to promote local family support, help prevent marital breakdown, promote continuity and stability in family life and support ongoing parenting relationships for children.

The Family Support Agency (FSA) is a dedicated resource for both families themselves and the local and national voluntary organisations that work with families across Ireland. It is overseen by a board with expertise and experience in matters related to its responsibilities.

The Agency's main functions are to:

- Support, promote and develop the Family and Community Services Resource Centre Programme.
- Support, promote and develop the provision of marriage and relationship counselling services, child counselling services and bereavement support for families and
- Provide a Family Mediation Service throughout the country.

The FSA also has a role in the provision of information on parenting and family issues and undertakes research into family matters.

Recent statistics indicate that up to 70,000 people per annum avail of counselling funded by the FSA. In addition, a review of the Family Resource Centre Programme showed almost 850,000 visits to family resource centres during 2005, with 140,000 people receiving advice and information and almost 16,000 people completing training courses.

Provision was made for the appointment of a Pensions Ombudsman in the Pensions (amendment) Act 2002. The Pensions Ombudsman was appointed in April 2003 and his Office opened for business in September of that year.



[Deputy Martin Cullen.]

The role of the Pensions Ombudsman is to investigate complaints of financial loss due to maladministration and disputes of fact or law in relation to occupational pension schemes and Personal Retirement Savings Accounts. In common with others providing services of this nature the Pensions Ombudsman is completely independent in the performance of his functions, and I consider that this is the most appropriate way of ensuring that pension scheme members can have their complaints dealt with in a fair and impartial manner.

### Social Welfare Benefits.

321. **Deputy Jan O’Sullivan** asked the Minister for Social and Family Affairs if he will change the rule whereby when an employee is out sick or temporarily laid off due to shortage of work, they do not receive any payment for the first three days of the claim, as this causes hardship; and if he will make a statement on the matter. [35166/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Waiting days have been a feature of the illness benefit and jobseeker’s payment schemes since their inception and are a feature of similar social security schemes in many countries. The application of a three-day waiting period avoids the disproportionately high administrative costs involved in processing large numbers of claims of a very short duration.

However, the waiting day rule is not applied in all cases and exceptions are made in certain situations. For example, where a person is subject to intermittent spells of unemployment it would clearly be unreasonable to impose the three waiting days for each such jobseeker’s benefit claim. In the case of illness benefit and jobseeker’s benefit, spells of unemployment are aggregated so that the waiting period is confined to the first three days of the aggregate period of interruption of employment, subject to falling within the rules governing linking.

These rules provide that any two periods of unemployment, not separated by more than 26 weeks, are treated as one such period and payment may be made from the first day of the later claim. The same principle applies in the case of jobseeker’s allowance but the linking period is 52 weeks instead of 26 weeks. In addition, linking rules apply in a variety of ways across schemes, for example, where a person claims illness benefit immediately following an unemployment benefit claim.

I would also emphasise that people who are in need of financial support are not left without such support during waiting days. A person who has no other income is entitled to claim supplementary welfare allowance in respect of the days in question.

322. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if supplementary welfare payment will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [35301/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Health Service Executive (HSE) has advised that it has refused a payment of rent supplement in this case, in December 2006, on the grounds that the local housing authority has not certified that the person concerned has a genuine housing need. This decision was not appealed. It is open to the person concerned to lodge a new application for rent supplement with their local community welfare officer.

### Departmental Estimates.

323. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if he will provide a breakdown of subhead X contained the 2008 Estimate for his Department. [35347/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The information requested is as follows:

SUBHEAD X. – APPROPRIATIONS-IN-AID	2007 Estimate	2008 Estimate
	€000	€000
1. Recovery of administration expenses from the Social Insurance Fund	160,500	178,000
2. Recoveries of Social Assistance overpaid	9,400	9,000
3. Repayment from the Social Insurance Fund of amounts paid initially as Social Assistance	5,600	5,600
4. Receipts under “Liability to Maintain Family” provisions in Part XII of the Social Welfare (Consolidation) Act 2005	1,800	1,800
5. Dormant Accounts Receipts	1,000	1,000
6. Searches and certified copies of entries of Births, Deaths and Marriages <sup>(a)</sup>	—	380
7. Miscellaneous	1,209	1,000
Total:	179,509	196,780

<sup>(a)</sup> The 2008 Estimate reflects the transfer, with effect from 1 January 2008, of responsibility and funding for Oifig an Ard-Chláraitheora/the General Register Office from Vote 39 (Health and Children).

### Social Welfare Benefits.

324. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if, in relation to a free travel pass which has issued to a person (details supplied) in County Mayo, their spouse, when travelling with them can travel free also. [35365/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Under the terms of the Free Travel scheme, a married or cohabiting pass holder may get a free travel pass that allows their spouse or partner to accompany them for free on public transport. The person concerned was in receipt of a single type pass since September 2004. This represented his correct entitlement until his recent marriage. A married type free travel pass issued to the customer on 13 December 2007.

### Departmental Funding.

325. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the funding available from his Department for 2008 for organisations working in the area of marriage counselling; the criteria used to determine eligibility; his views on funding an organisation (details supplied); and if he will make a statement on the matter. [35498/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The scheme of grants to voluntary organisations providing marriage, child and bereavement counselling and related supports is administered by the Family Support Agency. The focus of the scheme of grants is on the development of support services in the community for families, to enhance stability in family life and to assist families and their members deal with difficult periods which they may experience. The aim of the scheme is to ensure an accessible, high quality service which is delivered at low cost to the client.

Financial support for the counselling grants scheme has risen from almost €7.5 million in 2004 to some €10 million in 2007. Funding under the specific heading of marriage and relationships counselling has also increased dramatically in the last 4 years. In 2007, almost €5.6million was allocated to marriage counselling – an increase of almost 28% in 4 years. The counselling sector will see further increases in funding for 2008 with over €11million allocated to this key family support.

The following criteria is taken into consideration in allocating the grant funding:

- The demand for the service: this includes the number of clients using the service, the capacity to deliver the service and the number of people waiting for an appointment.

- The quality of the service: this includes management and back-up support for the service and the qualifications and training of the counsellors.

The majority of organisations providing a counselling service have professional indemnity insurance. This is generally taken into consideration as one of the indicators of the standard and quality of services being provided by an organisation and is required with the grant application.

Under the 2007 scheme of grants for marriage, child and bereavement services, Retrovaille Ireland sought and received a grant of €15,000 towards the provision of marriage and relationship counselling.

### Social Welfare Benefits.

326. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the rationale behind not paying a qualified adult allowance to spouses of a person receiving carer's benefit where the spouse does not qualify for any other payment in their own right. [35517/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Supporting and recognising carers in our society is and has been a priority of the Government since 1997. Over that period, weekly payment rates to carers have been greatly increased, qualifying conditions for carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced and extended.

Carer's benefit is a weekly income support payment intended to support people who leave the workforce temporarily to care for someone who is in need of full-time care and attention.

A qualified adult allowance is not payable with carers benefit or allowance scheme. The possibility of paying a qualified adult allowance with these schemes has been considered. However, in the majority of cases if the carer's spouse is the care recipient he/she will be in receipt of a social welfare payment in his/her own right. A number of other carers spouses' are in employment. Supplementary welfare allowance is available, subject to a means test, to meet the income support needs of the small number of people who fall outside of these groups.

I will keep the supports for carers available from my Department under review in order to continue to improve the schemes and ensure that commitments in relation to income support are delivered.

327. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the reason the back to school allowance is paid in respect of children under the age of four; and if he will make a statement on the matter. [35533/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The back to school clothing and footwear allowance (BSCFA) scheme provides a one-off payment to eligible families to assist with the extra costs when their children start school each autumn.

The Back to School Clothing and Footwear Allowance scheme was introduced in 1990. This scheme superseded the arrangements which had been in place since 1977 whereby child clothing and footwear payments were made under the exceptional needs provisions of the Supplementary Welfare Allowance scheme. The Supplementary Welfare Allowance clothing and footwear scheme had in turn replaced a previous Public Assistance Footwear scheme that had been introduced in 1944. These previous schemes had been targeted at both school and pre-school children from the age of two years up. When the BSCFA scheme was introduced, the provision to pay the allowance to children from the age of two years up was retained.

A person may qualify for payment of an allowance if they are in receipt of a social welfare or Health Service Executive (HSE) payment, or are participating in an approved employment scheme or attending a recognised education and training course and have household income at below standard levels.

The 2007 rates for BSCFA are €180 for children aged 2 to 11 years and €285 for children aged 12 to 22. Budget 2008 has increased these rates by €20 to €200 and €305, respectively. I consider the back to school clothing and footwear allowance scheme to be an important support for parents at a time of particular financial strain.

328. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs if he will request the assistance of the Revenue Commissioners in identifying low paid families who would potentially be eligible for the family income supplement, but do not currently pay it; and if he will make a statement on the matter. [35534/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Family income supplement is the principal in-work income support for people in low-income employment. It is designed to provide an incentive to people with children, to remain in, or take up, employment rather than be fully welfare dependent. To qualify for payment, family income must be below the threshold applicable to the family size, which varies according to the number of qualified child dependants.

The number of families who are eligible for FIS is not directly comparable with income statistics compiled by the Revenue Commissioners for a number of reasons. Revenue data does not, generally speaking, take into account the number of hours worked, the number of children in a family, nor social welfare income which might not be

taxed but would be taken into account for FIS. Also, the information held by the Revenue Commissioners is out of date, generally by at least a year and does not take into account all the current circumstances that a person may find themselves in.

The issue of paying FIS through the tax system was considered by a group set up under the Programme for Prosperity and Fairness and chaired by the Department of Finance. The Group concluded that FIS should continue to be paid through the social welfare system.

On the question of FIS take up, my department is undertaking a project which it hopes to complete in mid 2008, to provide an indication of current take up levels. The project will also include an analysis of the reasons and factors why persons who appear to have an entitlement to FIS have not taken up their entitlement or availed of this employment support; to identify what barriers, in terms of access to eligibility, may exist; where such barriers exist how they can be mitigated or removed; to assess whether alternative mechanisms to enhance take up of FIS can be implemented; and ultimately to improve customer service and access to family income supplement eligibility for low income families.

Given the radical developments in the economy and labour force in recent years, and in view of the changed FIS landscape, no conclusive judgement can be made regarding current FIS take-up levels until this issue has been comprehensively re-examined. In this context it should be noted that, since the end of 2004, FIS claim volume has increased by almost 50% and expenditure by over 90%.

#### Departmental Records.

329. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs if his Department maintain a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35546/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Records of this nature are not maintained in my Department.

*Question No. 330 answered with Question No. 313.*

#### Social Welfare Benefits.

331. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if it is intended to incentivise motherhood as is the case in a number of other European countries having particular regard to the falling birth rate throughout Europe; and if he will make a statement on the matter. [35589/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** My Department provides a range

of supports to parents, in particular mothers, which may impact on decisions regarding motherhood. In the context of measures to provide income support to mothers, child benefit and maternity benefit are the most direct financial provisions within the remit of my department. Child benefit, a universal payment, is paid in respect of children up to the age of 16 years and it continues to be paid in respect of children up to age 19 who are in full-time education, or who have a physical or mental disability. Maternity benefit is an income maintenance payment awarded by this department to eligible women for a 26-week period on foot of a confinement. Entitlement to this benefit for employees is contingent on entitlement to statutory maternity leave, which is the responsibility of the minister for justice, equality and law reform. Maternity leave legislation also provides an option for a woman to take an additional 16-week period of maternity leave that does not attract a benefit payment.

The Government has demonstrated its commitment to supporting parenthood through the significant enhancements to the child benefit scheme with increases of between 265% and 300% in the monthly payments since 2001. In addition in 2006 the government introduced the Early Childcare Supplement for children under age six. The supplement was increased to €1,100 in Budget 2008. Likewise Maternity benefit rates have increased substantially from some €219 in 2001 to 280. Furthermore the duration for maternity benefit has been extended from 18 to 26 weeks in recent years. The period of weeks which must be taken before the baby is due has been reduced from 4 to 2 weeks and the final 4 weeks can be postponed in the event of the child being hospitalised. It should be noted that the recently agreed programme for government contains the following commitment in relation to 'Giving Parents More Time with Their Children': Over the next five years we will increase paid maternity leave by five weeks and make all leave after the first 26 weeks available to either parent; Work with the social partners to promote the greater availability of family-friendly work practices; Examine the possibility of introducing paternity benefit; Examine the possibility of shared parental leave. Progression of this commitment is a matter for the Minister for Justice, Equality and Law Reform in the first instance.

332. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs if he will extend social welfare rights to returning missionaries to include the provision of a travel pass when they reach 66 years of age; and if he will make a statement on the matter. [35642/07]

334. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the plans he has

to introduce a system where persons entitled to free travel who can not avail of public transport for hospital appointments could obtain a refund for the cost of taxis; and if he will make a statement on the matter. [35644/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 332 and 334 together.

The free travel scheme is available to all people living in the State aged 66 years or over. This includes people aged 66 or over, such as missionaries, returning from abroad to live in Ireland. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. The scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as Luas and services provided by over 80 private transport operators.

I am aware of the difficulties that some free travel pass holders have in accessing public transport and my officials have discussed this issue with the Commission for Taxi Regulation. Various alternatives to the existing system, including the use of vouchers, have been examined. A study, "A Review of the Free Schemes," published in 2000 under the Department's programme of expenditure reviews concluded that a voucher type system, which would be open to a wide range of transport providers including taxis and hackneys, would be extremely difficult to administer, open to abuse and unlikely to be sufficient to afford an acceptable amount of travel. This position remains unchanged.

The issue of access to public transport in rural areas is being addressed at present through the Rural Transport Programme, which is being managed by Pobal, on behalf of my colleague the Minister for Transport. My Department contributed €500,000 to the initiative in 2004, €750,000 in 2005, €850,000 in 2006, and €1.5 million in 2007 to ensure that free travel passholders continue to have access to community based transport services. I will continue to review the operation of the free travel scheme with a view to identifying the scope for further improvements as resources permit.

333. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs if he will provide the fuel allowance in a lump sum in order that recipients can pay for the purchase of oil and

[Deputy Denis Naughten.]

so on; and if he will make a statement on the matter. [35643/07]

**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.

*Question No. 334 answered with Question No. 332.*

#### Community Development.

335. **Deputy Michael McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the financial supports available from his Department in terms of both start-up costs and running costs for community groups who wish to establish youth cafes in their community. [34874/07]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As the Deputy will be aware my Department does not operate a specific scheme or programme to support youth cafes. My Department does, however, operate a number of programmes and schemes and it may be possible to secure from these an element of funding towards the start up costs and running costs for community groups to establish youth cafes in their community. Details of all the programmes and schemes operated by my Department can be accessed on the Department's website at [www.pobail.ie](http://www.pobail.ie). I should point out that each of the schemes and programmes operated by my Department are governed by rules and eligibility criteria that applicants must meet in order to receive funding from the Department.

#### Departmental Expenditure.

336. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34880/07]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I refer the Deputy to question number 158 of 13 December 2007. As outlined in that reply, my Department operates in line with Public Financial Procedures, and makes 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 relation to the agencies within the ambit of my Department, I understand that no payments have been made in respect of works or services that will not be completed before the end of the 2007 financial year.

#### Grant Payments.

337. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money that has been granted to a group (details supplied) since its establishment; the benefit to taxpayers of the group's work; and if he will make a statement on the matter. [35034/07]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The organisation concerned is a statutory body, rather than a group as that term might ordinarily be understood in the context of my Department's funding schemes for community and voluntary organisations. Given the nature of the statutory body and the funding arrangements that apply to it, it is not possible for me to answer the Deputy's Question in any meaningful way, without revealing the identify of the organisation. The Deputy will appreciate that I am precluded by the conventions of the House from so doing in the context of replying to a 'details supplied' Question. I will, however, be glad to supply whatever information the Deputy requires in this case if he wishes to adopt an alternative approach to the matter.

#### Youth Services.

338. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the breakdown on funding under the Drugs Initiative/Young Peoples Facilities and Services Fund in terms of capital expenditure; non-capital expenditure and the new programmes or initiatives to be funded. [35124/07]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** The following table outlines the expected 2007 expenditure under the Drugs Initiative/Young People's Facilities and Services Fund. 2007 Expected Expenditure Drugs Initiative/Young People's Facilities and Services Fund

	Current	Capital
	€m	€m
Drugs Initiative (Drugs Task Forces)	27.3	1.0
Young Peoples Facilities and Services Fund	13.1	7.0
Other (NACD, NDST, HRB, etc)	2.9	0
Total	43.3	8.0

A total allocation of €64.332m has been provided in my Department's Estimates for drugs expenditure in 2008, of which €9m has been allocated to capital projects. This represents an increase of 29% on the corresponding figure for 2007, which is a huge increase by any standards and, particularly, in the context of allocations generally for the coming year. The increased allocation will facilitate increased activity under the Young People's Facilities and Services Fund – including further progress towards the full implementation of the action plans of the Regional Drugs Task Forces; the initiation of the implementation of the recommendations of the Report of the Working Group on Drugs Rehabilitation in so far as they pertain to my Department; the expansion of the Fund to further towns, mainly in Leinster, and increased capital funding for drug related projects and facilities for young people. The 2008 allocation will also facilitate further initiatives in tackling cocaine in line with the recommendations of the Report of the National Advisory Committee on Drugs "An Overview of Cocaine Use in Ireland". Overall, I am satisfied that the significant funding available to me will facilitate accelerated progress in the coming year.

#### Community Development.

339. **Deputy Billy Timmins** asked the Minister for Community, Rural and Gaeltacht Affairs the application for funding made in 2006 and 2007 by Wicklow County Council for CLÁR Funding; the discussions officials in his Department have had with Wicklow County Council on the matter; and if he will make a statement on the matter. [35161/07]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Following a review of the CLÁR Programme in 2006, parts of Co Wicklow were added to the Programme for the first time. In this context, the Deputy should note that I met with officials from Wicklow County Council in May 2006 to outline the var-

ious measures available under CLÁR. Officials in my Department subsequently wrote to Wicklow County Council detailing the funding that is available under each measure. To date, Wicklow County Council has applied for €21,167 under the programme in 2007. No applications were made during 2006.

340. **Deputy Eamon Scanlon** asked the Minister for Community, Rural and Gaeltacht Affairs the reason an organisation that applied for a grant under the Irish National Community and Voluntary Forum was unsuccessful; and if he will make a statement on the matter. [35382/07]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** One of the organisations referred to by the Deputy had an unsuccessful application under the Funding Scheme to support National Organisations in the Community and Voluntary Sector. 64 organisations were awarded funding under this Scheme. This organisation has been notified directly of the reason they were not successful on this occasion. It is open to the organisation to appeal the decision.

#### Tuarascálacha Bliantúla.

341. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil cóip de Thuarascáil Bhliantúil Bhord na Leabhar Gaeilge do na blianta 2004, 2005 agus 2006 ar fáil agus cathain a bheidh sé ag súil le Tuarascáil Bhliantúil 2007 a fháil, ar ghlac sé leis na tuarascálacha agus ar fhoilsigh an Bord iad ina dhiaidh sin, mar níl siad ar fáil ar an idirlíon, nó cathain a bheidh siad ar fáil. [35485/07]

342. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cathain a sheol Bord na Leabhar Gaeilge cóip nó dréacht de Thuarascálacha Bliantúla 2004, 2005 agus 2006 ar aghaidh chuig an Aire nó chuig a Roinn, agus cathain a d'fhaomhaigh an Bord an dréacht deireanach i ngach cás. [35486/07]

343. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cé orthu a bhfuil an fhreagracht as a chinntiú go ndéantar Tuarascálacha Bliantúla Bhord na Leabhar Gaeilge a fhoilsiú do gach bliain, cad iad na céimeanna a glacadh maidir le foilsiú Thuarascálacha Bliantúla an Bhoird, mar shampla dréacht, faomhadh srl, cén staid ag a bhfuil Tuarascálacha Bliantúla 2004, 2005 agus 2006 agus cathain a glacadh na cinntí éagsúla maidir leis na tuarascálacha. [35487/07]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Tógaigh mé Ceisteanna 341 go dtí 343 le chéile.

[Deputy Éamon Ó Cuív.]

I dtús báire, ba mhaith liom a mhíniú don Teachta go bhfuil Tuarascáil Bhliantúil agus Ráiteas Airgeadais Bhord na Leabhar Gaeilge don bhliain 2004 leagtha faoi bhráid Tithe an Oireachtais ó 11 Eanáir 2007. Maidir leis na Tuarascálacha Bhliantúla do na blianta 2005 agus 2006, tuigim go bhfuil na dréacht-thuarascálacha do na blianta sin faomhtha ag an mBord féin ach go bhfuil na Ráitis Airgeadais a théann leo fós á bplé leis an Ard Reachtaire Cuntas agus Ciste. A luaithe agus a bheidh siad ar fáil, leagfar na Tuarascálacha mar aon leis na Ráitis Airgeadais faoi bhráid Tithe an Oireachtais. Beifear ag súil go mbeidh Tuarascáil agus Ráiteas Airgeadais don bhliain 2007 ar fáil go luath i 2008. Is ar an mBord go príomha atá an fhreagracht a chinntiú go bhfuil Tuarascálacha Bliantúla an Bhoird foilsithe do gach bhliain. Sin ráite, is féidir liom a dheimhniú go mbíonn monatóireacht leanúnach á déanamh ag mo Roinnse ar na nithe seo agus go mbíonn plé leanúnach ag oifigigh mo Roinne leis an eagraíocht lena cinntiú go gcomhlfontar na dualgais cuntasachta sa chás. Mar eolas don Teachta, tá cinneadh déanta feidhmeanna na heagraíochta seo a aistriú chuig Foras na Gaeilge le héifeacht ó dheireadh na bliana seo. Is ar Fhoras na Gaeilge, mar sin, a thitfidh an fhreagracht ó thús 2008 ar aghaidh chun na Tuarascálacha agus na Ráitis Airgeadais chuí a fhoilsiú.

#### Departmental Records.

344. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department maintain a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35538/07]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** No. However, I visit the headquarters on days on which the Dáil is sitting, along with any days that I am in Dublin, including weekends. I also frequently visit one of the decentralised locations of the Department on days on which I am based in the West of Ireland.

#### Community Development.

345. **Deputy Joe Costello** asked the Minister for Community, Rural and Gaeltacht Affairs the steps taken to provide funding for a project (details supplied); and if he will make a statement on the matter. [35558/07]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** I understand that the project in question is primarily funded through FÁS. The process for any project seeking funding through the National Drugs Strategy is to make an application through the relevant Local or Regional Drugs Task Force who, in this case, is Finglas Cabra Local Drugs

Task Force (LDTF). I understand that the LDTF in question has received an application for funding from the project which is currently being considered by them.

#### Harbours and Piers.

346. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food if he will make funding available for the upgrading of the Coolnagalach pier outside Kenmare; and if she will make a statement on the matter. [35345/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Pier at Coolnagalach is the property of Kerry County Council and responsibility for its repair and upkeep rests with the Local Authority in the first instance. My Department does, however, co-fund maintenance and development works with various Local Authorities subject to the availability of Exchequer funding and overall national priorities. I have recently invited applications for funding under the 2008 Fishery Harbours and Coastal Infrastructure Programme and any application received from Kerry County Council for the above location will be given due consideration subject to availability of exchequer funding and overall national priorities.

#### Grant Payments.

347. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food when payments due under the area based scheme will issue to a person (details supplied) in County Mayo. [34849/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** An application under the 2007 Disadvantaged Areas Scheme was received from the person named on 3 May 2007. Following processing of the application, issues arose regarding the area of land being claimed, the outcome of which was that the person named was deemed to have over-claimed in respect of the forage area available to him. While this over-claim did not affect his payment under the Single Payment Scheme — as he was confirmed to have more eligible land than the number of entitlements held — it has resulted in an over-declaration of greater than 20% of the eligible forage area found. Under the rules governing the Disadvantaged Areas Scheme, an over-declaration of more than 20% results in a nil payment for the year in question. Accordingly, there is no payment due to the person named.

#### Departmental Expenditure.

348. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food if her Department, or its agencies, has paid in advance for works or services that will not be completed

before the end of the 2007 financial year; the reasons for doing so; 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. [34877/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Almost all 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 set out in the table below.

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.

The service contract for analytical instruments relates to the Central Meat Control Laboratory of my Department. Service contracts are required to establish that analytical instruments are still fit for purpose and operating within specification.

With regard to agencies under the aegis of my Department, payment for works or services are operational matters for the bodies themselves.

Company	Nature of Service	Period of Cover	Amount inc VAT
			€
Allen Systems Group	Maintenance and support for Mainframe Development Software	February 2007 – February 2008	34,635.97
Allen Systems Group	Maintenance and support for Mainframe Monitoring Software	June 2007 – June 2008	11,464.95
Altassian	Maintenance and support for Management Software	March 2007 – March 2008	2,998.20
Blenheim	Maintenance and support for Management Software	July 2007 – July 2008	4,486.92
Cincom	Maintenance and support for Mainframe Database Software	January 2007 – January 2008	14,538.78
Cincom	Maintenance and support for Mainframe Database Software	March 2007 – March 2008	25,652.73
Cincom	Maintenance and support for Mainframe Database Software	July 2007 – July 2008	3,496.90
Cincom	Maintenance and support for Mainframe Database Software	August 2007 – July 2008	221,493.80
Computer Associates	Maintenance and support for Mainframe Management Software	December 2007 – December 2008	233,813.14
Core	Maintenance and support for Management Software	January 2008 – December 2008	37,074.96
Core	Maintenance and support for Management Software	January 2008 – December 2008	13,323.84
Core	Maintenance and support for Management Software	January 2008 – December 2008	793.72
eSpatial	Maintenance and support for Mapping Software	January 2008 – December 2008	290,118.12
Fitz Software	Maintenance and support for Mainframe Management Software	July 2007 – July 2008	9,075.00
Hewlett Packard	Maintenance and support for Hardware	June 2007 – June 2008	305,841.18
Hewlett Packard	Maintenance and Support for Hot Site facility	July 2007 – July 2008	111,010.19
Hewlett Packard	Maintenance and support for Mainframe Management Software	October 2007 – September 2008	10,577.82
IBM	Maintenance and support for Software	December 2007 – November 2008	46,516.56
Levi Ray Shoup	Maintenance and Support for Mainframe Management Software	January 2008 – December 2008	9,162.88



[Deputy Mary Coughlan.]

Company	Nature of Service	Period of Cover	Amount inc VAT
			€
Macro4	Maintenance and Support for Mainframe Management Software	January 2008 – January 2009	4,000.00
Accenture	Maintenance and support of the Single Payment System	December 2007- December 2008	3,216,996.00
Neopost	Maintenance and Support for Hardware Maintenance	May 2007 – April 2008	494.25
Oracle	Maintenance and Support for Database and Application Software	February 2007 – February 2008	25,017.54
Oracle	Maintenance and Support for Database and Application Software	February 2007 – February 2008	44,501.71
Oracle	Maintenance and support for Database and Application Software	February 2007 – February 2008	53,584.63
Oracle	Maintenance and Support for Database and Application Software	February 2007 – January 2008	18,670.90
Oracle	Maintenance and Support for Database and Application Software	November 2007 – November 2008	286,041.37
Oracle	Maintenance and Support for Database and Application Software	November 2007 – November 2008	25,532.46
Pitney Bowes	Maintenance and Support for Hardware Maintenance	October 2007 – September 2008	12,706.87
Proginet	Maintenance and Support for Management Software	March 2007 – March 2008	15,096.33
Sabeo	Maintenance and support for Management Software	April 2007 – April 2009	57,219.76
Sabeo	Maintenance and support for Management Software	January 2008 – December 2008	51,216.88
SAS	Maintenance and support for Management Software	April 2007 – March 2008	1,960.20
Software Europe	Maintenance and support for Mainframe Management software	May 2007 – May 2008	9,473.75
Tecfacs	Maintenance and support for Mainframe Management software	February 2007 – February 2008	14,761.23
Cardbox Software Ltd.	Maintenance and support for Library software	August 2007 – July 2008	263.83
Computer Associates Plc	Maintenance and support for Backup software	July 2007 – June 2008	176,053.79
Datapac	Maintenance and support for printers	December 2007-January 2008	5,676.00
Encad Computers Ltd.	Maintenance and support for Computer Aided Software (CAD)	July 2007-June 2008	2,136.86
ESRI Ireland Ltd.	Maintenance and support for Geographical Information Software (GIS)	January 2007-January 2008	17,012.60
Mentec International Ltd.	Maintenance and support for Management Information Software (MIS)	March 2007-February 2008	725.25
Mentec International Ltd.	Maintenance and support for Management Information Software (MIS)	July 2007-June 2008	4,320.27
IT Alliance	Maintenance and support for Corporate Customer System	December 2007 – March 2008	65,993.40
Microsoft Ireland Operations	Maintenance and support for Desktops and Servers software	March 2007-March 2008	105,322.03
National Council for the Blind	Maintenance and support for Disability software	October 2007-September 2008	720.00
Orbis Information Systems Ltd.	Maintenance and support for Laboratory software	February 2007-January 2008	128,635.10
Prostrategy	Maintenance and support for Management Information Software (MIS)	January 2007-July 2008	3,933.00

Company	Nature of Service	Period of Cover	Amount inc VAT
			€
Prostrategy	Maintenance and support for Management Information Software (MIS)	June 2007-September 2008	1,089.00
Prostrategy	Maintenance and support for Management Information Software (MIS)	December 2007-November 2008	27,533.55
SPSS Ireland	Maintenance and support of Statistics software	January 2007-January 2008	229.90
SMX	Maintenance and support for SAP R/3 computer System	January 2008-February 2008	83,454
Client Solutions Ltd	Maintenance and support for SAP R/3 computer System	January 2008-March 2008	74,342
Lan Communications	Maintenance and support for eGovernment Infrastructure	January 2008-December 2008	75,880
Validsoft	Maintenance and support for Security software	November 2007-October 2008	2,904.00
Quest	Maintenance and support for Database Management software	February 2007-January 2010	5,608.35
Citrix	Maintenance and support for Remote Access software	April 2007-March 2008	31,581.00
Netfort Technologies	Maintenance and support for Network	June 2007-September 2010	15,826.44
Accenture	Maintenance and support for the Forestry System	April 2007- April 2008	881,471.09
Eircom	Line Rental	January 2008-March 2008	357,625.74
Complete Technologies	Line Rental	July 2007-August 2008	12,100.00
Eircom	Line and Equipment Rental	1-2 January 2008	2,576.75
Waters Chromatography	Service Contract for Laboratory Analytical Instruments	1 December 2007 – 30 November 2009	158,485.80

### Departmental Agencies.

349. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the terms of reference, functions and purpose of the Irish National Stud; if the agency is still operational; the reason these functions cannot be carried out by her Department; the benefits to the Irish taxpayer gained from the work of the agency; and if she will make a statement on the matter. [35021/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Irish National Stud Company Limited (INS) was established under the National Stud Act, 1945 which prescribes the main function of the Stud as carrying on the business of Stud farming. The INS operates in accordance with the requirements set down in this legislation, as amended, and also in accordance with the Memorandum and Articles of Association of the Company.

The principal activities of the INS are stud farming and related tourism activities. Its main function and purpose is to improve the quality of Irish bloodstock by making available top class stallions for breeders. The INS also offers a highly regarded equine training programme in horse breeding for young people who wish to enter the bloodstock industry.

Income from tourism activities makes an important contribution to INS revenues. Visitors to the INS have the opportunity to observe top class bloodstock at close range. They can also visit the Japanese Gardens, St Fiachras Gardens, the Horse Museum as well as the extensive walks around the grounds and stables. A measure of the popularity of the INS as a tourist attraction can be deduced from the fact that in excess of 145,000 people have visited the INS in 2007, making it one of the premier tourist attractions in the country.

The INS is a commercial State Body and operates as a going concern. It would not, I believe, be appropriate for my Department to engage in the day-to-day operation and management of a commercial enterprise which encompasses stud farming, a significant tourist attraction together with an education function. The current business model of the Commercial State Body is best suited to the INS with the multiple activities which form the business mix at the Company.

350. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the terms of reference, functions and purpose of Coillte; if the agency is still operational; the reason these functions cannot be carried out by her Department; the benefits to the Irish taxpayer gained from the

[Deputy Leo Varadkar.]

work of the agency; and if she will make a statement on the matter. [35022/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Coillte Teoranta is a private limited company, established under the Forestry Act 1988, which operates in forestry and related activities on a commercial basis. Section 12 of the Act sets out the objects of the company, which are as follows:

- To carry on the business of forestry and related activities on a commercial basis and in accordance with efficient silvicultural practices,
- To establish and carry on woodland activities,
- To participate with others in forestry and related activities consistent with its objects, designed to enhance the effective and profitable operation of the company, and
- To utilise and manage the resources available to it in a manner consistent with the above objects.

The establishment of Coillte was the outcome of a decision taken by Government during the 1980s that the State owned forests should be managed on a commercial basis. Coillte was established with effect from 1 January 1989 and the company has since developed its forestry business while also diversifying into the wood panel sector and various other related activities.

The Forest Service of my Department is the regulatory authority for the forestry sector. It is responsible for national forest policy, the control of felling, the administration of planting and other forestry grant schemes, forest protection and the promotion of private forestry. It is more appropriate for the day-to-day management of the State's forests on a commercial basis to be vested in a separate agency.

The taxpayer and Irish economy has benefited significantly from the work of Coillte in terms of direct and indirect employment, the production and processing of timber for the various markets and the provision and development of recreational facilities.

#### **Milk Quota.**

351. **Deputy Mattie McGrath** asked the Minister for Agriculture, Fisheries and Food the way the 2% increase in milk quotas due to take effect from 1 April 2008 will be dispersed among milk suppliers; and if she will make a statement on the matter. [35035/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The EU Commission presented a draft regulation to the Agriculture Council this week proposing to increase milk quota reference quantities across community

Member States by 2% with effect from 1st April 2008. The draft regulation was accompanied by a report from the Commission to the Council on the market outlook for the dairy sector. The conclusion of the report was that the 2% increase as originally proposed as part of the 2003 reform of the CAP may be implemented starting from 2008.

The proposal will now be considered at official level and will return to the Council early next year for consideration. When that process is complete I will consider the appropriate means of allocating the extra quota in Ireland.

#### **Grant Payments.**

352. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if the single payment section of her Department will accept an application to activate the entitlements of a person (details supplied) in County Mayo now deceased, to enable the transfer of entitlements with the sale of the land. [35064/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The case will be reviewed and my Department will contact the representative of the person named.

353. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food when a single farm payment will be made to a person (details supplied); and if she will make a statement on the matter. [35076/07]

**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 8th May 2007.

During processing of the transfer application, it was necessary for an official of my Department to contact the person named and request specific documentation.

Upon receipt of the requested documentation, my Department will process the application and will correspond directly with the person named.

354. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when payment will be issued to a person (details supplied) in County Roscommon; the reason for the delay in same; and if she will make a statement on the matter. [35097/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The person named submitted her annual application for payment on 30 November 2007 and it is being processed in accordance with the targets in the Charter of Rights for Farmers.

355. **Deputy Michael Lowry** asked the Minister for Agriculture, Fisheries and Food when a forest

service road grant will be issued to a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [35113/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** An application for a forest roading grant on behalf of the person in question was turned down following an appeal process by the Forest Service of my Department in February of this year on the basis that part of the proposed road was servicing an area of forest that was not due for harvesting within the next five years.

The applicant was advised at the time to submit a new roading application in respect of an area of forestry that was planted in 1988 and which would be eligible for grant aid. There is no record of any such application by the person in question having been received to date.

356. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be awarded their single farm payment for 2007; and the reason they have not received their payment to date. [35115/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** An application was received on 12 March 2007 requesting a transfer of single payment entitlements that were registered in the joint names of the person named and his late wife to the person named, as the sole owner of the herd number. As essential elements of the Transfer Application Form were not completed a copy of the Form was returned to the person named with comprehensive instructions regarding its completion. A further request for the completion of the Form issued to the person named on 9 December 2007. To date, no response has been received. Once the relevant documentation has been received, the requested transfer will be completed without delay.

#### Departmental Schemes.

357. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if she will ensure that the salmon hardship scheme payment is made to a person (details supplied) in County Sligo as soon as possible; and if she will make a statement on the matter. [35175/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The administration of the Salmon Hardship Scheme is the responsibility of the Department of Communications, Energy and Natural Resources. I have no function in this matter.

#### Grant Payments.

358. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in Co. Kerry has not

received all their entitlements to date; and if she will make a statement on the anomalies relating to this case. [35178/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The person named had established single payment entitlements during the reference period under a joint herd number. These entitlements were not activated in 2005. An application to transfer a portion of these entitlements from the joint herd number to the person named was received in my Department in May 2007. As an incorrect form was used for the division of the entitlements, the correct form was forwarded to the person named and he was requested to complete it and return it. To date my Department has not received this completed form. As a result the entitlements in question were not allocated to the person named and the single payment did not issue.

My Department has now forwarded another copy of the application form to the person named and on receipt of the completed form my Department will process this case immediately.

#### Fisheries Protection.

359. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food her views on the information provided to officials in her Department that illegal fishing is still unregulated. [35262/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Sea Fisheries and Maritime Jurisdiction Act 2006, provided for the establishment of the Sea-Fisheries Protection Authority (SFPA). This independent authority was established on January 1st 2007 to:

- (a) Secure efficient and effective enforcement of sea-fisheries law and food safety law
- (b) Promote compliance with and deter contraventions of sea-fisheries law and food safety law
- (c) Detect contraventions of sea-fisheries law and food safety law
- (d) Provide information to the sea-fisheries and seafood sectors on sea-fisheries law and food safety law and relevant matters within the remit of the Authority, through the Consultative Committee (see below) or any other means it considers appropriate
- (e) Advise the Minister in relation to policy on effective implementation of sea-fisheries law and food safety law
- (f) Provide assistance and information to the minister in relation to the remit of the Authority
- (g) Collect and report data in relation to sea-fisheries and food safety as required by the Minister and under Community law

[Deputy Mary Coughlan.]

- (h) Represent or assist in the representation of the State at national, Community and international for a as requested by the Minister, and
- (i) Engage in any other activities relating to the functions of the Authority as may be approved of by the Minister.

The Act clearly provides that the Authority is independent in the exercise of its functions and as such I have no remit as to its work programme or its relationships with other enforcement bodies.

Any information provided to officials of my Department in regard to illegal fishing is referred to the SFPA or other appropriate enforcement agencies.

360. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food her views on whether the deployment of three Gardaí and four fisheries officers to detain a 30 foot crab boat in Sligo was heavy handed. [35263/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Sea-Fisheries Protection Authority (SFPA) in conjunction with the Gardaí and Naval Services are engaged in the enforcement of sea-fisheries law. These are independent authorities and as such I have no remit as to their deployment of resources.

361. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if it is the policy of the fishery protection agencies to target Irish vessels and landings. [35264/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Ireland has a very important position as custodian of some of the largest and richest waters within the EU but also in our location on the edge of the Atlantic Ocean.

Ireland continues to maintain high standards in the enforcement of regulations within the Exclusive Fisheries Zone. These regulations and the policy underpinning them are non-discriminatory. The implementation of these regulations is a matter for the Sea-Fisheries Protection Authority.

362. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if she will list by nationality all vessels detained since January 2007 by the fisheries protection agencies. [35265/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** This question is a matter for the Sea-Fisheries Protection Authority (SFPA), which is a statutory body independent of me and my Department.

363. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if fish seized in a raid on a co-op (details supplied) was proven to have been illegally caught; and the value of the fish seized. [35308/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Sea-Fisheries Protection Authority (SFPA) is an independent statutory authority and as such I have no remit as to their day-to-day operational activities.

364. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food her Department's estimate of the value of fish taken illegally from Irish waters each year. [35309/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Securing efficient and effective enforcement of sea fisheries law within the Irish exclusive fisheries zone is a matter for the Sea Fisheries protection Authority working together with the other enforcement agencies.

Data on illegal landings detected by enforcement agencies relate to individual cases and is presented to the Attorney General's Office for consideration in relation to possible subsequent legal proceedings.

365. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food her views on the use of surveillance helicopters to monitor illegal fishing. [35311/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The strategic deployment of resources is a matter for the control and enforcement agencies.

366. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food the proportion of fisheries protection officers to the Irish fleet. [35312/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** This question is a matter for the Sea-Fisheries Protection Authority (SFPA), which is a statutory independent Agency.

367. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food the measures employed against Japanese tuna vessels operating in Irish waters. [35313/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Tuna Vessels are not permitted to operate with Ireland's Exclusive Fisheries Zone and it is a matter for the Sea-Fisheries Protection Authority and the other enforcement agencies to deal with any breaches which might arise.

### Ministerial Appointments.

368. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food when an Ombudsman for the Marine will be appointed. [35314/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** My Department already comes under the remit of the The Ombudsman Act, 1980.

### Aquaculture Licences.

369. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if it is her decision to renew licences issued to a group (details supplied) in October 1994 to continue to include two significant and locally important naturally recurring seed mussel resource areas to the exclusion of the majority of the licences operating in the lough; if, in view of the importance of sustainable resources of this type to local industry, it is her national policy and open for anyone in the State to licence such mussel seed resource areas for their own private use in any other part of the country where these types of resources occur; and if she will make a statement on the matter. [35327/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Aquaculture licences in general are issued under the Aquaculture Acts 1997 to 2006. Licences come into effect on the date issued by the Minister for Agriculture, Fisheries and Food or, as the case may be, by the Aquaculture Licences Appeals Board.

The licensing process is required to take account of the suitability of the waters for the aquaculture activity in question, other possible beneficial uses of the waters in question, the likely ecological, economical and environmental impacts, if any, and any other statutory status associated with the area in question. As part of the process the Department consults with a wide variety of consultees, including other Government Departments, the Marine Institute, Bord Iascaigh Mhara, the Central Fisheries Board and relevant Regional Fisheries Board, the Sea Fisheries Protection Authority, the relevant local authority, and the relevant Harbour Authority.

In accordance with Section 19A of the Acts, where a licensee has applied for the renewal of an aquaculture licence the licensee shall, notwithstanding the expiration of the period for which the licence was originally granted, be entitled to continue the aquaculture operations originally authorised pending a decision on the application for renewal.

### Grant Payments.

370. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when persons (details supplied) in County Mayo will receive

their disadvantaged area scheme payment. [35381/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** An application under the 2007 Disadvantaged Areas Scheme was received in this case on 2 May 2007. One of the primary provisions of the Disadvantaged Areas Scheme is that applicants must maintain a minimum stocking density on their holding of 0.15 livestock units per forage hectare for at least three consecutive months. However, where the holding of an applicant is identified as potentially not meeting this minimum stocking density requirement, the applicant is invited to submit evidence of satisfactory stocking i.e. Flock Register, Horse Passports. Alternatively the applicant may submit details of a REPS plan or a Commonage Framework Plan, which provides for a lower stocking level.

The applicant in this case was written to and invited to submit appropriate evidence of the number of sheep maintained on the farm and a copy of the REPS Plan. My Department received, by way of registered post on 13 November 2007, a flock register relating to the holding. However, the applicant did not submit a REPS plan, which provides for a lower stocking level on the holding. The applicant was subsequently contacted by an official from my Department and requested to submit the relevant documentation. This documentation was received on 13 December and the application of the person named has now been fully processed. Payment will issue shortly.

371. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason the 2005 REP scheme payment was not granted to a person (details supplied) in view of the fact that because of their illness they was unable to attend the 20 hour training course; if her attention has been drawn to the fact that their brother, who worked the farm with them over many years, would have been willing to do the course but was deemed ineligible to do so; and if she will make a statement on the matter. [35496/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The REP scheme requires participants to attend a training course before the end of their second year in the Scheme. Failure to attend a training course within the period specified will normally result in third and subsequent year's payment being withheld until such time as a training course has been completed by the beneficiary.

In view of the documented reason for the participant's inability to attend the training course in this case I am prepared, as an exceptional matter, to release a payment covering the period from the anniversary date up to the time of his death.

372. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo is being penalised for a payment made to them in error by her Department which they did not seek or claim and now the repayment is being reclaimed out of their REP scheme payment two years later. [35500/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** An application under the 2004 Disadvantaged Areas Scheme was received from the person named on 16 April 2004.

One of the primary provisions of the Disadvantaged Areas Scheme is that applicants must maintain a minimum stocking density on their holding of 0.15 livestock units per forage hectare for at least four consecutive months. However, where the holding of an applicant is identified as potentially not meeting this minimum stocking density requirement, the applicant is invited to submit evidence of satisfactory stocking i.e. Flock Register, Horse Passports. Alternatively the applicant may submit details of a REPS plan or a Commonage Framework Plan, which provides for a lower stocking level. My Department received written notification from the applicant that he did not meet the minimum stocking density requirement.

Payment of €1,168.77 issued incorrectly to the person named on 20 September 2004. The applicant was invited to refund the monies overpaid to the Department. The applicant failed to refund the monies overpaid and the debt therefore was subsequently recouped from future payments due to the applicant i.e. (REPS payment dated 28 July 2006). The overpayment amount has now been fully recouped.

373. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the type, nature and level of grants available to farmers and others who wish to establish a modern equestrian centre with all up to date facilities; and if she will make a statement on the matter. [35510/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Farm Improvement Scheme, which was introduced by my Department in July 2007, did provide for grant-aid to eligible farmers for the building of stables for horses and related facilities. However, the Scheme is suspended for new applications at present because the level of applications for grants exceeded the funding available for the Scheme.

#### Departmental Records.

374. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food if her Department maintains a record of visits by her to the headquarters of her Department; and if she will make a statement on the matter. [35535/07]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** I do not visit my Department headquarters as I am based there.

#### Education Schemes.

375. **Deputy Michael D. Higgins** asked the Minister for Education and Science the steps she proposes to take to resolve the contradiction which has emerged between the Department of Education and Science and the Department of Justice, Equality and Law Reform in relation to the rights of children whose parents are on student visas to avail of primary education in their locality; if her attention has been drawn to the inconsistency which has arisen between the Department of Education and Science, which acknowledges the right of children to enrol, and the Department of Justice, Equality and Law Reform, which is insisting that such children cannot avail of State education and must make private provision, of circumstances where the refusal of State access is tantamount to a deprivation of the rights to education of such children in accordance with Article 42.4 of Bunreacht na hÉireann and Article 2 of Protocol One of the European Convention on Human Rights; and if he will undertake to take urgent action in this matter. [34908/07]

391. **Deputy Michael D. Higgins** asked the Minister for Education and Science if she has discussed with the Department of Justice, Equality and Law Reform the ongoing difficulties being experienced by children of parents who are here on student visas to access primary education in accordance with Article 42.4 of Bunreacht na hÉireann and Article 2 of Protocol One of the European Convention on Human Rights; and if she will undertake such action as to immediately remove the prohibition on access to primary education for such children as a condition in student visas. [34906/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 375 and 391 together.

Under the immigration regime, students from outside the EU/EEA and Switzerland who are not asylum seekers, refugees or who do not have humanitarian leave to remain in the State, may access education on a fee paying basis and are required to be self sufficient during their stay in Ireland. Such students attending full time courses of at least 15 hours a week may also access work up to 20 hours per week, or full time in the holiday period, provided they are attending a programme of study which is included on the Department's Internationalisation Register. The majority of these students attend courses of further or higher education in the public or private sector, or avail of language courses in private language schools.

Such students may also be admitted to the second level sector provided they attend fee paying schools. Under the immigration regime, persons admitted on a student visa have no entitlement to bring their spouses or children with them. Where children are admitted, the immigration requirement is that they attend fee paying schools, on the basis that to do otherwise would give rise to additional demands on the State.

The Department of Education and Science provides for and funds education in primary schools and second level schools in the Free Education Scheme. Existing policy is that students up to 18 years of age are admitted to such schools irrespective of their nationality or status. Indeed, under the Equal Status Act, schools may not discriminate in admission to schools except where this is necessary to maintain the religious values or ethos of the school. The Act does provide for differential treatment in relation to fees for further and higher education for persons who are not nationals of an EU Member State. There is no such condition specified in regard to second level schools.

Therefore, second level fees may not be levied by schools or the Department of Education based on a child's nationality or status. The differentiation in such cases occurs on the basis of immigration policy, in that persons who are not attending schools in the fee-paying sector do not generally have an entitlement to enter or remain in the State.

#### Schools Building Projects.

376. **Deputy Dara Calleary** asked the Minister for Education and Science when will she outline the school building projects to proceed to tender stage and to construction stage in 2008. [34819/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Under my Department's School Building and Modernisation Programme there will be close to €600 million available to address first and second level school infrastructure deficits/improvements in 2008. While there will continue to be a focus next year on providing extra places in developing areas, my Department will also be delivering improvements in the quality of existing school accommodation throughout the country. The emphasis however will be on new schools, extensions and major refurbishments, rather than on smaller projects.

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.

The level of investment in school buildings has never been greater and with €4.5 billion to be invested in this area under the National Development Plan over the next few years, further significant progress will be made.

#### School Staffing.

377. **Deputy Dara Calleary** asked the Minister for Education and Science the cost to the Exchequer in 2007 of allowing primary schools to appoint their extra allocated teacher in the 2007/2008 school year rather than in the 2008/2009 school year as is currently the case. [34820/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The mainstream staffing of a primary school is determined by reference to the valid enrolment of the school on 30th September of the previous school year and the staffing schedule which is issued annually to all primary schools.

If the current staffing schedule were to be applied to all primary schools based on the provisional enrolment figures of the 30th September 2007, forwarded to my Department by the Boards of Management of primary schools, it is estimated that it would give rise to a cost of €11.3 million in 2007 and a full year estimate of €34 million.

While primary schools are generally staffed on the basis of their enrolments in the September of the previous year a further initiative in recent years that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 330 such posts have been sanctioned in the 2007/08 school year compared to 280 in 2006/07.

The Deputy should also note that if the mainstream staffing in a school was based on current enrolment figures, some schools would lose a teacher immediately rather than being able to hold them for a year as is the present arrangement.

#### Departmental Communications.

378. **Deputy Brian Hayes** asked the Minister for Education and Science if it is policy in her Department to restrict members of political organisations or individuals other than members of the media from receiving press releases relating to her Department by e-mail; if so, the reason this is the case; and if she will make a statement on the matter. [34829/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Press releases from the Department of Education and Science are all readily available, on issue, on the Department's website [www.education.ie](http://www.education.ie), under the link for Press Room.

Outside groups, including political organisations, are also included in the circulation list for direct electronic receipt of copies of press releases.

This circulation list is updated on a regular basis and I am happy to make arrangements to include any further e-mail contacts that the



[Deputy Mary Hanafin.]

Deputy wishes to have included. I have asked the Press Office of the Department to make contact with the Deputy's office to request the relevant e-mail details.

#### **Schools Refurbishment.**

379. **Deputy Seán Sherlock** asked the Minister for Education and Science if the summer works scheme has come to an end; if so, if the schools (details supplied) in County Cork which have already submitted their application will receive funding for 2007/2008; and if she will make a statement on the matter. [34832/07]

**Minister for Education and Science (Deputy Mary Hanafin):** An application for the Summer Works Scheme 2008 has been received from the schools referred to by the Deputy. 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.

#### **Schools Amalgamation.**

380. **Deputy Pat Breen** asked the Minister for Education and Science the position regarding the amalgamation of three second level schools (details supplied) in County Clare; and if she will make a statement on the matter. [34838/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The three post primary schools in question have agreed to amalgamate to form a new Community School. The new school is expected to cater for up to 650 pupils. The amalgamation will proceed when a new school building has been provided.

A suitable site for this project has been identified. It consists of lands acquired under the Residential Institutions Redress Act (Redress site) and an additional piece of land located adjacent to the Redress site. The Redress site has been secured and my Department is currently in negotiations on the acquisition of the adjacent piece of land.

When the site for the proposed school is secured the project will be considered for progression in the context of the School Building and Modernisation Programme 2007-2011.

#### **Outdoor Education Centres.**

381. **Deputy Michael Ring** asked the Minister for Education and Science the funding allocated

to a centre (details supplied) in County Mayo; if funding has been allocated to any other outdoor pursuits centre in County Mayo; and if she will make a statement on the matter. [34839/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Achill Outdoor Education Centre is one of 11 outdoor education centres (OEC's) developed by Vocational Education Committees in order to enhance the quality of the educational experience for young people through outdoor education programmes. OECs cater mainly for primary and post-primary students, including young people from disadvantaged backgrounds. They also cater for third-level students, youth groups, special needs groups and adults. During periods such as school holidays, when the centres are not fully utilised for educational purposes, the centres generate additional income by providing courses on a commercial basis for the leisure and tourism market.

Achill outdoor education centre received funding of €119,000 from my Department in 2007. This funding goes mainly towards the core staffing costs involved in running the centre. Achill is the only outdoor education centre in County Mayo in receipt of funding from my Department.

#### **State Examinations.**

382. **Deputy Michael Ring** asked the Minister for Education and Science the reason no response issued from her or from the State Examinations Commission regarding concerns raised in relation to a discrepancy in an examination result of a person (details supplied) in Dublin 20. [34840/07]

383. **Deputy Michael Ring** asked the Minister for Education and Science if an investigation has taken place within her Department in relation to junior certificate or leaving certificate exam results and the inconsistencies found when these results are recorrected; if action has been taken by her Department in relation to incorrect results; if any investigation has taken place when incorrect results are issued; her plans to deal with this issue; and if she will make a statement on the matter. [34841/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 382 and 383 together.

The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including organising the holding of examinations and issuing the results of examinations.

I have been informed that the issue in this case arose as a result of a failure to correctly transfer the marks awarded for each question to the candidate's summary marking sheet. The result was appealed, and the candidate's results were corrected and upgraded as part of the normal operational procedures for the examinations.

Such appeals and upgrades must be examined in context. In the certificate examinations in 2007 there were 108,265 candidates excluding the Leaving Certificate Applied programme. 882,334 subjects, and over 1.5 million components were examined within a very constrained timescale. 13111 appeals were received, representing 1.5% of the of the overall subjects graded, and 2803 results, or 0.3% of the overall grades marked, were upgraded.

We can be proud that our Certificate examinations operate to an extremely high level of fairness, quality and transparency. Results are published and subject to a high degree of public scrutiny, marking schemes are made available and Leaving Certificate candidates can view their scripts to ensure that the marking schemes have been fairly applied. These processes are designed to ensure that any errors are addressed promptly. The initial results issued are provisional pending the result of such appeals.

#### **Water Charges.**

384. **Deputy Olivia Mitchell** asked the Minister for Education and Science the measures being put in place to ensure that the commitment within the Programme for Government to ease the burden of metered water rates on schools is delivered; and when these measures will be put in place. [34848/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The Programme for Government contains a commitment to examine the provision of waste and water allowances to schools with charges becoming effective after these are exceeded.

The examination referred to in the Programme is primarily a matter for my colleague the Minister for the Environment, Heritage and Local Government who has responsibility for waste and water policy generally and the EU Water Framework Directive. I am in ongoing discussions with the Minister in relation to this matter.

My Department will actively input to the examination and it has already been agreed between officials of both Departments that as a priority the examination should consider what is legally permissible in line with the EU Directive, with advice from the Office of the Attorney General, so that the Government can be advised of any alleviation options that may exist along the lines indicated in the commitment in the Programme for Government.

#### **Special Educational Needs.**

385. **Deputy Finian McGrath** asked the Minister for Education and Science if she will assist a person (details supplied) in Dublin 9. [34856/07]

**Minister for Education and Science (Deputy Mary Hanafin):** As the Deputy will be aware, the

National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers (SENO) for allocating resource teachers and special needs assistants to schools to support children with special needs. SENOs also make recommendations where assistive technology is required.

My Department has no record of receiving a recommendation from the SENO in question for assistive technology for the pupil referred to by the Deputy.

I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for attention and direct reply.

#### **School Transport.**

386. **Deputy Michael McGrath** asked the Minister for Education and Science if children (details supplied) in County Cork are entitled to benefit from her Department's school transport system. [34876/07]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Under the terms of my Department's Primary School Transport Scheme pupils who reside 3.2 kilometres or more, and are attending, their nearest suitable school, as determined by my Department, are eligible for free school transport.

The position is that there is no provision in the School Transport Scheme for my Department to sanction either free transport or grant-aid for pupils in circumstances outlined by the Deputy in the details supplied.

#### **Departmental Expenditure.**

387. **Deputy Leo Varadkar** asked the Minister for Education and Science if her Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34882/07]

**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.

[Deputy Mary Hanafin.]

If the Deputy requires details of the Departments prepayments 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 Transport.

388. **Deputy John O'Mahony** asked the Minister for Education and Science the reason her Department did not sanction a new school bus for students (details supplied) in County Mayo; and if she will make a statement on the matter. [34900/07]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Bus Éireann operates the school transport service on behalf of my Department. Routes are planned in such a way to ensure that, as far as possible, eligible pupils have a reasonable standard of service, while at the same time, ensuring that school transport vehicles are fully utilised in the most efficient and cost effective manner.

My Department has been advised by Bus Éireann and the Transport Liaison Officer for Co. Mayo that the combined travel and waiting times for the eligible pupils referred to by the Deputy are within the general guidelines of the School Transport Scheme.

In the circumstances, it is proposed to maintain the current arrangements for those pupils.

#### Schools Building Projects.

389. **Deputy James McDaid** asked the Minister for Education and Science the position regarding a school (details supplied) in County Donegal. [34903/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The building project for the School referred to by the Deputy is at an early stage of architectural planning.

The School authorities have recently been requested to submit an addendum to the original stage 3 report (developed sketch scheme). When this information is received in my Department it will be evaluated by my Department's technical team.

Progression of the project to tender and construction will be considered in the context of the multi-annual School Building and Modernisation programme.

#### Higher Education Grants.

390. **Deputy Michael D. Higgins** asked the Minister for Education and Science if she will take such steps as to ensure that where a mature student in receipt of a higher education grant fails to complete a course due to medical reasons, such student will be able to resume their education and

access to a grant without penalty; and if she will issue an instruction to those local authorities and vocational education committees who are interpreting Section 3.3 of the guidelines as requiring a five year wait by the student in such circumstances, that they should cease doing so. [34905/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The decision on eligibility for third level and further education grants is a matter for the relevant Local Authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where for example, advice or instruction regarding a particular clause in the relevant scheme is desired.

Under the terms of the third level student support schemes ( clause 3.3 of the Higher Education Grants Scheme), a second chance student is defined as a student, who having attended but not successfully completed an approved course, is returning following a break of at least five years in order to pursue an approved course at the same level.

In addition grant assistance may not be awarded in respect of a repeat period of study at the same level, irrespective of whether or not funding was previously awarded. However, the awarding body may waive this provision in exceptional circumstances such as cases of certified serious illness. It should be emphasised, however, that this discretion would only be exercised where a candidate is repeating a period of study on the same course.

*Question No. 391 answered with Question No. 375.*

#### Teaching Qualifications.

392. **Deputy Pat Rabbitte** asked the Minister for Education and Science the situation regarding the ongoing negotiations between her Department and the Teaching Council regarding the procedural difficulties surrounding the assessment of teaching qualifications; and if she will make a statement on the matter. [34909/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The Teaching Council has processed over 5,800 new applications for teacher registration in primary, post primary and further education sectors since March 2006. In a small proportion of cases, assessment for registration required more detailed investigation and consideration of qualifications than is the norm or procedural issues arose which have since been resolved. The Teaching Council aims to finalise all outstanding cases in as short a timeframe as possible. The Department and the Council are continuing to work together, as necessary, in this regard.

### School Staffing.

393. **Deputy Enda Kenny** asked the Minister for Education and Science the reason chaplaincy is not recognised in the voluntary secondary school sector; and if she will make a statement on the matter. [34914/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The position is that historically the State funds chaplains in Community and Comprehensive schools and certain Community Colleges under the VEC. It does so in accordance with agreements reached with Church Authorities at the time of first establishment of those types of schools.

Over time the matter of extending State funded chaplaincy to Voluntary Secondary Schools has been the subject of discussion between officials of my Department and Church representatives.

I am not in a position to make any movement in relation to this matter in the context of competing demands that give rise to increases in the public sector numbers.

### Schools Building Projects.

394. **Deputy Denis Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 422 of 16 October 2007, the status of the application; and if she will make a statement on the matter. [34918/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The application for large scale capital funding from the school to which the Deputy refers has been assessed against published prioritisation criteria. Officials from the Department's Planning and Building Unit met recently with representatives of the school. Progress on the project, will be considered in the context of the multi-annual School Building and Modernisation Programme.

### Early Assessment Schemes.

395. **Deputy Jack Wall** asked the Minister for Education and Science her plans to reassess the early assessment in relation to increasing the number of such teams within her Department in view of the positive overview of school principals to such schemes with the only difficulty being the observation that there is not enough such teams available; and if she will make a statement on the matter. [34933/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The matter referred to by the Deputy relates to a service being provided by the Health Service Executive. In the circumstances, I have made arrangements for the Deputy's question to be forwarded to the Department of Health and Children for attention.

### Special Educational Needs.

396. **Deputy Finian McGrath** asked the Minister for Education and Science if a person (details supplied) in Dublin 5 will be assisted. [34934/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers, for allocating resource teachers and special needs assistants to schools to support children with special needs. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply. The Council has advised that it will contact the family directly in regard to their concerns.

### Site Acquisitions.

397. **Deputy Leo Varadkar** asked the Minister for Education and Science the cost of the one acre former reserved site at Littlepace, Dublin 15 that Fingal County Council has transferred the ownership of to her Department; and if she will make a statement on the matter. [34942/07]

**Minister for Education and Science (Deputy Mary Hanafin):** This site is being acquired under the Fingal School Model agreement and is required to extend an existing school site. My Department is currently liaising with Fingal County Council on its transfer. The Deputy will appreciate however that due to the commercial sensitivities of land acquisitions, that it would be inappropriate for me to comment on the detail in relation to specific land purchases until the acquisition is fully complete.

### Site Acquisitions.

398. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to the provision of a site for a school (details supplied) in County Cork. [34943/07]

**Minister for Education and Science (Deputy Mary Hanafin):** A suitable site has been identified for the school referred to by the Deputy.

An appeal of the decision to refuse planning permission for the school has been lodged by my Department with An Bord Pleanála.

### Schools Building Projects.

399. **Deputy Frank Feighan** asked the Minister for Education and Science the progress in relation to the new secondary school in Ballinamore, County Leitrim; when the school will go to design stage; if she will confirm a tangible com-

[Deputy Frank Feighan.]

pletion date; and if she will make a statement on the matter. [34954/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The Office of Public Works, which acts on behalf of my Department in relation to site acquisition, has secured a site for the provision of a new school. The building project required to deliver the new school building will be considered in the context of the multi-annual School Building and Modernisation Programme.

#### School Staffing.

400. **Deputy Dan Neville** asked the Minister for Education and Science the position regarding the provision of a resource teacher for a school (details supplied) in County Limerick. [34955/07]

**Minister for Education and Science (Deputy Mary Hanafin):** As previously outlined to the Deputy in my response to this question on 13th November, 2007 and 20th November, 2007, I confirm that in line with my Department's circular 0034/2007, the school in question had the minimum of 44 hours required to retain 2 learning support/resource (LS/RT) teaching posts for the 2007/2008 school year. A letter confirming this position issued to the school on 22nd August 2007.

The allocation will be reviewed again in 2008 in consultation with the board of management of the school.

#### School Transport.

401. **Deputy Dan Neville** asked the Minister for Education and Science if she will review the post primary school transport area at Patrickswell and Croom, County Limerick. [34956/07]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The Deputy will be aware from my reply to Parliamentary Question Number 477 of 23rd October, 2007, that the Post Primary School Transport Scheme is not designed to facilitate parents who choose to send their children to a post-primary centre outside of the catchment area in which they reside. I also advised the Deputy as to how applications for catchment boundary transport may be made.

I have no immediate plans to amend the terms of the scheme. Therefore, the existing eligibility criteria for school transport will continue to apply to all pupils, including those residing in the relevant catchment areas in County Limerick.

The Programme for Government includes a commitment to review the school transport scheme, including catchment boundaries. My Department is currently considering how best to progress this task.

#### Schools Building Projects.

402. **Deputy Dan Neville** asked the Minister for Education and Science the position regarding the provision of an extension to a school (details supplied) in County Limerick. [34957/07]

**Minister for Education and Science (Deputy Mary Hanafin):** An application for capital funding towards the provision of an extension at the school referred to by the Deputy has been received and needs to be reassessed in order to determine the long term projected enrolments of the school.

The building project required to meet the school's accommodation needs will be considered in the context of the multi-annual School Building and Modernisation Programme.

403. **Deputy Deirdre Clune** asked the Minister for Education and Science if she has appointed a design team for a school (details supplied) in County Cork; and if she will make a statement on the matter. [34965/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The process of appointing a design team to the school building project referred to by the Deputy is at an advanced stage.

Tender submissions are currently being assessed by Technical Staff in my Department. Subsequent to the tender submissions being assessed a number of documents will be requested from the preferred consultants namely, Tax Clearance Certificate, evidence of Certified Turnover and evidence of suitable Professional Indemnity Insurance.

Progression of all projects to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

#### Special Educational Needs.

404. **Deputy Jim O'Keefe** asked the Minister for Education and Science the expenditure of the National Council for Special Education for each of the years since its establishment; the estimate proposed for 2008; and her views on whether same is adequate for its needs. [34968/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The expenditure of the National Council for Special Education (NCSE) for each of the years since its establishment is as follows:

2004 — €2.764m

2005 — €6.576m

2006 — €7.589m

The projected out-turn for 2007 is €9.1m. The budgetary allocation for 2008 is €10.832m.

I am satisfied that the NCSE will be able to manage within the 2008 budgetary allocation.

### School Curriculum.

405. **Deputy Frank Feighan** asked the Minister for Education and Science if she had approved of the big ballot project forming part of the SPHE Curriculum and the CSPE Curriculum. [34987/07]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department did not approve the Big Ballot and was not involved in the development of the initiative, which was implemented by the Office of the Ombudsman for Children. Many agencies, organisations and groups provide resources and material to support the curriculum in schools. In regard to the resource packs provided for the Big Ballot, the material complements the objectives of part of the curriculum in Social Personal and Health Education and Civic Social and Political Education. The resource pack for junior cycle was developed in collaboration with the Curriculum Development Unit of City of Dublin VEC and the Civic Social and Political Education curriculum support team of the Second Level Support Service. Schools participated in the initiative on a voluntary basis.

### Special Educational Needs.

406. **Deputy Terence Flanagan** asked the Minister for Education and Science the action she will take regarding a case (details supplied); and if she will make a statement on the matter. [34991/07]

407. **Deputy Terence Flanagan** asked the Minister for Education and Science if she will make a statement on a matter (details supplied). [34992/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 406 and 407 together.

The Deputy will be aware of my commitment to ensuring that all children, including those with autism, 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 sal-

aries 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.

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.

A representative of the Achieve facility attends the discussions in relation to the Programme for Government commitment and is fully familiar with my Department's position in relation to Achieve's application.

### School Accommodation.

408. **Deputy Terence Flanagan** asked the Minister for Education and Science if she will make a statement on a matter (details supplied). [34993/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The original proposal from the Patron of the school in question was to seek the use of the premises to accommodate an existing school which was in urgent need of additional accommodation. It became very clear during the discussions that there would be considerable complexities in trying to manage an expanded school on its existing location as well as on the proposed location. Given the pupil population concerned, the complexities of bi-location, the timeframe and the need for an immediate accommodation resolution, it was decided that the most practical solution was to establish a new school on the location in question.

Given the exceptional circumstances, my Department approved the establishment of the new school without the need for the application to go through the New Schools Advisory Committee.

### Irish Language.

409. **Deputy Jackie Healy-Rae** asked the Minister for Education and Science when a survey on parent and student views on the all Irish language policy in the new community school (details supplied) in County Kerry will be undertaken; and when the results will be available. [34999/07]

425. **Deputy Tom Sheahan** asked the Minister for Education and Science the position regarding a matter (details supplied); and if she will make a statement on the matter. [35179/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take questions Nos. 409 and 425 together.

In late October, I announced my intention to survey all parents and students in Pobalscoil Chorca Dhuibhne to establish the level and range of provision being sought through Irish or English that will cater for the spectrum of student needs. I requested the Commission on School Accommodation to conduct the survey.

The Commission on School Accommodation formally requested the Board of Management of the school to provide the names and addresses of parents and students in the school to whom the survey would be distributed. This followed a meeting between the Commission and the school authorities at their request.

However, the school authorities have now indicated that they believe that there is a legal difficulty under the Data Protection Act in supplying the Commission with the names and addresses as requested. I have decided, therefore, to place public notice advertisements in local and national newspapers this week inviting parents of students in Pobalscoil Chorca Dhuibhne to write to the Commission on School Accommodation to obtain the survey form.

This will give parents of students attending Pobalscoil Chorca Dhuibhne and the students themselves an opportunity to directly express their views and preferences in relation to the language used in tuition and in other school activities during the course of their post-primary education.

I wish to reiterate that, in relation to Pobalscoil Chorca Dhuibhne, I am anxious to ensure that the school continues to guarantee an education through the medium of Irish to those students from the Gaeltacht and from Irish speaking homes who wish to be educated through the medium of Irish. Equally I am anxious that to the greatest extent possible the new Community School should make a contribution to maintenance of Irish as the primary community language.

However, provision also has to be made for those who have no Irish at all or those who, because their Irish is too weak, are unable to learn in classes conducted exclusively through the medium of Irish.

#### Higher Education Grants.

410. **Deputy Brian O'Shea** asked the Minister for Education and Science if she will waive the requirement regarding residency in the matter of the third level maintenance grant application of a student (details supplied) in County Waterford; and if she will make a statement on the matter. [35002/07]

**Minister for Education and Science (Deputy Mary Hanafin):** A reply has issued to the candidate referred to by the Deputy in respect of his appeal from the Higher Education — Equity Of Access Unit of my Department.

#### Summer Works Scheme.

411. **Deputy Brian Hayes** asked the Minister for Education and Science further to her response to Parliamentary Question No. 511 of 27 November 2007, the alternative she proposes to provide for traffic safety measures within school boundaries which were previously taken care of under the summer works scheme, in view of the fact that the scheme is not going ahead this year; and if she will make a statement on the matter. [35057/07]

**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.

Primary school authorities may use their annual minor works grant to fund small projects. The value of this grant was increased by 44% last year. Payments to the tune of €27 million are to be made to schools under this scheme over the next week. This will enable schools all over the country to complete small scale works at their own discretion, without the need to interact with the Department.

If schools need emergency works completed, they can also apply for support from the Department.

412. **Deputy Tony Gregory** asked the Minister for Education and Science if regarding the application for funding by a school (details supplied) in Dublin 1 for improvements to its toilets to bring them up to modern standards and to install a shower for pupils with special needs, funding is available from any source in her Department. [35062/07]

**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.

The School Building Section of my Department operates an Emergency Works Fund to provide funding for very urgent works to schools that are in most need of resources for capital works. The management authority of the school in question should contact my Department's School Building Section in the matter.

#### School Accommodation.

413. **Deputy Ulick Burke** asked the Minister for Education and Science if she will reconsider the decision of her Department to delay the funding for the provision of an extension to a school (details supplied) in order to alleviate the overcrowding and poor accommodation at the school; and if she will make a statement on the matter. [35068/07]

**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.

#### Pupil-Teacher Ratio.

414. **Deputy Pat Breen** asked the Minister for Education and Science the breakdown of primary school class sizes in County Clare for the school year 2006/2007 showing in each case the number of pupils in classes of 19 and under, 20 to 29, 30 to 39 and 40 plus; and if she will make a statement on the matter. [35078/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The attachment included gives the number of pupils by class size range and the average class size for County Clare for the 2006/07 school year.

As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are now in the region of 6,000 more primary teachers than there were in 2002. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would gen-

erally get at least one classroom teacher for every 27 children.

A further initiative in recent years that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 330 such posts have been sanctioned in the 2007/08 school year compared to 280 in 2006/07.

The improvements we have made in school staffing in recent years are absolutely unparalleled. The Government is committed to providing more teachers to our primary schools over the next five years in order to reduce class sizes. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

#### Psychological Service.

415. **Deputy Brian Hayes** asked the Minister for Education and Science the number of psychologists employed by the National Educational Psychological Service. [35104/07]

416. **Deputy Brian Hayes** asked the Minister for Education and Science the whole time equivalent number of psychologists employed by the National Educational Psychological Service; the number of NEPS psychologists on a form of approved leave of absence currently; the number of those who have their leave covered by a substitute, replacement or locum psychologist; if comparative figures in each of the past five years are available; and if she will make a statement on the matter. [35105/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 415 and 416 together.

The number of psychologists employed by the National Educational Psychological Service currently stands at 138 including three psychologists seconded to the National Behavioural Support Service and one to the Further Education Section. An additional psychologist (not counted above) is currently on a career break.

The 138 psychologists currently employed equate with a whole-time equivalent of 126.7 taking into account work-sharing arrangements availed of by staff. Comparative whole-time equivalent figures in this regard are as follows: 2006 — 117.8, 2005 — 114, 2004 — 122.9 and 2003 — 120.9.

Ordinarily NEPS psychologists are assigned to schools at the beginning of each academic year according to the known availability of staff numbers in this regard for the period concerned. All schools not so assigned are allowed access to the Scheme for Commissioning Psychological Assessments (SCPA) and have assessments carried out by a member of the panel of private



[Deputy Mary Hanafin.]

psychologists approved by and paid for by NEPS. Additionally during the year schools which lose the services of the NEPS psychologist due to unforeseen circumstances (sickness, resignation, maternity leave) will also be granted access to the SCPA for the period of this disruption. Conversely any new psychologists recruited during the year will, following an induction period, be assigned schools previously having access to the SCPA.

The Deputy will be aware that it is my intention to expand NEP psychologist numbers to some 169 during 2008.

#### Summer Works Scheme.

417. **Deputy Brian Hayes** asked the Minister for Education and Science the position of those schools who have applied for the summer works scheme, recently discontinued by her; the number of schools in the category; the advice she would give to the schools in question; and if she will make a statement on the matter. [35106/07]

**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.

Primary school authorities may use their annual minor works grant to fund small projects. The value of this grant was increased by 44% last year. Payments to the tune of €27 million are to be made to schools under this scheme over the next week. This will enable schools all over the country to complete small scale works at their own discretion, without the need to interact with the Department. If schools need emergency works completed, they can also apply for support from the Department.

#### School Staffing.

418. **Deputy Brian Hayes** asked the Minister for Education and Science if her attention has been drawn to the problem many post primary schools are facing in recruiting Irish teachers; and if she will make a statement on the matter. [35107/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The Deputy may be aware that one of the statutory functions of the Teaching Council is to advise the Minister for Education and Science in relation to teacher supply. My

Department keeps such matters generally under review and will maintain contact with the Teaching Council in this regard.

419. **Deputy Brian Hayes** asked the Minister for Education and Science the number of principals who have retired early in each year over the past five years; and if she will make a statement on the matter. [35108/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The number of principal teachers who have been awarded pension under the national and secondary teachers superannuation schemes on retirement before reaching maximum retirement age in each of the years 2002-2006 inclusive is:

2002	— 174 retirements
2003	— 134 retirements
2004	— 260 retirements
2005	— 230 retirements
2006	— 241 retirements

#### Languages Programme.

420. **Deputy Brian Hayes** asked the Minister for Education and Science if the Government has considered the resolutions passed by the European Parliament in 1988 and 1998 in regard to the recognition of sign languages in the member states (details supplied); and her plans in relation to these resolutions; and if she will make a statement on the matter. [35111/07]

**Minister for Education and Science (Deputy Mary Hanafin):** As the Deputy will be aware, Section 2 of the Official Languages Act 2003 states that “the official languages” of the State are (a) the Irish language (being the national language and the first official language) and (b) the English language (being a second official language) as specified in Article 8 of the Constitution.

The Government has no plans at present to recognise Irish sign language as an official language of the State. However, I wish to advise the Deputy that Irish sign language (ISL) has formal recognition in the Education Act, 1998. Under the Act, it is a function of the Minister for Education and Science to ensure, subject to the provisions of the Act, that there is made available to each person resident in the State, including a person with a disability or who has other special educational needs, support services and a level and quality of education appropriate to meeting the needs and abilities of that person. This includes provision for students learning through ISL.

A number of initiatives which seek to promote, develop and implement ISL in order that it will achieve greater recognition and use in the education system are currently in place. These include:

- the special schools for the deaf have been encouraged in relation to the use of sign language in class.
- funding is available for training of teachers in ISL.
- my Department has provided funding for an ISL weekly home tuition service whereby deaf tutors visit the homes of deaf pre-school children and deaf school-going pupils to provide training in ISL for the deaf children, pupils, their siblings and parents.
- my Department through the Higher Education Authority (HEA) has established and fully funds a Centre for Deaf Studies in Trinity College, Dublin which provides diploma courses for ISL/English interpreters, deaf tutors and in deaf studies. The course modules deal with issues such as sign linguistics, bi-lingualism and sociolinguistics of sign language. The course is delivered in seminar sessions/group work and the award of the diploma is based on continued assessment and a project and course design.

#### Schools Refurbishment.

421. **Deputy Billy Timmins** asked the Minister for Education and Science the application for funding for improvement works made by a school (details supplied) in County Wicklow; when these were made; the position in relation to same; and if she will make a statement on the matter. [35162/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I can confirm to the Deputy that the Department is in receipt of an application for large scale capital funding from the school to which he refers. The project has been assessed in accordance with the published prioritisation criteria for large scale building projects. Progress on the proposed works is being considered in the context of the multi-annual School Building and Modernisation programme.

422. **Deputy Billy Timmins** asked the Minister for Education and Science when an application for funding for improvement works was first made by a school (details supplied) in County Wicklow; and if she will make a statement on the matter. [35163/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I can confirm to the Deputy that the Department is in receipt of applications for large scale capital funding from the school to which he refers. These applications were made on a number of occasions since 2001. The project has been assessed in accordance with the published prioritisation criteria for large scale building projects. Progress on the proposed works is being

considered in the context of the multi-annual School Building and Modernisation programme.

423. **Deputy Billy Timmins** asked the Minister for Education and Science the position with respect to an application for funding for improvement works at a school (details supplied) in County Wicklow; and if she will make a statement on the matter. [35164/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I can confirm to the Deputy that the Department is in receipt of an application for large scale capital funding from the school to which he refers. The project has been assessed in accordance with the published prioritisation criteria for large scale building projects. Progress on the proposed works is being considered in the context of the multi-annual School Building and Modernisation programme.

#### Summer Works Scheme.

424. **Deputy Deirdre Clune** asked the Minister for Education and Science the changes she plans to make in the summer work scheme; if the scheme will be in place for the summer 2008 season; and if she will make a statement on the matter. [35176/07]

**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.

*Question No. 425 answered with Question No. 409.*

#### Departmental Funding.

426. **Deputy Michael Creed** asked the Minister for Education and Science if she has received an application for a community youth worker from an organisation (details supplied) in County Cork; and if she will make a statement on the matter. [35267/07]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** My Department received an application for funding in 2007 on behalf of the community youth project in question under the Special Projects for Youth Scheme operated by the Youth Affairs Section. It was not possible to approve funding in this case.

### Summer Works Scheme.

427. **Deputy Michael Creed** asked the Minister for Education and Science the applications received by her Department in 2007 from schools in County Cork under the summer works scheme; and when they can expect approval of these applications. [35300/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The details sought by the Deputy are not readily available. 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.

### Schools Refurbishment.

428. **Deputy Tony Gregory** asked the Minister for Education and Science if funding is available from any source in her Department for a school (details supplied) in Dublin 9 in relation to refurbishing windows. [35315/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The Minor Works Grant, paid by the Department to all schools with permanent recognition, is intended to cover works such as those referred to by the Deputy.

### Site Acquisitions.

429. **Deputy Ciarán Lynch** asked the Minister for Education and Science further to Parliamentary Question No. 500 of 27 November 2007, when the Chief State Solicitor's Office was instructed to finalise the purchase of the three plots of land; when it is expected that matters will be completed; the year in which under her Department's multi-annual school building and modernisation programme it is anticipated that the school will commence construction; and if she will make a statement on the matter. [35322/07]

**Minister for Education and Science (Deputy Mary Hanafin):** A suitable site has been identified for this school. The site comprises of three plots of land with three separate vendors. Agreement on price and general terms (subject to contract) has been reached in respect of each of the plots and draft Contracts are with the Chief State Solicitors Office for completion of the conveyancing process.

All three plots are essential in order to make a viable and suitable site for the school. In March 2007 my Department instructed the Chief State

Solicitor's Office to finalise outstanding matters and to arrange for the signing of the Contracts and closure of the sales of all three sites simultaneously. My Department has been advised by the Chief State's Solicitors Office that some issues have arisen in respect of one of the vendors which have yet to be resolved. As soon as the Chief State Solicitor's Office notifies my officials that the conveyancing/contract process has been satisfactorily completed and that all three Contracts are ready to be signed, they will be signed without delay.

When the site acquisition is complete, a building project for the school will be considered for progression in the context of my Department's multi-annual School Building and Modernisation Programme.

### Schools Building Projects.

430. **Deputy Ciarán Lynch** asked the Minister for Education and Science if a design team will be appointed immediately to a school (details supplied); the year in which under her Department's multi-annual School Building and Modernisation programme this project is scheduled to begin. [35323/07]

**Minister for Education and Science (Deputy Mary Hanafin):** An application for capital funding towards the provision of a new school on a greenfield site for the school to which the Deputy refers has been assessed and the long term projected staffing on which the schools future accommodation needs has been determined and notified to the school authority. The building project required is being considered in the context of the multi-annual School Building and Modernisation Programme.

### School Completion Programme.

431. **Deputy Ciarán Lynch** asked the Minister for Education and Science further to Parliamentary Question Nos. 485 and 500 of 27 November 2007, what constitutes her Department's multi-annual school building and modernisation programme; the number of years covered; the number of schools that will be built in each year; and if she will make a statement on the matter. [35324/07]

**Minister for Education and Science (Deputy Mary Hanafin):** My Departments School Building and Modernisation Programme is divided into a number of component elements or sub programmes. These include Large Scale Building Projects (new school buildings and major extensions/refurbishments); Emergency Works; Site Acquisitions; Remediation Programmes (asbestos removal, radon mitigation); Furniture and Equipment and provision of Temporary Accommodation.

The programme this year will when completed deliver over 700 classrooms to provide permanent accommodation for over 17,500 pupils. In total, over 1,500 projects of varying scale are being delivered in schools throughout the country this year.

#### Health Services.

432. **Deputy Seán Ó Fearghail** asked the Minister for Education and Science her views on correspondence in relation to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [35332/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The matter referred to by the Deputy relates to a service being provided by the Health Service Executive. In the circumstances, I have made arrangements for the Deputy's correspondence to be passed to the Department of Health and Children for attention.

#### Adult Education.

433. **Deputy Mary Upton** asked the Minister for Education and Science if she will address the plight of 26 mature students who are at present doing the Access to Arts and Human Sciences Certificate Course in the UCD Adult Education Centre to access the Part Time BA evening degree in UCD in view of the fact that this course is to be cancelled (details supplied); and if she will make a statement on the matter. [35350/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The position is that the universities are run as autonomous institutions. They are also academically independent and my Department does not have any function in the day to day operational affairs of such colleges. Decisions on staffing arrangements and programme provision are made by the universities themselves. The universities receive a block grant from the Higher Education Authority and it is a matter for each institution to determine how it is allocated internally.

#### Schools Recognition.

434. **Deputy Ruairí Quinn** asked the Minister for Education and Science when she will be granting recognition for a school (details supplied) in County Dublin; and if she will make a statement on the matter. [35353/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I can confirm to the Deputy that the Department is in receipt of an application to establish an additional Gaelcholáiste in the South Dublin area. This application is being assessed and the proposers will be informed of the outcome as soon as possible.

#### School Accommodation.

435. **Deputy Róisín Shortall** asked the Minister for Education and Science if her attention has been drawn to the inadequate accommodation at a school (details supplied) in Dublin 11; her plans to provide modern accommodation for this special school; her intentions in respect of other properties; and if she will make a statement on the matter. [35362/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The Department is aware of the need to re-locate the special school to which the Deputy refers. A suitable site has been identified for this purpose, as referred to by the Deputy. The Department is in advanced negotiations with the local authority regarding acquiring this site. When the matter has been progressed, the Department will contact the school authority directly.

#### Higher Education Grants.

436. **Deputy Mattie McGrath** asked the Minister for Education and Science the status of an appeal for a higher education grant for a person (details supplied) in County Tipperary; when a decision will be made; and if she will make a statement on the matter. [35366/07]

**Minister for Education and Science (Deputy Mary Hanafin):** A reply has issued to the candidate referred to by the Deputy in respect of his appeal from the Higher Education Equity Of Access Unit of my Department.

#### Schools Building Projects.

437. **Deputy Barry Andrews** asked the Minister for Education and Science when the extension to a school (details supplied) in County Wicklow will be completed; and if she will make a statement on the matter. [35373/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I can confirm to the Deputy that the Department is in receipt of an application for large-scale capital funding from the school to which he refers. The project has been assessed in accordance with the published prioritisation criteria for large-scale building projects. Progress on the proposed works is being considered in the context of the multi-annual School Building and Modernisation programme.

#### Summer Works Scheme.

438. **Deputy Deirdre Clune** asked the Minister for Education and Science if she is receipt of an application from a school (details supplied) in County Cork for funding under the summer works scheme 2008; if she will be in a position to grant this application. [35375/07]

**Minister for Education and Science (Deputy Mary Hanafin):** An application has been received from the school referred to by the Deputy. However, as the Deputy will 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.

#### School Management.

439. **Deputy Olwyn Enright** asked the Minister for Education and Science the code of practice with regard to child supervision in primary schools before school; the code of practice with regard to child supervision in primary schools at breaktime and lunchtime; the provisions in place, if a school is unable to adhere to these practices; and if she will make a statement on the matter. [35376/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Sections 14, 15 and 23 of the Education Act, 1998 assign each Board of Management and Principal Teacher responsibility for the day-to-day management of schools. Principals should organise supervision for the order and general behaviour of pupils during school hours. In particular, they should organise and participate in the effective supervision of the pupils during breaks, lunch-breaks, assembly and dismissal.

Rules 121(4) and 124(1) of the Rules for National Schools and Section 23(2) of the Education Act 1998 oblige teachers to take all reasonable precautions to ensure the safety of pupils and to participate in supervising pupils when the pupils are on school premises, during school time and/or on school activities. Accordingly, the responsibility of all teachers individually and collectively to provide a duty of care at all times towards the pupils in the school in which they teach, including periods of supervision, remains.

While my Department does not issue specific guidelines on requirements for supervision of different age pupils, it acknowledges that the degree of supervision required of school authorities varies with the circumstances, including the age of the pupil. This duty, in the case of very young pupils, might include an obligation to ensure that such pupils do not leave the classroom without appropriate supervision.

In July 2002, my Department agreed arrangements for the provision of funding for supervision in respect of mid-morning and lunch-time breaks. Circular 21/02 issued at that time and it set out the agreement and arrangements for payment. The agreement provided for the provision of

funding to Boards of Management for supervision on the basis of an estimated need of 37 hours supervision per annum per whole time teacher equivalent or a minimum of 122 hours per school, whichever is the greater. Schools certify at the end of the school year that the supervision duties have been carried out and based on returns from the schools payment issues in July/August to the relevant teachers through the Department's payroll.

Specific arrangements apply in the case of 1, 2 and 3 teacher schools. In one teacher schools a grant equivalent to 122 hours of supervision is paid to the BOM for the provision of supervision services which may be facilitated by the appointment of a lunchtime supervisor. Grants are also paid to 2 and 3 teacher schools.

#### School Staffing.

440. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary and secondary schools; the number of full-time teachers employed at both primary and secondary level; the number of pupils enrolled at both primary and secondary level; and if she will make a statement on the matter. [35378/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The information requested by the Deputy is provided in the table below. Approximately 1,100 extra primary and post-primary teachers have been put in place this school year. We are also planning for about 1,200 more for the 2008/09 year.

As I have said on many occasions in the past, high quality teachers are by far the most important ingredient in our education system. The record increases in teacher numbers in recent years have been absolutely unprecedented.

	Primary	Secondary
No. of Schools	3,284	733
No. of Full-Time Teachers	29,720	25,535
No. of Pupils enrolled	471,519	334,814

#### Inquiry into Child Abuse.

441. **Deputy Alan Shatter** asked the Minister for Education and Science the action the Government proposes taking to implement the recommendation contained in the report published on 11 December 2007 into services provided by the Brothers of Charity in Galway and the physical and sexual abuse of intellectually disabled children in the period 1965 to 1998 in institutions run by the Brothers; the reason there was an unaccountable delay of eight years in the publication of the report; and her views on whether the report is comprehensively addressing allegations raised in the circumstances in which just 21 victims of alleged abuse were interviewed although

135 residents in Brothers of Charity institutions have sought compensation through the Redress Board. [35383/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I wish to advise the Deputy that the report to which he refers was not commissioned by my Department but by the Health Authorities and, consequently, my Department had no involvement in establishing the terms of reference of the Inquiry. I am therefore not in a position to comment on the details of the report or the reasons for any delay in its publication. The Redress Board is independent in the performance of its functions and the legislation governing its operation prohibits me from making any comment in relation to the application process or the number of claims arising out of attendance at a specific institution.

The report makes one recommendation in relation to my Department to the effect that our Child Protection Guidance would be reviewed to reflect the position of children with special needs especially those with intellectual disability. My Department's current guidelines for schools are set in the context of the National Guidelines, "Children First" which highlights the particular vulnerability of certain categories of children including those with disabilities. My Department will review its guidelines following the finalisation of the current review of "Children First" and will also liaise with the Department of Health & Children in this context.

#### School Transport.

442. **Deputy Jack Wall** asked the Minister for Education and Science her views on a document (details supplied); and if she will make a statement on the matter. [35385/07]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Bus Éireann, which operates the school transport scheme on behalf of my Department, has been asked to provide a report on the service referred to by the Deputy in the details supplied. When this report is received and considered, my Department will advise the families of the position.

#### Schools Building Projects.

443. **Deputy John Cregan** asked the Minister for Education and Science if, in view of the fact that her Department's financial Estimates have been allocated, she will confirm that the building project at a school (details supplied) in County Limerick can proceed to tender stage; and if she will make a statement on the matter. [35394/07]

**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.

#### Schools Planning.

444. **Deputy Martin Ferris** asked the Minister for Education and Science if her Department's attention has been drawn to the fact that Tralee Town Council is taking submissions up to 12 December 2007 with regard to the new development plan and that the plan will be finalised before May 2008. [35396/07]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department is included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or proposed variations to development plans for comment. From the documentation received in my Department, I am advised that the local authority in question have issued an "Issues Paper" leading to the review of the existing development plan and that the deadline for receipt of observations set by the authority is 19 December 2007. My Department has submitted observations to the local authority in relation to the matter.

#### Site Acquisitions.

445. **Deputy Martin Ferris** asked the Minister for Education and Science if her Department's attention has been drawn to the fact that there are lands zoned educational in Farranstephen, The Kerries, Tralee on the county council development plan; and if her Department has contacted the owner. [35397/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The Office of Public Works, which acts on behalf of the Department in relation to site acquisitions generally, has been requested to investigate the acquisition of a suitable site. Due to the commercial sensitivities involved, I do not propose to comment any further in relation to a specific site as referred to by the Deputy.

#### Schools Planning.

446. **Deputy Martin Ferris** asked the Minister for Education and Science if her Department have contacted Kerry County Council with regard to areas zoned educational in the county development plan. [35398/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The process of assessing the need for new or additional accommodation facilities at primary or post primary level in any given area entails consideration of all relevant factors,

[Deputy Mary Hanafin.]

including enrolment and demographic trends, housing developments and existing school capacity to meet current or future demand.

As part of the process, my Department is included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or variations to development plans. As a matter of course meetings are arranged with local authorities to establish the location, scale and pace of housing developments and their implication for both current and future school provision. In this regard, the Deputy may wish to note that my Department is examining the 'Issues Document' published by Kerry County Council with a view to seeking further engagement and discussions with the planning authority as their review of the current Development Plan progresses.

In general, the Office of Public Works acts on behalf of the Department in relation to site acquisitions, including the investigation of suitable sites.

447. **Deputy Martin Ferris** asked the Minister for Education and Science her Department's source for demographic trends and housing developments in the Tralee area. [35399/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Generally my Department will use a variety of information sources when examining demographic trends and housing developments. In the area referred to by the Deputy, these include inter alia the Census, County Development Plans/Town Development Plans, Local Area Plans as well as current and project enrolment patterns.

#### **Schools Recognition.**

448. **Deputy Martin Ferris** asked the Minister for Education and Science when her Department will be in a position to determine the long-term projected staff figure for a school (details supplied) in County Kerry. [35400/07]

**Minister for Education and Science (Deputy Mary Hanafin):** An application for capital funding towards the provision of a new school building on a greenfield site has been received from the school referred to by the Deputy. An assessment of projected enrolment trends, demographic trends and housing developments in the area will be required in order to determine the long-term projected staffing figure on which the school's accommodation needs will be based and in the context of the multi-annual School Building and Modernisation programme.

#### **School Accommodation.**

449. **Deputy Joe Behan** asked the Minister for Education and Science the name, address, roll

number, telephone number, e-mail address, principal's name, chair of board of management's name and number of pupils currently on roll in each primary and post-primary school in the constituency of Wicklow/ east Carlow; and if she will make a statement on the matter. [35495/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I am pleased to inform the Deputy that the information requested is available on my Department's website on a county by county basis at *www.education.ie*. I am sure the Deputy will appreciate that I am not in a position to provide details of individual names of Chairpersons due to data protection restrictions.

450. **Deputy Jimmy Deenihan** asked the Minister for Education and Science the position regarding the provision of a gaelscoil at Listowel, County Kerry; and if she will make a statement on the matter. [35499/07]

**Minister for Education and Science (Deputy Mary Hanafin):** The school referred to by the Deputy is currently located on a temporary basis on grounds under the ownership of the County Kerry VEC. The issue of a new school building project and the location of same will need to be considered in the context of the School Building and Modernisation Programme.

#### **State Examinations.**

451. **Deputy Willie Penrose** asked the Minister for Education and Science the position regarding a re-marked script (details supplied). [35511/07]

**Minister for Education and Science (Deputy Mary Hanafin):** On foot of a Government decision, the State Examinations Commission was formally established on 6 March 2003 to assume statutory responsibility for operational matters relating to the certificate examinations. Accordingly, I have passed your query to the Chief Executive Officer of the Commission for direct reply.

#### **School Transport.**

452. **Deputy Eamon Scanlon** asked the Minister for Education and Science if transport is being provided for children from the Rossinver, Glenade, Glencar, Mullies and Loughboy areas of County Leitrim to attend a school (details supplied) in County Leitrim; and if she will make a statement on the matter. [35515/07]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Under the terms of the Primary School Transport Scheme, pupils are eligible for free transport if they reside 3.2 kilometres or more from and are attending their nearest gaelscoil.

The pupils from the areas referred to by the Deputy, in the details supplied, are eligible for

transport to the school in question. Bus Éireann, which operates the school transport scheme on behalf of my Department, has advised that there are insufficient numbers of eligible pupils in the areas referred to by the Deputy to warrant the establishment of a service in accordance with the terms of the scheme. The position may be re-examined should more eligible pupils offer for transport.

In the circumstances, my Department has sanctioned the payment of remote area grants towards the cost of private transport arrangements.

### School Staffing.

453. **Deputy Leo Varadkar** asked the Minister for Education and Science the number of school principals who have secretarial support with a breakdown by full-time and part-time support; and if she will make a statement on the matter. [35519/07]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department provides funding towards the cost of secretarial services in primary and secondary schools under two separate schemes. One is the 1978 scheme for the employment of school secretaries in primary and secondary schools under which my Department meets the full cost of salary. The 1978 scheme is being phased out as posts become vacant and no new posts are being created.

The 1978 scheme has been superseded by a more extensive school support grant scheme towards the funding of ancillary services in schools including secretarial services. The scheme is flexible in nature giving Boards of Management and schools discretion as to the manner in which these services are provided. The terms and conditions of employment are matters for agreement between the employee and the authorities of each school. The Department does not stipulate any rules concerning how the secretarial services are to be obtained by schools. Accordingly the arrangements are suited to local needs and are not standard across the sector.

There have been significant improvements in recent years in the level of funding for voluntary secondary schools, and I am pleased to advise the Deputy that increases will continue to be applied in 2008. As I announced recently, with effect from 1 January 2008, the standard per capita grant will increase by €15 per pupil to a total of €331 per pupil. In addition, voluntary secondary schools will benefit by an increase of €15 per pupil in 2008 in the support services grant, bringing that grant to €204 per pupil.

The total increase of €30 per pupil in a voluntary secondary school will bring the aggregate grant to €535 per pupil. The Deputy should be aware that these grants are in addition to the per capita funding, of up to €40,000 per school, that is also provided by my Department to secondary

schools towards secretarial and caretaking services. Accordingly, in the case of a secondary school with 500 pupils, the annual grants towards general expenses and support service will be more than €300,000 in 2008. This represents an increase of 92% approximately since 2000.

At primary level, the basic rate of capitation will be increased by €15 per pupil to a level of €178.58 per pupil from 1 January 2008. The ancillary services grant will also be increased by €6 to €151.50 per pupil. Taken together, these increases mean that primary schools eligible for the full ancillary services grant will get €21 extra per pupil to cover their day to day running costs in 2008, with a primary school of 300 pupils getting €6,300 extra. In fact, this 300 pupil school will get over €97,000 from my Department in 2008 to meet such costs.

The provision that I have made, in the context of the 2008 estimates, for these significant increases in the funding of primary and voluntary secondary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

### Teachers' Remuneration.

454. **Deputy Leo Varadkar** asked the Minister for Education and Science the way school principals are remunerated in terms of paygrades, bonuses and expenses; and if she will make a statement on the matter. [35520/07]

**Minister for Education and Science (Deputy Mary Hanafin):** A Principal of a school is paid a Principal's allowance in addition to his/her basic salary and qualification allowances. The rate payable is based on the number of authorised teaching posts in the school. The current rates payable from the 1st June 2007 are outlined in the tables.

Principals' Allowances — Primary

Authorised Posts	Scale Points	01 June 2007
		€
1 – 2	1	9,328
3 – 5	2	9,328
6 – 7	3	10,452
8 – 11	4	12,261
12 – 13	5	14,387
14 – 16	6	16,737
17 – 19	7	19,120
20 – 23	8	21,427
24 – 26	9	23,759
27 – 30	10	25,475
31 – 35	11	27,249
36 +	12	29,833



## [Deputy Mary Hanafin.]

## Principals' Allowances – Post Primary

AICME (CATEGORY)	Ó (FROM) 1/06/2007
	€
I	9,328
II	10,452
III	12,261
IV	14,387
V	16,737
VI	19,120
VII	21,427
VIII	23,759
IX	25,475
X	27,249
XI	29,833
XII	31,580
XIII	34,959
XIV	36,099
XV	39,154
XVI	40,854
XVII	42,550

**School Staffing.**

455. **Deputy Leo Varadkar** asked the Minister for Education and Science her view on the case being taken by Protestant schools against her Department; and if she will make a statement on the matter. [35521/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Under the Public Service Modernisation section of Towards 2016 it was agreed that new arrangements would be made for the redeployment of surplus teachers in second level schools. The agreement recognised that the effective use of resources is essential for the provision of high quality public services and that effective and efficient arrangements needed to be in place to deal with the redeployment of teachers who are surplus to the requirements of individual schools or who would otherwise be redundant where schools close.

Towards 2016 covers all teachers in publicly funded posts and the pay rises under the agreement were contingent on agreement being reached on a new redeployment scheme. Agreement was reached within the Teachers' Conciliation Council which is the normal industrial relations forum for teachers in schools and the management interests of all second level schools are a parties at the Council.

A number of Protestant schools have objected to the scheme and have commenced proceedings in the High Court. As this matter is currently before the Courts it is sub judice and therefore it would be inappropriate for me to comment any further at this time.

456. **Deputy Leo Varadkar** asked the Minister for Education and Science the criteria used in making decisions on the promotion of teachers from B posts to A posts; and if she will make a statement on the matter. [35522/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Circular Letter 6/98, issued by my Department in February 1998, sets out the schedule of assistant principal and special duties teacher posts in voluntary secondary schools as agreed between the respective management bodies, the teacher unions and my Department. Circular 5/98, also issued by my Department in February 1998, sets out the agreed national criteria for the level and types of duties for the posts of assistant principal and special duties teachers.

In relation to posts of responsibility in primary schools Primary Circular 07/03 governs the appointment of teachers to posts of responsibility in primary schools and related issues while Appendix D of the annual Primary Staffing Schedule (Primary Circular 0020/2007 for the current school year) outlines school entitlements to posts of responsibility based on the number of mainstream class teachers.

**Teachers' Remuneration.**

457. **Deputy Leo Varadkar** asked the Minister for Education and Science the mechanisms in place to remunerate teachers who take after-school activities such as sports and societies; and if she will make a statement on the matter. [35523/07]

**Minister for Education and Science (Deputy Mary Hanafin):** There are no plans in place to pay teachers taking after school activities such as sports or dealing with societies.

**Departmental Records.**

458. **Deputy Leo Varadkar** asked the Minister for Education and Science if her Department maintains a record of visits by her to the headquarters of her Department; and if she will make a statement on the matter. [35539/07]

**Minister for Education and Science (Deputy Mary Hanafin):** I regularly visit the headquarters of my Department each week.

**School Transport.**

459. **Deputy Tom Hayes** asked the Minister for Education and Science when decision will be made on a request by a person (details supplied) in County Tipperary. [35551/07]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Bus Eireann, which operates the school transport scheme on behalf of my Department, has been

asked to provide a report on the service referred to by the Deputy in the details supplied. When this report is received and considered, my Department will advise the family of the position.

#### **School Staffing.**

460. **Deputy Michael Noonan** asked the Minister for Education and Science if there are steps a person (details supplied) in County Limerick can take to return to teaching; and if she will make a statement on the matter. [35559/07]

**Minister for Education and Science (Deputy Mary Hanafin):** There are a number of defined situations where a retired teacher may be prevented or restricted from returning to teach.

Firstly, where a teacher retires under the early retirement scheme for teachers, he or she is subject to certain conditions. Where he or she retires because of professional difficulties or where his or her retirement provides the school with an opportunity to enhance the education service they provide through facilitating change, then he or she is precluded from returning to teaching. However, if a teacher retires under the scheme on the basis that he or she is surplus to requirements, he or she can continue to teach without affecting his or her pension provided that the employment is as a substitute or part-time teacher and is undertaken on an intermittent or casual basis. It is permissible for the employment to take place on a more regular or structured basis, but this would cause the pension to be stopped.

Secondly, where a teacher retires on ill health grounds he or she cannot return to teaching unless he or she is medically certified as fit to resume teaching duties. This may impact on his or her award of added years under the ill health retirement provisions.

Outside of these areas, a teacher is free to return to teach but his or her pension will be subject to the normal rules of abatement which may require his or her pension to be reduced or stopped depending on the level of salary he or she is in receipt of. If the Deputy wishes to write to me with full details of the person in question, I would be happy to have my officials provide a reply specifically addressing his circumstances.

#### **Summer Works Scheme.**

461. **Deputy P. J. Sheehan** asked the Minister for Education and Science if she will confirm that there will be no summer works scheme in schools during 2008; if other measures are available for schools to undertake these works as carried out in schools in previous years; and if she will make a statement on the matter. [35564/07]

**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.

Individual school authorities are responsible in the first instance for health and safety issues relating to schools. Primary school authorities may use their annual minor works grant deal with such issues. In November 2006 I increased funding for the minor works grant by 44% on the previous year and around €27m was paid out to primary schools throughout the country to enable thousands of small scale works to be completed without the need to interact with my Department.

Another avenue to claim grant-aid from my Department is the Emergency Works Fund. Grants from this fund are available for very urgent works, primarily of a significant health and safety nature, to schools that are in most need of resources for capital works.

#### **School Staff Remuneration.**

462. **Deputy Enda Kenny** asked the Minister for Education and Science the reason a disparity exists between the payment methods to school secretaries, where some are paid by her Department and others paid from grant funding; the standard rate of pay for all school secretaries; the payment rate after five years and after 10 years; the other benefits applicable; and if she will make a statement on the matter. [35636/07]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department provides funding towards the cost of secretarial services in primary and voluntary secondary schools under two separate schemes. One is the 1978 scheme for the employment of school secretaries in primary and secondary schools under which my Department meets the full cost of salary. The 1978 scheme is being phased out as posts become vacant and no new posts are being created.

The 1978 scheme has been superseded by a more extensive school support grant scheme towards the funding of ancillary services in schools including secretarial services. The scheme is flexible in nature giving Boards of Management and schools discretion as to the manner in which these services are provided. The terms and conditions of employment are matters for agreement between the employee and the authorities of each school. The Department does not stipulate any rules concerning how the secretarial services are to be obtained by schools. Accordingly the arrangements are suited to local needs and are not standard across the sector.

[Deputy Mary Hanafin.]

There have been significant improvements in recent years in the level of funding for voluntary secondary schools, and I am pleased to advise the Deputy that increases will continue to be applied in 2008. As I announced recently, with effect from 1 January 2008, the standard per capita grant will increase by €15 per pupil to a total of €331 per pupil. In addition, voluntary secondary schools will benefit by an increase of €15 per pupil in 2008 in the support services grant, bringing that grant to €204 per pupil.

The total increase of €30 per pupil in a voluntary secondary school will bring the aggregate grant to €535 per pupil. The Deputy should be aware that these grants are in addition to the per capita funding, of up to €40,000 per school, that is also provided by my Department to secondary schools towards secretarial and caretaking services. Accordingly, in the case of a voluntary secondary school with 500 pupils, the annual grants towards general expenses and support service will be more than €300,000 in 2008. This represents an increase of 92% approximately since 2000.

At primary level, the basic rate of capitation will be increased by €15 per pupil to a level of €178.58 per pupil from 1 January 2008. The ancillary services grant will also be increased by €6 to €151.50 per pupil. Taken together, these increases mean that primary schools eligible for the full ancillary services grant will get €21 extra per pupil to cover their day to day running costs in 2008, with a primary school of 300 pupils getting €6,300 extra. In fact, this 300 pupil school will get over €97,000 from my Department in 2008 to meet such costs.

The provision that I have made, in the context of the 2008 estimates, for these significant increases in the funding of primary and voluntary secondary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

#### **Schools Building Projects.**

463. **Deputy Martin Mansergh** asked the Minister for Education and Science the progress that has been made on the building of a sports hall at a school (details supplied) in County Tipperary which she announced in 2006. [35639/07]

**Minister for Education and Science (Deputy Mary Hanafin):** Officials from my Department are currently examining the revised Stage 3 documentation that had previously been requested from the project's Design Team. The Schools board of management will be kept informed of developments on completion of this examination.

#### **Naval Service.**

464. **Deputy Martin Ferris** asked the Minister

for Defence if Irish naval officers can board vessels in the hours of darkness. [35310/07]

#### **Minister for Defence (Deputy Willie O'Dea):**

Every boarding of a vessel at sea carries inherent dangers. Due to the nature of the operating environment and the individuality of vessels operating off our shores, each boarding operation is unique. A professional judgment is made in every instance by the Officer in Charge having regard to all factors including weather and sea conditions.

Of paramount importance to the conduct of all routine fisheries inspections is the safety of Naval inspection/boarding personnel, the safety of personnel of the vessel undergoing inspection and the safety of Naval boarding craft crew. Every reasonable effort is made to mitigate the dangers involved. Available daylight, whilst a factor, would not be the single determining factor. Fisheries boardings are regularly carried out by the Naval Service during the hours of darkness.

#### **Departmental Expenditure.**

465. **Deputy Leo Varadkar** asked the Minister for Defence if his Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34881/07]

#### **Minister for Defence (Deputy Willie O'Dea):**

The answer to the Deputy's question is almost identical to the reply I gave to the similar question he tabled on Thursday December 13th 2007. Neither my Department nor its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year.

There is an on-going capital building programme in my Department designed to modernise the training, operational and living accommodation facilities available to the Defence Forces. It is standard practice with construction projects to make stage payments at agreed milestones while projects are ongoing. Such payments are not regarded as advance payments.

#### **Departmental Properties.**

466. **Deputy Jack Wall** asked the Minister for Defence the mechanism or guidelines available to a person (details supplied) in County Kildare to permit and allow them to remove material from his Department's property; and if he will make a statement on the matter. [34901/07]

#### **Minister for Defence (Deputy Willie O'Dea):**

Unless appropriately qualified in tree surgery the Department of Defence is not in a position to permit persons to carry out the removal of trees

on Departmental property for health and safety reasons.

### Departmental Agencies.

467. **Deputy Leo Varadkar** asked the Minister for Defence the terms of reference, functions and purpose of Coiste an Asgard; if the agency is still operational; the reason these functions cannot be carried out by his Department; the benefits to the Irish tax-payer gained from the work of the agency; and if he will make a statement on the matter. [35024/07]

**Minister for Defence (Deputy Willie O’Dea):** The original Coiste an Asgard was first formed in 1968 and is now a company limited by guarantee set up under the Companies Acts in February 1987. The Minister for Defence is, ex-officio, the chairman of the board of directors and he may appoint up to 14 other directors. No fees are payable to the directors but they may be paid travel and subsistence expenses at civil service rates.

The basic purpose of Coiste an Asgard is to promote the training of young people over the age of 16 in sailing and seamanship, particularly by the use of the sail training vessel Asgard II. Sail training cruises were carried out on the original “Asgard” each year from 1969 to 1974. Because of her historical associations “Asgard” was transferred to Kilmainham Jail Historical Museum in 1979. Her replacement, the brigantine “Asgard II”, was designed specially for sail training purposes and commissioned in March 1981

Asgard II carries out a programme of cruises each year during the course of which she visits many ports in Ireland and the rest of Europe. The duration of each cruise is usually about 7 to 10 days. She has a professional crew of five – Captain, Mate, Bosun, Engineer and Cook. Relief crews are also employed as required. She has the capacity to take 20 trainees.

The secretary to an Coiste is a Higher Executive Officer on secondment from the Department of Defence. An Coiste employs two other administrative/clerical staff. The office of an Coiste is located within the Department of Defence. Coiste an Asgard receives an annual grant-in-aid (lottery funded), which is supplemented by fees paid by the trainees. The grant was €879,000 in 2007.

Given the specific nature of the work they undertake I am satisfied that the Board undertakes an essential role and provides good value for money to the State.

468. **Deputy Leo Varadkar** asked the Minister for Defence the terms of reference, functions and purpose of the Army Pensions Board; if the agency is still operational; the reason these functions cannot be carried out by his Department; the benefits to the Irish taxpayer gained from the work of the agency; and if he will make a statement on the matter. [35025/07]

**Minister for Defence (Deputy Willie O’Dea):** The Army Pensions Board was established as an independent statutory body under the Army Pensions Act 1927. The Board consists of a chairman and two ordinary members. The two ordinary members must be qualified medical practitioners, one of them an army medical officer and the other a civilian. Secretarial and support services are provided to the Board by two civil servants of the Department of Defence. The total cost of the fees and expenses of the chairman and the ordinary civilian member and of the salaries of the two civil servants is estimated at €107,000 in 2007.

The principal function of the Board under the Army Pensions Acts is to investigate applications for pensions, allowances and gratuities arising from the death or disablement of members of the Defence Forces in the course of their military service. The Board determines the question of attributability to service; assesses the degree of disability in cases of disablement; and reports its findings to the Minister for Defence. Civil servants of the Department have delegated authority from the Minister to grant appropriate benefits on the basis of the findings of the Board.

I am satisfied that the Board undertakes an essential role in the determination of entitlement to benefits under the Army Pensions Acts and provides good value for money to the State.

### Pension Provisions.

469. **Deputy Ciarán Lynch** asked the Minister for Defence if a sum of approximately €86 per week is an appropriate pension for a person (details supplied); and if he will make a statement on the matter. [35354/07]

**Minister for Defence (Deputy Willie O’Dea):** The person concerned retired on grounds of ill-health from his position as a civilian employee with the Defence Forces in November 1987. He was awarded a gratuity amounting to €10,860.91 and a yearly pension amounting to €1,772.20 on retirement, under the terms of the non-contributory pension scheme for non-established State employees. The person in question received on his retirement all of his entitlements under this pension scheme. Over the years, the rate of occupational pension paid to the person concerned has been increased in line with pay awards, both general and special, for serving civilian employees. His current and correct rate of occupational pension is €86.00 a week. It should also be noted that the occupational pension is in addition to any payments that the person concerned may be in receipt of from the Department of Social & Family Affairs.

### Asylum Support Services.

470. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if he will increase the payment made to asylum seekers

[Deputy Joe Costello.]

who are accommodated in direct provision; and if he will make a statement on the matter. [34837/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Reception and Integration Agency is responsible, inter alia, for the accommodation of asylum seekers through the policy of Direct Provision.

The Direct Provision system seeks to ensure that the accommodation and ancillary services provided by the State meet the requirements of asylum seekers in the period during which their applications for asylum are being processed. This system provides asylum seekers with full board accommodation free of utility or other costs.

In addition to meeting these basic living costs, a Direct Provision allowance of €19.10 per adult and €9.60 per child was introduced some years ago and is paid by Community Welfare Officers, operating under the aegis of the Department of Social and Family Affairs. CWO's also have discretion to make once-off exceptional needs payments in relation to, for example, back to school clothing. The Direct Provision allowance seeks to reflect the value of the above-mentioned services to the asylum seeker and there are no plans to increase the allowance.

It should also be noted that asylum seekers in Direct Provision also qualify for medical cards and can access the public health service in the same way as an Irish citizen and that children are entitled to free education at Primary and Post-Primary level.

#### **Ground Rents Abolition.**

471. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform his plans to abolish ground rents. [34858/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to my response to Question No. 14 on 13 December 2007 on the subject of ground rents. I have nothing further to add to the details set out in that reply.

#### **Liquor Licensing Laws.**

472. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform the measures in place to ensure the number of outlets that sell alcohol are reduced or prevented; and if he will make a statement on the matter. [35297/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The position is that the sale of alcohol by retail is subject to the premises having an appropriate licence issued by the Revenue Commissioners. In general, such licences will only be issued by the Revenue Commissioners following presentation of a certificate

issued by the Circuit Court or the District Court, as the case may be.

Section 18 of the Intoxicating Liquor Act 2000 provides that an application for a certificate entitling the applicant to obtain a licence for the sale of alcohol from the Revenue Commissioners must be made to the Circuit Court in the case of a publican's licence or the District Court in the case of an off-licence. In either case, the Court may refuse to grant the necessary certificate on one or more of the following grounds: the character, misconduct or unfitness of the applicant; the unfitness or inconvenience of the new premises; the unsuitability of the premises for the needs of persons residing in the neighbourhood; or the adequacy of the existing number of licensed premises of the same character in the neighbourhood.

Notice of intention to apply for the certificate must be served on the Superintendent of the Garda Síochána within whose district the premises are located at least 21 days before the date of the hearing of the application. A notice of intention to apply for the certificate must also be published in a newspaper circulating in the place where the premises are located at least 21 days before the date of the hearing. The Superintendent of the Garda Síochána, any resident or owner of property in the surrounding area or any person who would be affected by the decision to grant a licence may then object on specified grounds in the Court to the grant of the certificate.

Moreover, section 18 of the 2000 Act also provides that the Court shall not grant the required certificate unless the holder of an existing licence will consent to its extinguishment if and when a new licence is granted to the applicant.

I should also point out that, in the case of off-licences, under the Planning and Development Regulations 2005, any change of retail use which will involve the sale of alcohol other than wine requires planning permission in addition to satisfying the conditions already referred to in section 18 of the Intoxicating Liquor Act 2000.

A licence to sell wine for consumption off the premises may be obtained by applying directly to the Revenue Commissioners. The Superintendent or Inspector of the Garda Síochána for the district in which the premises is located may object on specified grounds to the grant of such a licence.

The holder of a public music and singing licence, which is granted by the District Court, is entitled to apply to the Revenue Commissioners for a theatre licence. The holder of a theatre licence may sell alcohol to persons who have engaged or paid for seats for a performance in the theatre during the period beginning half an hour before the commencement of a performance and ending half an hour after termination of the performance. Different licensing arrangements apply to hotels and restaurants.

Licences to sell alcohol expire on 30 September each year and may be renewed subject to the good character of the licensee and the peaceable and orderly manner in which the licensed premises were conducted during the preceding year. The Superintendent of the Garda Síochána for the licensing area within which the premises are located or a member of the public may object to the renewal of any licence on either of these grounds at the annual licensing court of the District Court. In addition, any person may make an objection to the renewal of the licence where the District Court has made an order for redress under section 19 of the Intoxicating Liquor Act 2003 in relation to prohibited conduct under the Equal Status Act 2000.

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 new provisions: requiring all planning authorities to address the regulation and control of the location of licensed premises in their development plans; providing for a uniform and streamlined District Court procedure that will apply to all applications for retail licences, including wine licences and theatre licences; requiring proof of planning permission and certification by a suitably qualified person of compliance with both planning conditions and fire safety standards to be presented to the District Court; extending the grounds on which the Gardaí may object to the grant of retail licences to include an undue risk of public nuisance or a threat to public order or safety; and clarifying the rights of members of the public to object to renewal of licences on stated grounds.

Furthermore, as I have already stated publicly, it is my intention to re-examine, as a matter of priority, the 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.

### Asylum Applications.

473. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the number of asylum seekers here in each of the past ten years; the country of origin of each asylum seeker; the average length of time for processing each asylum application; and if he will make a statement on the matter. [34835/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The information sought by the Deputy with regards to the number of

applications for asylum received in each of the last 10 years is set out in the following table.

Table 1: Asylum Applications Received — 1997 to 2007 (30/11)

Year	No. of asylum applications received
1997	3,883
1998	4,626
1999	7,724
2000	10,938
2001	10,325
2002	11,634
2003	7,900
2004	4,766
2005	4,323
2006	4,314
2007 (30/11)	3,645
Total	74,078

The countries of origin of asylum applicants from 1997-2007 (30/11) is set out in the following table 2.

Table 2: Countries of Origin of Asylum Applicants — 1997 to 2007 (30/11)

Country	No.
Afghanistan	497
Albania	814
Algeria	1,629
America	20
Angola	1,188
Armenia	139
Azerbaijan	86
Bangladesh	89
Belarus	507
Benin	50
Bhutan	46
Bosnia	67
Brazil	54
Bulgaria	508
Burkina Faso	17
Burundi	190
Cameroon	831
Central African Republic	13
Chad	27
China	930
Congo	247
Croatia	900
Cuba	21
Czech Republic	1,099
DR Congo	2,136
Egypt	166
Eritrea	265

## [Deputy Brian Lenihan.]

Country	No.
Estonia	217
Ethiopia	141
Gambia	84
Georgia	1,059
Ghana	1,055
Guinea	166
Hungary	67
India	175
Iran	673
Iraq	1,182
Israel	241
Ivory Coast	384
Jamaica	62
Jordan	37
Kazakhstan	263
Kenya	514
Kosovo	1,037
Kuwait	135
Kyrgyzstan	60
Latvia	284
Lebanon	125
Lesotho	13
Liberia	363
Libya	420
Lithuania	877
Macedonia	86
Malawi	55
Malaysia	42
Mali	10
Mauritania	14
Mauritius	21
Moldova	2,486
Mongolia	52
Montenegro	17
Morocco	114
Mozambique	15
Nepal	32
Niger	32
Nigeria	23,341
Pakistan	923
Palestine	294
Philippines	13
Poland	1,661
Romania	11,241
Russia	1,528
Rwanda	224
Serbia	136
Sierra Leone	849
Slovakia	214
Somalia	1,784
South Africa	852
Sri Lanka	103

Country	No.
Stateless	157
Sudan	1,056
Swaziland	11
Syria	125
Tajikistan	56
Tanzania	28
Togo	299
Tunisia	15
Turkey	140
Uganda	189
Ukraine	1,531
United Kingdom	17
Uzbekistan	151
Vietnam	32
Yemen	18
Yugoslavia	119
Zaire	771
Zambia	17
Zimbabwe	857
Others	180
Total Applications	74,078

*Note:* Nationalities with figures less than 10 are not listed for confidentiality reasons; these are included in the category 'Others'.

On the timescales for the processing of asylum applications, asylum applications are considered under the provisions of the Refugee Act 1996 (as amended), at first instance by the Office of the Refugee Applications Commissioner (ORAC) and at appeal stage by the Refugee Appeals Tribunal (RAT).

The length of time taken to process asylum applications differs depending on whether an applicant is dealt with under prioritised arrangements or not. With effect from the 25 January 2005, new arrangements for the speedier processing of applications from certain countries were implemented. These arrangements apply in the main to nationals of Nigeria, Croatia and South Africa. They also applied to Romania and Bulgaria prior to their accession to the EU on 1 January 2007.

Regarding the Office of the Refugee Applications Commissioner, in terms of time scales at first instance for Prioritised cases, an interview date is usually scheduled within 9-12 working days from the date of the initial application. These applications are normally finalised within a further 5 to 8 working days, giving an average processing time of 17/20 working days from the date of application.

In the case of Non-prioritised cases, an interview date is usually scheduled approximately 16-18 weeks from the date of the initial application. These applications are normally finalised within a further 4/5 weeks, giving a total processing time

of approximately 20/23 weeks from the date of application.

The Refugee Applications Commissioner continues to keep the procedures for processing applications for refugee status in that Office under ongoing review with a view to limiting the amount of time applicants have to wait for a recommendation to be made.

The average length of time taken by the Refugee Appeals Tribunal to process and complete Substantive appeals received and decided in the 12-month period ending the 30th September 2007 was approximately 18 weeks.

The average length of time taken by the Tribunal to process and complete Accelerated appeals (appeals on papers only) received and decided in the 12-month period ending 30th September 2007 was approximately 10 weeks.

The average length of time taken by the Tribunal to process and complete appeals for Prioritised cases received and decided in the 12-month period ending the 30th September 2007 was approximately 8 weeks.

While many appeals are completed in a shorter time span than above, many factors, such as adjournments, postponements and judicial reviews, can impede the Tribunal from completing cases earlier. High quality, consistent and fair decision making continues to be a high priority in the Tribunal.

Regarding improvements in Processing Timescales, the Office of the Refugee Applications Commissioner has made significant progress in the processing of asylum applications since the creation of the office in November 2000.

In November 2000, when the ORAC was established, there were over 9,400 applications awaiting decision at first instance. As at the 30th November 2007, there were 1,219 outstanding applications awaiting a recommendation by ORAC. Of these, only 133 cases were on hands over 6 months.

The vast majority of outstanding applications at first instance are in respect of applicants who applied in 2007.

The RAT has also made significant progress in the processing of asylum applications since the creation of the office in November 2000. Prior to the establishment of the RAT, substantive appeals took on average 36 weeks to complete. As already indicated, the average processing timescale for substantive cases is now approximately 18 weeks and 8 weeks for prioritised cases.

As at the 31st October 2007, there were 3,056 appeals outstanding in the Tribunal. Of these 3,056 outstanding appeals, 1,873 were on hands over six months. A large volume of the appeals outstanding more than 6 months in the Refugee Appeals Tribunal is due to the delay in processing appeals pending the granting of access to Tribunal Decisions following the Supreme Court judgement (in the Atanasov case) on the matter. Following the judgement the RAT set up a comprehensive data bank of previous decisions of the Tribunal, suitably redacted, which is readily available for access by legal representatives of applicants. This data bank, along with other measures being applied by RAT, will be of considerable assistance in clearing the current backlog of cases.

#### Asylum Support Services.

474. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the number of asylum seekers who are in direct provision here while awaiting their applications to be processed; the number who are in other accommodation; the location of the direct provision accommodation and the number of asylum seekers in each premises; and if he will make a statement on the matter. [34836/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The number of asylum seekers who are in direct provision while awaiting their application to be processed as of 14 December 2007 is 6,636. This includes 510 in self-catering centres. The details are as follows:

County	Centre	Location	Numbers	Type
Clare	Knockalisheen A/S Centre	Meelick	259	SYS
	Clare Lodge	Ennis	55	HOS
Cork	Ashbourne Hse Hotel	Glounthaune	99	HOT
	Kinsale Road Acc. Centre	Cork City	306	SYS
	Glenvera Hotel	Wellington Road	94	HOT
	Millstreet Accommodation Centre	Millstreet	187	FC/NH
	An Poc Fada, Clonakilty Lodge,	Main Street, Cobh Clonakilty, Co. Cork	39 61	HOS GH
Donegal	Cliffview	Donegal Town	57	HOS
Dublin	Camden House	Camden Street, Dublin 2	7	HOS
	The Towers	The Ninth Lock, Clondalkin	230	HOT
	Camden Hall	Camden Street, Dublin 2	24	HOT



## [Deputy Brian Lenihan.]

County	Centre	Location	Numbers	Type
	70 Lower Camden Street	70 Lower Camden Street	6	HOS
	14 Gardiner Place	Dublin 1	12	HOS
	Horse and Carriage	Aungier Street, Dublin 2	21	GT
	Newlight House	St. Margaret's, Finglas	18	GT
	10 North Frederick Street	Dublin 1	22	HOS
	Viking Lodge	Francis Street, Dublin 8	63	HOT
	Georgian Court	77-79 Lower Gardiner St. Dublin 2	61	GT
	Hatch Hall	28 Lower Hatch Street, Dublin 1	131	HOS
	Baleskin Centre	St. Margaret's, Finglas	260	RECEPTION
	Kilmacud House	Upr Kilmacud Road, Stillorgan	54	RECEPTION
Galway	Dun Gibbons Inn	Clifden, Co. Galway	96	HOS
	Eglinton Hotel	The Proms, Salthill	240	HOT
	Great Western House	Eyre Square	169	HOS
Kerry	Atlas House	Killarney	88	HOT
	Atlas House	Tralee	90	HOS
	Johnston Marina Hotel	Tralee	97	HOT
	Linden House	Killarney	35	GT
	Park Lodge	Killarney	52	HOT
	Westward Court	Tralee	82	HOS
Kildare	Eyrepowell Hotel	Newbridge	96	HOT
Laois	Hibernian Hotel	Main Street, Abbeyleix	48	HOT
	Montague Hotel	Portlaoise	177	HOT
Leitrim	Sliabh An Iarainn	Ballinamore	44	HOT
Limerick	Clyde House	St. Alphonsus Street	103	HOS
	Westbourne Holiday Hostel	Dock Road	80	HOS
	Mount Trenchard	Foynes, Co. Limerick	47	FC/NH
Longford	Richmond Court	Richmond Street	85	HOT
Mayo	Railway Hotel	Kiltimagh	88	HOT
	The Old Convent	Ballyhaunis	305	FC/NH
Meath	Mosney Accommodation Centre	Mosney	765	HC
Monaghan	St. Patricks	Monaghan	139	FC/NH
Sligo	Globe House	Chapel Hill	228	HOS
Tipp. South	Bridgewater House	Carrick-On-Suir	103	FC/NH
Waterford	Atlantic House	Tramore, Co. Waterford	76	GT
	Ocean View	Tramore, Co. Waterford	68	GT
	Ursuline Complex	Ballytruckle Road	141	FC/NH
	Viking House	Coffee House Lane	91	GT
Westmeath	Athlone Accommodation Centre	Athlone	334	MOB
Wexford	Old Rectory House	New Ross	52	HOT
Wicklow	Beechlawn,	Rathdrum, Co. Wicklow.	18	GT
	The Warrens	Wicklow Town	23	GT
			6,126	
Cork	Davis Street Apartments	73-75 Davis Street, Mallow	40	Self Catering
Dublin	Glenview House	Tallaght, Dublin 24	45	Self Catering
	Harbour View	Grand Canal Place, Dublin 1	13	Self Catering

County	Centre	Location	Numbers	Type
	James Street Apartments	143 James St, Dublin 8	18	Self Catering
	Portobello Harbour	7, Portobello Harbour, Dublin 8.	10	Self Catering
	Tathony House	Bow Lane West, Dublin 8	69	Self Catering
	Watergate House	11-14 Usher's Quay, Dublin 8	46	Self Catering
Louth	Carroll Village	Dundalk	203	Self Catering
Roscommon	Station Road Apartments	Station Road, Ballaghaderreen	66	Self Catering
			510	

GT: Guest House, HOS: Hostel, SYS: System built, HOT: Hotel, MOB: Mobile Home Site.

HC: Holiday Centre, FC/NH: Former College/Nursing Home.

### Garda Deployment.

475. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will put in place a safety and security plan in an area (details supplied) in Dublin 5. [34859/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that local Garda management is aware of two incidents of criminal damage in the area concerned during 2007. Both incidents are under active Garda investigation.

I am further informed by the Garda authorities that the area referred to is in Raheny Garda District and is patrolled by Garda foot and mobile patrols. Members of the local Community Policing Unit are also allocated to this area and liaise with the local community providing crime prevention and security advice.

Additional Garda patrols, including patrols by the District patrol car, District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Units have been directed to pay particular attention to this area.

Current policing policy in the area is predicated on the prevention of crime, including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

476. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding anti-social activity at a location (details supplied) in Dublin 5. [34860/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that local Garda management is aware of anti-social behaviour in the area concerned. This behaviour is under investigation and has resulted in a number of arrests. The situation will continue to be monitored by local Garda management.

The area referred to is in Raheny Garda District and is patrolled by Garda foot and mobile

patrols. Members of the local Community Policing Unit are also allocated to this area and liaise with the local community providing crime prevention and security advice.

Additional Garda patrols, including patrols by the District patrol car, District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Units have been directed to pay particular attention to this area.

Current policing policy in the area is predicated on the prevention of crime, including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

### Garda Strength.

477. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the number of gardaí assigned to the traffic corps in the Mayo Garda division with a breakdown of their ranks; and if he will make a statement on the matter. [34864/07]

478. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the number of gardaí assigned to the drugs unit in the Mayo Garda division with a breakdown of their ranks; and if he will make a statement on the matter. [34865/07]

479. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform his plans to expand the drugs unit in County Mayo following the recent drugs seizure on 8 December 2007 in Bofeenau, County Mayo; and if he will make a statement on the matter. [34868/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I propose to take Questions Nos. 477 to 479, inclusive, together.

As at 30 November last, the latest date for which figures are readily available, the number of members attached to the Traffic Corps and Drugs Units in Mayo are as set out in the following table.

[Deputy Brian Lenihan.]

Inspector	Sergeant	Garda	Total
<i>Traffic Corps</i>			
1	3	23	27
<i>Drugs Units</i>			
0	1	3	4

The total strength of the entire Mayo Division as at the same date was 314. All Gardaí have responsibility, inter alia, to deal with drug and traffic related issues as and when they arise. The Deputy will appreciate that, as with any large organisation, on any given day the overall strength of the organisation may fluctuate due, for example, to retirements, resignations etc.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the needs of Mayo Division will be fully considered by him within the overall context of the needs of Garda Divisions throughout the country.

#### International Terrorism.

480. **Deputy Paul Gogarty** asked the Minister for Justice, Equality and Law Reform the amount spent on the security operation at the perimeter of Shannon Airport in 2006 and to date in 2007 to prevent further incursions by anti-war activists; his views on whether such levels are adequate or excessive; if the current threat warrants the levels of expenditure; and if he will make a statement on the matter. [34869/07]

481. **Deputy Paul Gogarty** asked the Minister for Justice, Equality and Law Reform the amount spent on the security operation at Shannon Airport in 2006 and to date in 2007 to prevent possible incursions by terrorists and to protect US military personnel; his views on whether such levels are adequate or excessive; if the current threat warrants the levels of expenditure; and if he will make a statement on the matter. [34870/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I propose to take Questions Nos. 480 and 481, together.

I am informed by the Garda authorities that the total cost, including salaries, of policing arrangements at Shannon Airport for 2006 was €4,695,737 and for January to November 2007 was €3,134,011.

These costs are inclusive of policing the perimeter of the airport and cannot be differentiated either according to the specific constituents of policing or according to the nature of the threat posed, as policing plans are put in place only fol-

lowing a comprehensive rather than piecemeal consideration of threat.

The Garda Síochána is statutorily required to provide policing services for the State with the aim of preserving public order and protecting life and property. In this regard, Garda resources are allocated by the Commissioner according to assessed threat, so it is the latter which ultimately determines the associated costs. In this context, the continuance of the ongoing policing arrangements at Shannon Airport is considered essential for the integrity of the airport itself and of both its employees and clients.

Accordingly, I remain satisfied that Garda policing arrangements at Shannon Airport continue to be both necessary and appropriate.

#### Departmental Expenditure.

482. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if his Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34888/07]

**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.

#### Closed Circuit Television Systems.

483. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform if he will provide an update to Parliamentary Question No. 176 of 1 November 2007; and if he will make a statement on the matter. [34893/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** Further to Parliamentary Question No. 176 of 1 November 2007, I am informed by the Garda authorities that a contract

for installation of the Garda CCTV system in Athlone will be signed shortly. Once the contract is in place, work will commence immediately thereafter on the CCTV system, subject to planning permissions, wayleaves and any civil works required.

#### **Citizenship Applications.**

484. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the action taken in relation to the status of a person who has been granted post-nuptial citizenship when the marriage breaks down and a separation or divorce is being sought; and if he will make a statement on the matter. [34896/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Irish Nationality and Citizenship Acts 1956 — 2004 provides that a non-national married to a person who is an Irish born citizen could accept Irish citizenship as his/her post-nuptial citizenship by lodging a declaration not earlier than three years from the date of the marriage or three years from the date the applicant's spouse became an Irish citizen, whichever is the later.

The Irish born citizen who is the spouse of the non-national seeking post nuptial citizenship must, at the date of application, swear an affidavit to the effect that the couple are living together as husband and wife; that the marriage is subsisting; and that no proceedings for divorce or annulment of this marriage have been commenced or are about to be commenced in any court of law. The aforementioned Acts provide for any person who knowingly or recklessly makes any declaration or statement that is false or misleading in any material respect to be guilty of an offence and to be liable to a fine or imprisonment or both.

#### **Residency Permits.**

485. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 122 of 4 October 2007, the position regarding the case; and if he will make a statement on the matter. [34899/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to Parliamentary Questions No. 249 of Wednesday, 5 December and No. 122 of Thursday, 4 October, 2007 and the written replies to those questions. The position remains unchanged.

#### **Visa Applications.**

486. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform if he will take steps to restore and vindicate the rights of children of parents who are on student visas, to primary education in accordance with Article 42.4 of Bunreacht na hÉireann and Article 2 of Protocol One of the European Con-

vention on Human Rights; and if he will undertake to immediately remove the prohibition on access to primary education for such children as a condition in student visas. [34907/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The position on this matter was outlined by my colleague Minister Ó Cuív during the adjournment debate on 13 December. In summary, what is at issue here is not whether a non-EEA child in Ireland is entitled to primary education. That right is not in dispute. What we are dealing with is the right of the Irish State, in its immigration system, to determine who enters the State and the terms and conditions applicable to their stay. In the case of overseas students there is a requirement that they are self-sufficient. A non-EEA adult student in the State is clearly not self-sufficient in circumstances where their dependant child is being educated at the taxpayer's expense. An exception was made in the case of fee paying schools where, even though there is State funding, the parents also make a contribution to the costs of their child's education.

It should be understood that if students coming to Ireland had a general right to bring children with them and those children were then entitled to free education, student permission would be much more difficult to obtain than at present. However, in the interests of the children concerned I am willing to make an exception to cover the current school year. This would be on a strictly limited basis, however, and any adult student wishing to stay on beyond that time will be required to adhere strictly to whatever conditions are in force at that time.

I also have general concerns regarding the operation of the student immigration sector and the level of abuse of student permission. It is my intention to outline policy changes in this area early in the New Year.

#### **Citizenship Applications.**

487. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in County Cork will receive a decision on their application for Irish citizenship through naturalisation. [34945/07]

**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 on the 2 January 2007. Applications are generally dealt with in chronological order and this practise is not deviated from except in exceptional circumstances. However, I understand that a submission will shortly be made to my office for a decision on whether the case might be expedited. I will inform the Deputy and the person in question when a decision is reached on the matter.

### Crime Levels.

488. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform the number of indictable crimes in 2006. [34963/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. In addition, it has compiled and published

a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

### Drug Seizures.

489. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform the number of drug seizures in County Clare for the years 2005, 2006 and to 30 November 2007; the type of drugs seized; and if he will make a statement on the matter. [34979/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The following tables show the number of drug cases reported for the years 2005, 2006 and up to 30 November 2007 from the Clare Garda Division, as provided by the Forensic Science Laboratory:

	Drug	No. of Cases Drug was detected	Cases Reported
2007	Amphetamine	8	172
	Bromazepam	1	
	Cannabis	55	
	Cannabis Plants	6	
	Cannabis Resin	73	
	Clonazepam	1	
	Cocaine	24	
	Diamorphine	8	
	Ethanol	1	
	Lignocaine	2	
	MDMA	17	
2006	Amphetamine	15	248
	Cannabis	35	
	Cannabis Plants	2	
	Cannabis Resin	151	
	Cocaine	36	
	Diamorphine	11	
	Diazepam	1	
	Khat	1	
	Lignocaine	1	
	MDMA	22	
	Sildenafil	3	
	Zopiclone	1	
2005	Alprazolam	2	126
	Amphetamine	4	
	Bromazepam	1	
	Cannabis	15	
	Cannabis Resin	89	

	Drug	No. of Cases Drug was detected	Cases Reported
	Cocaine	14	
	Diamorphine	2	
	Diazepam	2	
	Ethanol	2	
	Flunitrazepam	2	
	MDMA	9	
	Methylamphetamine	2	

It should be noted that more than one drug type can be associated with an individual case reported.

### Visa Applications.

490. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the reason for the delay in processing the visa application for a person (details supplied); and when they can expect a decision. [34989/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Immigration Division of my Department that the person in question is the subject of a Family Reunification application made in February 2007. This application will be considered by my Department and a decision will issue in due course. Family Reunification applications are dealt with in chronological order and at the present time are taking up to 24 months to process.

### Public Order Offences.

491. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform the position in relation to an issue (details supplied). [34996/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that Gardaí from Raheny and Clontarf Garda stations police the area concerned and they maintain regular contact with the management of the premises referred to in order to address any public order issues which may arise.

I am further informed that additional Gardaí, including a dedicated Public Order Unit, are deployed in this area, particularly during weekends and when events are being held, and inspections are carried out of all licensed premises. These measures have resulted in an increase in the number of incidents detected and persons arrested.

A Policing Forum, consisting of relevant stakeholders, including the Inspector in Charge at Clontarf Garda station, local residents' groups and the management of local licensed premises, has been established and discusses, inter alia,

issues regarding licensing and the concerns of residents.

Current Policing Plans in the area are predicated on the prevention of anti-social behaviour and public disorder, the prevention of crime, including crimes of violence against persons and property, and the maintenance of an environment conducive to the improvement of quality of life of the residents. Garda Units are directed to pay particular attention to areas where anti-social behaviour is likely to occur. This strategy will continue to be central to the delivery of a policing service to the area in question.

### Citizenship Applications.

492. **Deputy Jim O'Keeffe** asked the Minister for Justice, Equality and Law Reform the reason the examination of applications for certificate of naturalisation only begins three years after they have been lodged in his Department; and if he will put in place a more efficient cost effective system for dealing with same. [35020/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The existing processing time for applications for certificates of naturalisation is approximately thirty months from the date the application is received until such time as the applicant is informed of the decision. This is primarily due to the significant increase in the volume of applications received in the last number of years. The Deputy will appreciate that the granting of Irish citizenship through naturalisation is an honour and 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 as follows. Upon receipt, an initial examination of each application is carried out 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 neces-

[Deputy Brian Lenihan.]

sary. Since this procedure was introduced on 1 April 2005, over 3,500 applicants who applied since that date have been found to be ineligible. All such applicants are informed of any shortfall in their residency and will be able to reapply when they have the required residency.

Further processing takes place at a later stage and 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. Depending on the complexity of any given case, these processes can take a lengthy time to complete. Once all enquiries are completed, the file is referred to me for a decision.

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. I have however instructed my officials to undertake a review of the various processes in order that these might be streamlined further where possible.

#### Residency Permits.

493. **Deputy Mattie McGrath** asked the Minister for Justice, Equality and Law Reform the status of an application for residency by a person (details supplied) in south Tipperary; when a decision will be made on that application; and if he will make a statement on the matter. [35030/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** An application from the person concerned under the IBC/05 Scheme, for permission to remain in the State on the basis of being the parent of a child born in Ireland prior to 1st January, 2005, was received in my Department on 13th January 2006. As the closing date for receipt of applications under the Scheme was 31st March 2005 the person's application was therefore received too late for consideration, and was returned along with all original supporting documents on 17th January 2006. My Department is currently awaiting the outcome of an appeal to the Supreme Court on matters related to the IBC/05 Scheme. I am unable to give further consideration to matters such as those raised by the Deputy until such time as a Judgement of the Court has been received.

#### Garda Deployment.

494. **Deputy Brian O'Shea** asked the Minister

for Justice, Equality and Law Reform the proposals he has to increase Garda numbers in Waterford (details supplied); and if he will make a statement on the matter. [35031/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The personnel strength of Waterford Garda Station as at 30 November, the latest date for which figures are readily available, was 161. The personnel strength as at 30 October last was 158. The Deputy will appreciate that, as with any large organisation, on any given day the overall strength of the organisation may fluctuate due, for example, to retirements, resignations etc.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the needs of the Garda Station referred to by the Deputy will be fully considered by him within the overall context of the needs of Garda Divisions throughout the country.

#### Prisoner Releases.

495. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform the percentage of prisoners not granted automatic remission for good behaviour in each year of the past five years; and if he will make a statement on the matter. [35049/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I would like to refer the Deputy to Parliamentary Question Number 912 which was answered on 11 December, 2007. The position as set out in that response remains unchanged.

#### Departmental Inquiries.

496. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform if his officials have completed a report on an organisation (details supplied); the conclusion in the report; when the report will be published; and if he will make a statement on the matter. [35063/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The matter continues to be examined and any decision taken will be announced in due course.

#### Departmental Agencies.

497. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the terms of reference, functions and purpose of the Criminal Injuries Compensation Tribunal, the Censorship of Films Appeal Board, the Refugee Appeals Tribunal, the Independent Commission for the Location of Victims Remains, the Inde-

pendent Monitoring Commission and the Dublin Archdiocese Commission of Investigation; if the agencies are still operational; the reason these functions cannot be carried out by his Department; the benefits to the Irish tax-payer gained from the work of the agencies; and if he will make a statement on the matter. [35065/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I can advise the Deputy that the bodies in question are all operational. The functions of these bodies are set out as follows and the benefits and necessity in each case is self-evident from these details.

The Criminal Injuries Compensation Tribunal considers applications from persons who suffer personal injury as a result of a crime of violence or from their next of kin in the case of a fatal injury. The Tribunal provides for an independent determination on such applications and provides important assistance to the victims or crime in respect of expenses experienced as a result of the crime, including loss of earnings. The Censorship of Films Appeals Board was established under the Censorship of Films Act, 1923. Its members are unpaid and convene solely to provide an independent appeal against decisions of the Film Censor.

Refugee Appeals Tribunal was established in 2000 in accordance with Sections 14 and 15 of the Refugee Act, 1996 (as amended). The composition and functions of the Tribunal are set out in the Second Schedule to the 1996 Act. The Tribunal provides for an independent appeal mechanism from decisions of the Refugee Applications Commissioner.

The Independent Commission for the Location of Victims' Remains was established by an International Agreement between the Irish and British Governments and by subsequent legislation (Criminal Justice (Location of Victims' Remains) Act 1999). The Commission's functions are to receive information relating to the location of remains of victims of paramilitary violence who were buried in secret and to facilitate, if possible, the recovery of such remains. I am sure the Deputy would agree with me on the value of this work, particularly for the families of those still missing. As the agreement and legislation confer both independence of Government and certain immunities on the Commission, its work could not be carried out by officials of my Department.

The Independent Monitoring Commission was established by an International Agreement between the Irish and British Governments and by subsequent legislation (Independent Monitoring Commission Act 2003). The Commission was established, inter alia, to monitor paramilitary activity and the security normalisation programme carried out in Northern Ireland by the British Government. The IMC has made an invaluable contribution to the peace process and continues to do valuable work monitoring and

reporting on the ongoing activities of paramilitary groups on the island. As the agreement and legislation confer independence of Government on the Commission, its work could not be carried out by officials of my Department.

On 28 March, 2006 the Government made an order establishing the Dublin Archdiocese Commission of Investigation with time frame of 18 months for reporting. On 30 July 2007 the Government approved an extension of one year to the term of the Commission, to September 28, 2008. The Commission is of course, as is appropriate, independent of my Department in carrying out this investigation. The commission will, firstly, investigate the handling of allegations or complaints of child sexual abuse made against clergy operating under the aegis of the Catholic archdiocese of Dublin and the response to such cases, and the handling of cases where there was knowledge or concern regarding sexual abuse.

Secondly, the commission will investigate the position in any Catholic diocese in the State, following a notification from the Minister for Health and Children that a diocese may not be implementing Church guidelines in relation to child sexual abuse by a priest or religious, or a notification that a diocese may not be implementing satisfactorily the recommendations of the Ferns Report.

#### **Registration of Title.**

498. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when a dealing number (details supplied) will be completed; and if he will make a statement on the matter. [35075/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** As the Deputy will be aware, under the provisions of the Registration of Deeds and Title Act 2006, the Property Registration Authority was established as and from 4 November, 2006. The Property Registration Authority replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

I would also like to refer the Deputy to a service for TDs and Senators concerning the current status of applications, such as the subject of this question, which was introduced in May 2006. The service was introduced, inter alia, to provide a speedier and more cost effective alternative to submitting Parliamentary Questions. This service, which is operated by the Property Registration Authority, is available all year round. I can further inform the Deputy that his query has been forwarded to the Property Registration Authority for attention and direct reply via the above mentioned service.



### Asylum Applications.

499. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the status of an application for leave to remain for a person (details supplied) in County Donegal; if he will give favourable consideration to this application; when a decision will be made; and if he will make a statement on the matter. [35088/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The person concerned arrived in the State on 15 March, 2005 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 17 October, 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act 1999 as amended, and Section 5 of the Refugee Act 1996 (Prohibition of Refoulement), as amended. I expect the file to be passed to me for decision in due course.

### Residency Permits.

500. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the position of the residency status of a person (details supplied) in County Galway; their prospects for a renewal of their permit; and if such a permit can issue if they remain here. [35109/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I understand the Immigration Division of my Department has recently been in contact with the person concerned requesting documentation. Upon receipt of same, the application will be further processed.

### Crime Prevention.

501. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he is considering making funding available for the purchase of a second x-ray machine for use in ports on trucks by customs officers to assist in their efforts to disrupt the supply of illegal drugs into Ireland. [35125/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** An Garda Síochána has

primary responsibility for the apprehension and arrest of persons suspected of smuggling or the illegal importation of controlled drugs. The Customs Service of the Revenue Commissioners has primary responsibility for the funding that is available for the purchase of x-ray machines for use in ports. The question of funding the purchase of additional x-ray machines is therefore a matter for my colleague, the Minister for Finance.

502. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of boats available to the Garda Síochána to assist their efforts to disrupt the supply of illegal drugs into Ireland. [35126/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I have asked the Garda Commissioner for a report on their deployment of boats, by An Garda Síochána in the context referred to by the Deputy and will communicate with him further when this is available. The equipment available to customs officers is a matter for my colleague, the Minister for Finance. The Deputy will also be aware of the very significant role played by the Naval Service in the interdiction of drugs.

503. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of sniffer dogs available to customs officers to assist their efforts to disrupt the supply of illegal drugs into Ireland. [35127/07]

**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 would refer the Deputy to the answer I made available in respect of Parliamentary Question 34377/07 last week for further details on the matter.

504. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of sniffer dogs available to the Garda Síochána to assist their efforts to disrupt the supply of illegal drugs here. [35128/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** 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.

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. In addition, I am informed by the Revenue Commissioners that as part of its enforcement resources, the Customs Service currently deploys 13 detector dog teams. 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.

These detector dog teams are based at strategic locations throughout the State. All 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 life-blood 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.

#### **Garda Operations.**

505. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that it was reported on an RTE production (details supplied) on 10 December 2007 that their time investigators were given access to a confidential Garda file on a suspect; and his views on whether the practice of leaking Garda files to the media may jeopardise the success of future criminal proceedings. [35129/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that it is the policy of An Garda Síochána that the overall responsibility for releasing information to the media rests with the Garda Press and Public Relations Office and that

members of An Garda Síochána are prohibited, except in specified circumstances, without the authority of the Commissioner from communicating either directly or indirectly with the media or furnishing to the media any matter or thing whatsoever in connection with the investigation of crime, the administration of the Force or any matter which may have come to the member's knowledge in the course of official duties.

The Garda Síochána Acts 2005 to 2007 regulate the disclosure of information obtained by Gardaí in the course of their duties. Section 62 provides that it is an offence for members of An Garda Síochána and other specified individuals to disclose certain information obtained in the course of their duties if they know that such disclosure is likely to have a harmful effect, such as impeding an investigation. This provision is in addition to, and not in substitution for, the provisions of the Official Secrets Act, 1963. I am further informed that the Garda Commissioner has directed that enquiries be made in relation to the alleged disclosure.

#### **Courts Service.**

506. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will make a statement detailing the selection process for juries in Coroner's Courts; and the way the Coroner's Court juries differ from juries in the Circuit and Central Criminal Court. [35132/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The selection process for juries where such are required by a coroner at an inquest is set out in section 43 of the 1962 Coroners Act. In the context of the reform of this Act, I would also draw the attention of the Deputy to the Coroners Bill 2007, which is currently awaiting Committee Stage debate in the Seanad and which contains provisions regard jurors at inquests. The position insofar as Juries in the Courts is concerned it set out in the Juries Act, 1976.

#### **Garda Investigations.**

507. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the number of complaints received by the gardaí in relation to the operation of the ultrasonic youth deterrent device known as The Mosquito; his views on the operation of this device; and if he will make a statement on the matter. [35165/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that they are aware of the device referred to by the Deputy which is allegedly used to deter people from congregating or loitering.

[Deputy Brian Lenihan.]

Section 2 of the Non-Fatal Offences Against the Person Act 1997 creates the offence of assault and refers to the application of force. The section specifies that “force” includes application of, inter alia, noise.

I am further informed by the Garda authorities that an instruction has issued to all members of An Garda Síochána that any complaints received regarding the use of such devices are to be fully investigated. I am advised by the Garda authorities that the statistical information requested by the Deputy is not readily available and would require a disproportionate expenditure of Garda time and resources to collate.

#### **Criminal Prosecutions.**

508. **Deputy John Curran** asked the Minister for Justice, Equality and Law Reform the number of fixed charge penalty notices issued for breaches of the three tonne restriction on Kannelsfort Road, Palmerstown, Dublin 20 for the periods 3 April 2006 to 31 December 2006 and 1 January 2007 to date in 2007. [35188/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** In the time available it has not been possible for the Garda authorities to supply the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

#### **Residency Permits.**

509. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied), who has provided additional information as requested, is waiting for a decision on IBC/05; when this decision will be made; and if he will make a statement on the matter. [35304/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The person concerned made an application for permission to remain in the State under the IBC/05 Scheme on 2 February 2005. It was a condition of the Scheme that the applicant had been resident in the State with their Irish born child, on a continuous basis, since the child’s birth. The person’s application was refused on the basis that she did not in fact meet this condition and she was advised of this decision on 13 December 2005.

My Department is currently awaiting the outcome of an appeal to the Supreme Court of matters related to the IBC/05 Scheme. The decision to refuse the person’s application may be considered further in the context of that Judgment.

#### **Citizenship Applications.**

510. **Deputy Phil Hogan** asked the Minister for

Justice, Equality and Law Reform when a decision will be made on an application for naturalisation for persons (details supplied); and if he will make a statement on the matter. [35321/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to my reply to Parliamentary Question 522 on 23 October 2007. The position remains as stated.

511. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the status of a citizenship application by a person (details supplied) in County Dublin; when a decision will be made on the application; and if he will make a statement on the matter. [35329/07]

**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 December 2004. Officials in that section inform me that processing of the application has commenced and the file will be forwarded to me for a decision in the coming months. I will inform the Deputy and the person in question when I have reached a decision on the matter.

512. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform the reason conflicting information has been given in Parliamentary Question replies in respect of an application for naturalisation by a person (details supplied) in County Mayo. [35335/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The answer provided to the Deputy in Parliamentary Question 322 on 7 June 2006 contained incorrect information arising from an administrative error in the Citizenship section of my Department. Accordingly, the position is as set out in my response on 11 December, 2007. Any confusion caused is sincerely regretted. An application for a certificate of naturalisation from the person concerned was received in September 2005. On examination of the application it was determined that the person in question did not meet the statutory residency criteria as set out in the Irish Nationality and Citizenship Act 1956, as amended. A letter informing him of this was issued on 29 September 2005. It is open to the individual concerned to lodge a new application if and when she is in a position to meet the statutory requirements applicable at that time. I apologise for the inconvenience caused to the Deputy in this case.

#### **Visa Applications.**

513. **Deputy Tom Sheahan** asked the Minister for Justice, Equality and Law Reform the stage the application for a stamp four visa for a person

(details supplied) in County Kerry is at. [35342/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants. Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the person referred to by the Deputy was received in August 2007. I understand that applications received in July 2006 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

#### Deportation Orders.

514. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of people who have been deported to date following deportation orders made pursuant to Section 3 (1) of the Immigration Act 1999, in respect of non Irish Nationals, who under Section 3(2)(a) had served terms of imprisonment imposed on them by a Court in this State; the years such deportations took place; and the nationalities of those involved. [35360/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The information sought is, at present, being compiled. I can assure the Deputy that this information will be conveyed to him at the earliest possible date.

#### Garda Deployment.

515. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the under staffing levels at Ronanstown Garda Station and the need for extra Gardai to be appointed there; and if he will make a statement on the matter. [35363/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The personnel strength of Ronanstown Garda Station as of 30 November, the latest date for which figures are readily available, was 90. The Deputy will appreciate that, as

with any large organisation, on any given day the overall strength of the organisation may fluctuate due, for example, to retirements, resignations etc.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the needs of Ronanstown Garda Station will be fully considered by him within the overall context of the needs of Garda Divisions throughout the country.

#### Garda Operations.

516. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the number of applications for investigation that have been made to the referee since the introduction of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993; the number of investigations that have been undertaken; the number of complaints that have been upheld; the number of complaints that have not been upheld; and if he will make a statement on the matter. [35503/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The office of the Complaints Referee was established pursuant to Section 9 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993, as amended. The office of the Complaints Referee provides an independent complaints procedure in respect of the State’s lawful interception and telecommunications data retention and access regimes. The current Complaints Referee is His Honour Judge Carroll Moran, Judge of the Circuit Court, who may be contacted c/o President of the Circuit Court Office, The Four Courts, Dublin 7.

As the Complaints Referee is an independent office, my Department has no definitive knowledge of the numbers of applications made, investigations undertaken, complaints not upheld and complaints upheld. In the latter regard, where the Complaints Referee concludes that there has been a contravention of the relevant statutory provisions, the Referee shall, inter alia, make a report of his findings to the Taoiseach rather than to me as Minister for Justice, Equality and Law Reform.

#### Garda Equipment.

517. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform his views on the use of tasers by members of the Garda Síochána; and if he will make a statement on the matter. [35509/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** Conductive electric devices (CEDs), often referred to by the brand

[Deputy Brian Lenihan.]

name “TASER”, form part of the range of less lethal weapons available to the members of the Garda Emergency Response Unit who have undergone appropriate training and qualification in their use. They form part of An Garda Síochána’s response to critical incidents and give An Garda Síochána a more flexible, less lethal capability.

The purpose of CEDs and other less lethal weapons is to temporarily incapacitate a person from a safe distance in circumstances where it might otherwise be necessary to have resort to lethal force. Their use is strictly regulated under Garda directives. Where members of the Emergency Response Unit are faced with threats of serious violence and it is reasonably believed that these threats may result in serious injury to themselves or others, and where no other option is available, a CED may be employed. The circumstances in which less lethal weapons may be used are limited, therefore, to where it is necessary to avoid the use of firearms. Strict conditions are laid down for the use of firearms, including a requirement in all cases that all other means of achieving the purpose in question have been exhausted. The test which currently applies to the use of less lethal weapons, that their use is necessary to avoid the use of firearms, is therefore a high one.

#### Residency Permits.

518. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the position regarding an application for long-term residency of a person (details supplied) in Dublin 22. [35518/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants.

Time spent in the State on student conditions cannot be counted towards long term residency.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the persons referred to by the Deputy was received in August 2006. I understand that appli-

cations received in July 2006 are currently being dealt with. As soon as a decision is made on the case, the persons concerned will be notified.

#### Departmental Records.

519. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if his Department maintains a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35545/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** In line with established practice, an official diary of the appointments of the Minister for Justice, Equality and Law Reform is maintained by my Department. A log of my precise movements, to and from the Department of Justice, Equality and Law Reform, is not kept.

#### Garda Investigations.

520. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the number of break-ins, thefts and occupation of property by persons known or unknown, in the case of a person (details supplied) in County Kildare; the extent to which investigations have taken place into the activities of gangs with criminal intent; if charges or arrests are pending or expected; and if he will make a statement on the matter. [35585/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that they are aware of a number of incidents of thefts of property belonging to the individual referred to by the Deputy. These incidents are under active investigation by the Garda authorities and in the circumstances it would be inappropriate for me to comment further.

I have been further informed by the Garda authorities of a recent incident when a number of persons attempted to gain unlawful access to private property. The Garda authorities attended the incident and the persons were moved on.

Arrangements are being made for the Divisional Crime Prevention Officer to provide crime prevention and security advice to the person concerned.

521. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which his attention has been drawn to a large number of break-ins and thefts at Laragh, Maynooth and throughout north Kildare in the past number of weeks; the extent to which the perpetrators have been identified, arrested or charged; and if he will make a statement on the matter. [35586/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that a number of burglaries and thefts have been recorded at the location referred to and that there have been a number of detections in relation to these. A suspect has been identified for a number of offences and is being sought.

The allocation of Garda personnel, together with overall policing arrangements and emerging crime trends, is continually monitored and reviewed by local Garda management. Such monitoring ensures that optimum use is made of Garda resources and the best possible Garda service is provided.

#### **Residency Permits.**

522. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will expedite the process in respect of an application for family reunification in the case of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [35587/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to my previous answer to Parliamentary Questions No. 149 put down for answer on the 25th October 2007 and No. 179 put down for answer on the 15th November 2007.

I am informed by the Immigration Division of my Department that the person in question made a Family Reunification application in February 2007.

The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation is completed and the Commissioner has forwarded a report to my Department.

This application will be considered by my Department and a decision will issue in due course.

Family Reunification applications are dealt with in chronological order and at the present time are taking up to 24 months to process.

#### **Citizenship Applications.**

523. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the position regarding naturalisation for a person (details supplied) in Dublin 12; and if he will make a statement on the matter. [35638/07]

**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 2005.

Officials in that section inform me that processing of the application has commenced and the file will be forwarded to me for a decision in the coming months.

I will inform the Deputy and the person in question when I have reached a decision on the matter.

#### **Visa Applications.**

524. **Deputy John Perry** asked the Minister for Justice, Equality and Law Reform if he will intercede with his officials to ensure that a person (details supplied) who has been granted a three month visa, may be granted a visa for a longer period of time, in view of the fact that this is the fourth visa; and if he will make a statement on the matter. [35647/07]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The application referred to by the Deputy was received in the Irish Embassy, Kuala Lumpur, on 3 December 2007.

The applicant applied for a visit visa but the period she intended to stay in Ireland was unclear. For visa purposes, however, a visit is regarded as short-term in nature and the maximum for which one may be approved is ninety days. This is what was approved by the Visa Officer on 10 December.

It should be borne in mind that a visa is merely a pre-entry clearance to seek permission to enter the State. Whether the person is permitted to enter and the exact period for which s/he is allowed to remain is a matter for the Immigration Officer at the point of entry.

#### **Local Authority Housing.**

525. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the policies in place within his Department for the provision of specialised housing types for persons on local authority housing lists with children or dependent adults with autism; the provisions made within housing authorities to meet these specific needs; and if he will make a statement on the matter. [34950/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):** The housing needs of vulnerable groups, including households with members who have mental or physical health issues, are met in a number of ways. In certain cases, needs can be met through the main social housing programme. Voluntary and cooperative housing bodies are also funded to provide accommodation specific to particular needs, including the needs of people with disabilities.

In addition, the new Housing Adaptation Grant for People with a Disability, which was implemented on 1 November 2007, provides

[Deputy Batt O’Keeffe.]

grant aid to assist in the provision/adaptation of accommodation to meet the needs of people with a disability, including those suffering from Autistic Spectrum Disorders.

My Department has also recently commenced work on the development of a national housing strategy for people with a disability in line with a commitment under my Department’s sectoral plan. The strategy, which will be developed by end 2009, is being progressed by a National Advisory Group under the aegis of the Housing Forum, headed by my Department and involving the Department of Health and Children, the Health Services Executive, social partners and other relevant stakeholders including the National Disability Authority. The strategy, which will give a broad framework to inform the development of the relevant components of Housing Action Plans, will support the provision of tailored housing and housing supports for people with a disability and have particular regard to adults with significant disabilities and people who experience mental health issues.

#### Departmental Reports.

526. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the Draper report; the consideration he or his Department has given to this report; if he or his Department has discussed this report with his EU counterparts; the actions that he or his Department will carry out with regard to protecting the lives of those who live in the vicinity of power lines; and if he will make a statement on the matter. [34952/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen):** The Government published the report of the Expert Group on the Health Effects of Electromagnetic Fields earlier this year. The Report examined a wide range of issues in relation to the potential health effects of electromagnetic fields, including those produced by electric appliances in the home and from electricity pylons. It answers many of the health risk questions raised by the public in relation to the potential effects of electromagnetic fields, and is available for download on the Department’s website ([www.environment.ie](http://www.environment.ie)).

With regard to Extremely Low Frequency (ELF) fields emitted by electricity power lines, the Report concluded that there is limited scientific evidence of adverse health effects. The report also found that certain studies, taken individually or as collectively reviewed by expert groups, are insufficient either to make a conclusive judgement on causality or to quantify appropriate exposure restrictions. Apart from these limited effects there are no other identified harm-

ful health effects from exposure to ELF, where such exposures are below the international limits.

I am aware of the Draper Report. Its authors concluded that there is no accepted biological mechanism or convincing laboratory data to explain the epidemiological results they found. The Department has followed closely the work of the World Health Organisation (WHO), which has a comprehensive programme of evaluation and sharing of research on the impact of electromagnetic fields on human health. By continuing to monitor the WHO work programme, the Department can remain vigilant in this area.

*Question No. 527 answered with Question No. 96.*

#### Water and Sewerage Schemes.

528. **Deputy Dara Calleary** asked the Minister for the Environment, Heritage and Local Government the progress of a sewerage scheme (details supplied) in County Mayo. [34818/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Achleam Sewerage Scheme was fifteenth on the list of water and sewerage schemes submitted by Mayo County Council in response to my Department’s request to all local authorities in 2006 to undertake assessments of needs for capital works in their areas and to prioritise their proposals on the basis of these assessments. These assessments were taken into account in the preparation of the Water Services Investment Programme 2007 – 2009 which I published on 17 September 2007 and which is available in the Oireachtas Library. Given the level of competing demands for the available funding, and the priorities identified by the elected members of Mayo County Council, it was not possible to include the Achleam scheme in the current Programme.

#### National Parks.

529. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government the plans in place to produce a management plan for the Burren; if there is a plan in train; when it might be completed; and if he will make a statement on the matter. [34871/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department will prepare a draft management plan for the Burren National Park for public consultation during 2008 with the intention of publishing a final plan in 2009.

#### Waste Management.

530. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government the Government policy on waste management and the mix that should be expected

in re-use, recycling, landfill, biochemical, thermal treatment and other methods; and if he will make a statement on the matter. [34872/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Programme for Government reiterates the Government's strong commitment to a waste management hierarchy based on the cornerstones of reduction, re-use, recycling and marketing of recycled products. There is also a commitment to meeting the targets to divert biodegradable waste from landfill required under the 1999 EU Landfill Directive.

The Programme identifies in addition the need for an international review of waste management plans, practices and procedures. This review will commence in early 2008 with the work expected to be completed before the end of the year. It is intended to be a comprehensive review of waste management in Ireland and will greatly assist in the determination of the best mix of technologies suited to Ireland's needs. Other issues such as how best to promote alternative technologies, e.g. mechanical and biological treatment, and what standards should apply to them will also be addressed.

#### **Alternative Energy Projects.**

531. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government if discussions have been held with Coillte on this body's policy towards wind farms, in view of the fact that there are examples where Coillte is unwilling to support such developments for fear its lands may be sterilised; and if he will make a statement on the matter. [34873/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department's Wind Energy Development Guidelines, originally published in 1996, were updated and reissued in 2006. The guidelines provide advice to planning authorities on planning for wind energy through the development plan process. They are also intended to ensure consistency of approach throughout the country in the identification of suitable locations for wind energy developments and the treatment of planning applications for such developments. My Department intends to review implementation of the updated guidelines by planning authorities next year.

In relation to the specific issue raised in the question, no such discussions have been held with Coillte. I have, however, asked my Department to engage with Coillte in the context of the proposed review of the implementation of the guidelines so that any issues of concern in relation to wind energy development are fully explored.

#### **Departmental Expenditure.**

532. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local

Government if his Department, or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34884/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information sought in relation to works and services for the Department will be compiled as part of the accounting arrangements for the Department's appropriation account after year end and details will be forwarded to the Deputy before the end of January.

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.

#### **Grant Payments.**

533. **Deputy Eamon Scanlon** asked the Minister for the Environment, Heritage and Local Government when an application under the rural referral scheme for a person (details supplied) in County Sligo will be granted; and if he will make a statement on the matter. [34929/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):** An inspection with a view to issuing a Certificate of Reasonable Cost was carried out on 12 October 2007. However, it was not possible to compile an estimate of cost because the necessary supporting documentation was not available. The applicant has since advised my Department that the documentation is now available and a further inspection will be carried out as soon as possible.

#### **Local Authority Housing.**

534. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding funding for refurbishment of an estate (details supplied) in County Limerick including the re-roofing of houses which were constructed by the National Housing Agency in 1974 under the guaranteed order programme in view of the fact that they are substandard, that home insurance is not available and that schemes were introduced elsewhere to improve the standard of similarly built houses. [34958/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe):** I refer to the reply to Question No. 559 of 3 July 2007.

I understand that works on the first phase of the project, which commenced in June 2007, are near completion. It is envisaged that, following consultation with the residents concerned, works



[Deputy Batt O’Keeffe.]

on the second phase of the project should commence by mid-2008.

### **Bilateral Agreements.**

535. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government if, under section 15 of the Housing (Miscellaneous Provisions) Act 1997, the Government has bilateral agreements with EU countries outside of the UK to obtain information on housing applicants with the equivalent bodies named under the Act, the Criminal Assets Bureau, a member of the Garda Síochána, the Department of Social and Family Affairs, a health board or a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992; if not, the steps he will take to rectify this anomaly; and if he will make a statement on the matter. [32849/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** There is no provision under section 15 of the Housing (Miscellaneous Provisions) Act 1997 for my Department to enter into bilateral agreements as suggested in the Question.

As indicated in the replies to Questions Nos. 595 of 23 October 2007 and 665 of 27 November 2007, the assessment of housing need, including verification of the relevant circumstances of applicants, is a matter for the local authority concerned.

### **Social and Affordable Housing.**

536. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the terms of reference, functions and purpose of the Comhar Sustainable Development Council, the Affordable Homes Partnership, the Dublin Docklands Development Authority Board and the Dublin Docklands Development Council; if these agencies are still operational; the reason these functions can not be carried out by his Department; the benefits to the Irish tax-payer gained from the work of these agencies; and if he will make a statement on the matter. [35083/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information requested is as follows:

#### *Comhar Sustainable Development Council*

Comhar, Sustainable Development Council, formerly known as Comhar — Sustainable Development Partnership was established in 1999 and remains operational. It is the forum for national consultation and dialogue on all issues relating to sustainable development. Its terms of reference are, briefly, to advance the national agenda for sustainable development, evaluate progress in this regard, assist in devising suitable

mechanisms and advising on their implementation.

Comhar is a multi-stakeholder body with a membership representing five major groups in civil society who give their time and expertise free of charge. It is not possible to draw such representation from within a Government Department.

Comhar’s 25 members are drawn from five pillars: the State sector, economic sectors, environmental NGOs, social/community NGOs and the professional/academic sector, supported by a Secretariat drawn from my Department and supplemented by contract research/policy analysis staff as the need arises. Comhar’s current work programme covers the period 2006-08 and the arrangements for giving effect to a specific commitment in the Programme for Government to establish Comhar as a body within NESDO are under consideration.

The benefit to the taxpayer is in the research, reports, advice, recommendations and information dissemination carried out by Comhar to further society’s understanding of the many complex issues involved in implementing sustainable development.

#### *Affordable Homes Partnership*

The overall remit of the Affordable Homes Partnership is to bring greater co-ordination and added impetus to the delivery of affordable housing, particularly in the Greater Dublin Area. Its specific functions are set out in the Affordable Homes Partnership (Establishment) Order 2005 (S.I. No. 383 of 2005), as amended by the Affordable Homes Partnership (Establishment) Order 2005 (Amendment) Order 2007 (S.I. No. 293 of 2007).

While my Department continues to take a lead role in relation to affordable housing matters nationally, it was considered, having regard to the importance which the Government and the social partners attach to affordable housing, that this partnership model could add further impetus to delivery at local level and it was for that purpose that it was established. The Partnership, which remains operational, has made a valuable contribution in that regard since its establishment in August 2005, both in terms of the direct procurement of affordable housing and in supporting the efforts of local authorities to increase and accelerate delivery.

#### *Dublin Docklands Development Authority & Council*

Sections 18, 20 and 21 of the Dublin Docklands Development Authority Act 1997 set out the functions of, respectively, the Authority, the Council and the Executive Board of the Authority. The Authority, which remains operational, is required to secure the social, economic and physical regeneration of the Dublin Docklands Area, and in doing so engages in a range of planning, commercial and developmental activities which would be inappropriate for a Government

Department to undertake. There is an obvious benefit to the Exchequer and the economy generally from the substantial development and regeneration that has taken place in the Docklands since 1997, and the consequent increase in commercial activity, provision of financial services and employment. The undoubted success of the Docklands regeneration project is attributable in no small part to the work of the Authority.

#### **Local Authority Housing.**

537. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the number of regeneration schemes carried out by a local authority (details supplied) on estates under their control; the amount of funding provided by his Department for such schemes; the location of each project and the amount of funding provided; and if he will make a statement on the matter. [35094/07]

538. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 328 of 21 November 2007 the position of an application for the refurbishment of a housing estate (details supplied) in County Kildare; if the local authority has sought funding for the project; if funding will be made available by his Department for the regeneration of the estate; the expected time frame involved; and if he will make a statement on the matter. [35095/07]

539. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the changes that have taken place within the past few months in relation to the way a local authority can secure funding for the regeneration of an estate under their control; when these changes were implemented; the way such changes impact on the amount of funding that can be obtained; the criteria involved in the selection of an estate as qualifying for a regeneration scheme; and if he will make a statement on the matter. [35096/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 537 to 539, inclusive, together.

With regard to the reply to Question No. 328 of 21 November 2007, the position in relation to the project concerned is unchanged. In its Housing Action Plan 2004-08, Kildare County Council has not identified any other remedial works schemes to be undertaken.

Following the publication of the Government's housing policy statement *Delivering Homes, Sustaining Communities*, my Department issued a circular letter to Local Authorities in May 2007 setting out the policy framework for regeneration of Local Authority estates (Circular N11/2007). Its purpose is to put in place a robust system for managing the regeneration programme, to define

what constitutes a regeneration project, and to outline the approach that is required to be followed by local authorities in advancing regeneration projects. This circular builds on the arrangements set out in Circular N7/2007 — "Revised Arrangements for the Appraisal, Approval and Management of Social Housing Projects." Copies of both circulars, along with a copy of Circular N16/06 — "Housing Management Initiative" — have been placed in the Oireachtas library for reference.

#### **Greenhouse Gas Emissions.**

540. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government the formula used to calculate the level of CO<sub>2</sub> emissions from the agriculture sector; and if he will make a statement on the matter. [35266/07]

#### **Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

Inventories of greenhouse gas emissions are prepared on an annual basis by the Environmental Protection Agency to meet reporting requirements of the United National Framework Convention on Climate Change and the European Union. The information is published each year by the EPA in the National Inventory Report, which also sets out the methodology used for calculating emissions data. The latest such report was published in 2007 in respect of emissions for 2005.

In respect of projections of greenhouse gas emissions, comprehensive projections were prepared for my Department and published in a report, *Determining the Share of National Greenhouse Gas Emissions for Emissions Trading in Ireland 2008-2012*, in March 2006. The report is available to download from my Department's website [www.environ.ie](http://www.environ.ie).

#### **Departmental Correspondence.**

541. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the applications processed by his Department; the average waiting time to process each application; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [25132/07]

#### **Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

As set out in its Customer Charter and Customer Action Plan 2006-08, my Department is committed to delivering a very high quality service to all its customers in a timely manner.

The applications from the public which are processed by my Department are diverse in nature and the processing time frames vary according to the nature and circumstances of the scheme in question. The average times for processing each application are set out in the table beneath. In all instances, processing arrangements are kept under review and steps are taken to improve per-

[Deputy John Gormley.]

formance where this is feasible. For example, a backlog had arisen in relation to the Cessation of Turf Cutting Scheme due to the large number of applications received. My Department employed consultant surveyors during Summer 2007 to address this issue. The majority of inspections have now been carried out and most of the letters

of offer have now issued to the vendors concerned. My Department has also acted to improve its service in relation to Certificates of Compliance and Certificates of Reasonable Cost. In this regard, Housing Inspectors have been temporarily redeployed to regions experiencing high volumes of applications to ensure that the Certificates are issued promptly to applicants.

Application	Average waiting time
Civic Structures Conservation Scheme	This is an annual scheme. It takes approx. 7 weeks from receipt of applications to award offers being made.
National Monuments archaeological excavation and monitoring licences	Average time 16 working days
Ministerial consent for works in vicinity of national monuments, Ministerial Directions for approved road schemes, Dive licences and Detection Device licences	Length of time varies depending on complexity of archaeological issues involved and the need to consult with the National Museum of Ireland and the Department of Marine, Energy and Natural Resources
Licences under the Wildlife Act	Variable depending on type of licence from a few days to 6 weeks
National Parks and Wildlife — Farm Plan	Plans are drawn up in conjunction with landholder and the verification process takes 1- 4 weeks. Once checks are completed and plan is forwarded to Head Office, details are entered within 24 hours and payment is made within 2/3 days
Off Wintering applications for payment in the Owenduff/Nephinbeg region	Payments are seasonal and are made once the off wintering season is complete. New procedures are being introduced in relation to verification of applications. It is intended that verified applications will be processed within 1 week and that payments will issue from Accounts shortly afterwards.
Compensation for cessation of Turf Cutting Scheme	There are a number of stages to this process including site inspections, which may take up to 8 weeks to complete. Once an inspection report is received, a letter of offer usually issues within 1 week. Completion of the process then depends on the duration of contract procedures in specific instances.
Applications to have an area included or excluded from a site designated for nature conservation (NHA, SAC, SPA)	Approximate time for processing applications/objections is 34 weeks
Floor Area Compliance Certificates, Certificates of Compliance and Certificates of Reasonable Costs (Tax incentive schemes)	It is not possible to give an average waiting time for processing such applications as they can be lodged at various stages of development (pre-commencement, mid construction and completion etc). Site visits, site revisits and partial certification of an application may occur
Thatching Grants	Similar to the Certificates above, there are various stages to the application but once the Department is notified that all work is completed, the average processing time is about 6 weeks.
Motor Tax Online	Applications are processed overnight and motor tax discs are issued the next working day
Access to records under Freedom of Information Acts 1997 and 2003 and for environmental information under the Environment Regulations 2007	Majority completed within statutory timeframe. Where this is not possible due to large volume of records, arrangements are made with applicant

### Waste Management.

542. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the proposals he has to introduce new measures, whether by way of producer or consumer levies or otherwise to enforce the polluter pays principals; the particular waste streams or sections involved; and if he will make a statement on the matter. [35316/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The polluter pays principle, which underpins national

and European Union policy in the area of waste management, seeks to encourage all of society to reduce, reuse and recycle waste to the maximum extent possible. The use of economic and market-based instruments such as landfill taxes, environmental levies and pay-by-use is widespread throughout Europe. Where economic instruments are well designed and targeted, case studies show that even quite small changes in price/cost can send strong signals as to desired behaviour. The operation of the plastic bags levy is an excellent example of the impact which such instruments can have in achieving such behavioural change. Under national policy, economic instru-

ments form part of an integrated range of measures — comprising legislation, producer responsibility initiatives, awareness campaigns and the provision of infrastructure — to support the achievement of environmental objectives in terms of promoting waste prevention and facilitating materials recovery and recycling.

In Ireland, the plastic bag and landfill levies have been in place since March 2002 and Pay-by-Use was extended nationwide during 2005. These measures have contributed to the success achieved in recent years in the growth in recycling and to a decline in the degree of reliance on landfill. It is a matter for individual Member States to decide on the extent to which such measures are used.

Significant strides have also been made in recent years in ensuring that the price of waste management activities reflects the costs associated with such activities. Problematic individual waste streams such as packaging, electrical and electronic equipment and farm plastics have been tackled through producer responsibility initiatives which are based on the polluter pays principle and which are now operating successfully in Ireland. Further progress to expand producer responsibility to other waste streams is continuing and my Department is working with the relevant sectors of industry in developing similar initiatives for other waste streams such as tyres, newsprint and batteries.

In addition, the Programme for Government provides for a comprehensive review of waste management planning which I have directed my Department to initiate. This review will, *inter alia*, look at the desirability of other producer responsibility schemes, including deposit and refund for beverage containers. In the interim, I have recently challenged the packaging industry to develop appropriate measures to address packaging waste litter, in particular in relation to beverage containers, and to examine voluntary measures to promote packaging waste prevention and minimisation. My Department is committed to continuing discussions on these issues in the context of finalising a four-year strategy for the packaging waste sector; this is currently being developed under the aegis of the National Strategy Group on Packaging Waste Recycling which is representative of the relevant public and private sector stakeholders, including Repak.

The overriding environmental aim of these measures is to promote the sustainable use of natural resources, reduce negative environmental impacts and reverse trends in waste generation.

### **Environmental Policy.**

543. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he is satisfied with the performance and output of the Environmental Protection Agency; if he has proposals to amend the law governing the EPA; and if he will make a statement on the matter. [35317/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I am satisfied that the Environmental Protection Agency is committed to the protection of the environment and that it is effective in this role. The Exchequer provision for the Agency for 2008 shows a 43% increase on the corresponding 2007 financial provision, and this is evidence of Government's support for the Agency in carrying out its important work.

The Programme for Government includes a commitment to a review of the role, procedures and governing legislation of the Environmental Protection Agency. I am currently considering the form that this review will take.

### **Special Areas of Conservation.**

544. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he is proposing to designate new areas under HEA or special area of conservation designations; the areas to which they relate; and if he will make a statement on the matter. [35318/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I am unfamiliar with the acronym HEA in the context of land designations. I am assuming that the question refers to Natural Heritage Areas (NHA's) designated under the Wildlife (Amendment) Act 2001.

My Department's priority in recent years has been the designation of European sites as Special Areas of Conservation (SACs) under the Habitats Directive and Special Protection Areas (SPAs) under the Birds Directive. These designations cover Ireland's internationally important habitats and species.

Four hundred and twenty-three candidate Special Areas of Conservation (cSACs) have been transmitted to the European Commission this year. It is not currently envisaged that extensive areas of new land will be designated as cSACs in future, although the boundaries of existing cSACs will be kept under review. A small number of marine sites remain to be designated.

Following the ruling by the European Court of Justice this month in relation to Ireland's compliance with the Birds Directive, it is likely that some additional areas will be required to be designated as SPAs for certain species of birds. A programme of designation will be developed, in consultation with relevant stakeholders and the Commission, early in 2008.

Following completion of the designations of SACs and SPAs, my Department will begin the review of approximately 800 sites initially proposed for designation as Natural Heritage Areas, for areas of nature or species of national importance. These proposed sites are relatively small in area and are spread throughout the country. Any sites found to contain important natural heritage following that review will be designated accordingly.

545. **Deputy Tom Sheahan** asked the Minister for the Environment, Heritage and Local Government the person who is responsible for the Keel na Gower River which meets the Finnehy River at the Finnehy Bridge in Kenmore, County Kerry. [35339/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I assume that the Question concerns whether this location lies within a nature conservation area and, if so, who has local responsibility for it.

The Finnehy River, west of Cromwell Bridge, and to the west of Kenmare, County Kerry is part of the Kenmare River Special Area of Conservation (Site code: 002158). The area to the east of Cromwell Bridge, where Finnehy Bridge is located, is not within a site designated for nature conservation.

Further information on this location may be obtained by contacting the National Parks and Wildlife Service of my Department via Free-phone No. 1800 405000 or on the website www.npws.ie.

#### **Pest Controls.**

546. **Deputy Mary O'Rourke** asked the Minister for the Environment, Heritage and Local Government if he will sign the specific order as requested in correspondence (details supplied). [35371/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I will shortly be signing the necessary orders to bring new derogations in with effect from 1 January, 2008. The new derogations, in addition to the usual provisions, 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.

#### **Water and Sewerage Schemes.**

547. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he will include the upgrade of a sewerage system at a village (details supplied) in County Kilkenny in the water services investment programme; and if he will make a statement on the matter. [35372/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Clogh Village Sewerage Scheme was 5th on the list of sewerage schemes submitted by Kilkenny County Council in response to my Department's request to all local authorities in 2006 to undertake assessments of needs for capital works in their areas and to prioritise their proposals on the basis of these assessments. These assessments were taken into account in the preparation of the Water Services Investment Programme 2007-2009, which I published on 17 September 2007 and which is available in the Oireachtas Library.

Given the level of competing demands for the available funding, and the priorities identified by the elected members of Kilkenny County Council, it was not possible to include the Clogh scheme in the current Programme.

#### **Election Management System.**

548. **Deputy Michael Noonan** asked the Minister for the Environment, Heritage and Local Government when the committee which is reviewing local election boundaries in Limerick City and County will report; when he will make the report public; if the committee have discretion to recommend either an increase or reduction in the number of seats in either or both local authorities; and if he will make a statement on the matter. [35392/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In October 2007 I established a Boundary Committee to prepare a report, under Part V of the Local Government Act 1991, in relation to the administrative boundary of Limerick City Council. The Boundary Committee has had regard to the recommended alteration to Limerick City Council's boundary made by Mr John Fitzgerald in his April 2007 report to the Cabinet Committee on Social Inclusion, i.e. a limited extension of Limerick City Council's boundary up to the Clare County boundary in the northern part of the city. The Committee has recently made its report, which is currently being examined in my Department and which will be published in due course.

In relation to a review of local electoral areas the position is that, unlike for Dáil and European Parliament constituencies, there are no legal requirements regarding the frequency of such reviews. The last review of local electoral areas was carried out in 1998; the next local elections are due to take place in 2009. I am at present considering the issues around a review of local electoral areas and I expect to be in a position to make a statement on the matter shortly.

#### **EU Directives.**

549. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if the document on the Common Strategy on Implementation of the Water Framework Directive is being used by the relevant authorities in the implementation of the River Basin Management Plans as outlined in article 13 of the Water Framework Directive; and if he will make a statement on the matter. [35406/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Common Implementation Strategy of the Water Framework Directive is aimed at promoting coherent and harmonious implementation across Member States of the European Union. Guidance Documents — which are not legally binding — have been developed on various aspects of the Directive and provide valuable guidance on

implementation. The implementation of the Directive in Ireland is co-ordinated at national level by my Department and the EPA and regard is had to the guidance available at EU level. In accordance with Article 13 of the Directive, proposals for river basin management plans are being developed by local authorities in relation to the seven river basin districts, including the three cross-border districts shared with Northern Ireland, with a view to adopting the plans in 2009. An overview report, *Water Matters*, which was issued in June 2007 in relation to each district, sets out the significant water management issues identified in the district and the possible measures to be taken. The reports serve as a valuable source of information to assist interested parties who may wish to participate in the development of river basin management plans. Draft plans will be issued in 2008 and will be the subject of public consultation over a period of at least six months.

#### **Natural Heritage Areas.**

550. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the plans he has in relation to parks and wildlife (details supplied). [35494/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department's provision for national parks and wildlife in 2008 will amount to €46,665 million, which represents an increase of 31% on the 2007 allocation. This significantly increased level of investment is a clear indication of the high priority afforded by Government to biodiversity and nature conservation and accords with the commitment in the Programme for Government to increase resources in this important area. These extra resources underpin Ireland's commitment to meeting the EU target of halting the loss of biodiversity by 2010 and provide for intensification of our efforts to meet obligations under the Birds and Habitats Directives. At the same time, I plan to step up progress in developing the State's National Parks as flagships for the conservation of our natural heritage and biodiversity. Some of the specific plans for enhanced action in the area of parks and wildlife in 2008 involve improving enforcement capability, enhancing local access to expert advice and supporting the running of national parks and nature reserves; supporting farm plan schemes to incentivise nature-friendly farming methods; supporting and developing scientific research and monitoring to inform policy formulation and to better measure progress in the area of nature conservation; supporting the reintroduction of the Golden Eagle, the Sea Eagle and the Red Kite — large birds of prey which have become extinct in Ireland; improving services and facilities at our national parks and nature reserves, notably in new visitor facilities for Ballycroy National Park, Co. Mayo and Clara Bog, Co. Offaly; protecting bogs through acquisition and purchase of turbary rights; and protecting native species which may

be threatened by invasive alien species such as the zebra mussel, grey squirrel and Japanese knotweed. I am satisfied that the substantial additional investment my Department will make in these areas will significantly contribute to biodiversity and nature conservation and support Ireland's efforts in meeting our national and international obligations.

#### **Departmental Records.**

551. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government if his Department maintains a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35541/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Headquarters of my Department is currently located in the Custom House, Dublin 1 where I work unless I am attending the Dáil or I am on other official business outside the Headquarters.

*Questions Nos. 552 and 553 answered with Question No. 78.*

#### **Water Pollution.**

554. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to recent reports regarding the pollution of ground water throughout the country; his plans to address this issue; and if he will make a statement on the matter. [35569/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Statutory responsibility for the monitoring, management, protection and improvement of water quality, including groundwater, is assigned to local authorities, acting under the general supervision of the EPA. The EPA report, *Water Quality in Ireland 2006 — Key Indicators of the Aquatic Environment*, indicates in relation to groundwater that, in the period 1995 to 2006, there was a general decrease (from approximately 41% to 29%) in the number of groundwater samples showing bacteriological contamination (faecal coliforms), and a general increase (from approximately 15% to 19%) in the percentage of groundwater samples with nitrate concentrations of between 25-40 mg/l NO<sub>3</sub>. The greatest degree of groundwater pollution is found in karst limestone areas and in areas with more intensive agricultural activities. Measures for the protection and improvement of water quality continue to be progressed on a systematic basis, particularly within the context of the Water Framework Directive. I expect to see significant improvements in the quality of Irish waters over the coming years with consequent improvements in aquatic ecosystems and water-dependent terrestrial ecosystems. The EPA report also indicates that, with the type of pollution occurring

[Deputy John Gormley.]

in Ireland, chiefly nutrient enrichment, there is a relatively short recovery time for aquatic ecosystems.

The Water Framework Directive provides generally that there must be no deterioration in the status of any waters and that all waters should achieve at least “good status” by 2015. A comprehensive programme of activities is underway by my Department, the EPA, local authorities and other relevant bodies for full implementation of the Directive. This is being supported by river basin district projects, led by local authorities, together with a wide range of research and other projects. My Department has committed 100% funding, amounting to some €63 million, for most of these activities. INTERREG funding is also being applied in relation to cross-border projects. To date, all implementation deadlines set by the Directive have been achieved on time by Ireland. In June 2007, an overview report for each River Basin District outlined the significant water management issues that have been identified and the possible measures to be taken. These reports will assist the participation of interested parties in the development of draft River Basin Management Plans in 2008 which will set out the specific environmental objectives for the first 6-year plan period (2009-2015) and the programme of measures to deliver on these objectives. The plans will be formally adopted by June 2009.

My Department’s Water Services Investment Programme (WSIP) and the Nitrates Action Programme are key contributors to improved water quality in line with the requirements of the Water Framework Directive. Some €2 billion has been invested since 2000 in new and upgraded waste water services under the WSIP. Significant funding is also being provided by my colleague the Minister for Agriculture, Fisheries and Food under the Farm Waste Management Scheme to support investment by farmers to meet the requirements of the Nitrates Action Programme. Measures are also being developed to strengthen the protection of water quality against pollution from other sources. For example, Regulations were made in November 2006 and September 2007 in relation to the licensing of aerial fertilisation of forestry and discharges from local authority wastewater treatment plants. In 2007 the maximum penalties for water pollution offences under the Local Government (Water Pollution) Acts and the European Communities (Good Agricultural Practice for Protection of Waters) Regulations were significantly increased.

The Water Services Act 2007 contains provisions relating to a duty of care and compliance with requirements relating to septic tanks. Section 70 places a duty of care on the occupier of a premises or where the premises is unoccupied, the owner, to ensure that all drains, manholes and treatment systems, including a septic tank, serving the premises are kept in such a condition as not to cause a risk to human health or the environment or create a nuisance due to odours. This duty of care also requires the occu-

pier or owner to notify the water services authority where any leak, accident or other incident occurs relating to discharges of sewage from the premises to a drain or treatment system, including a septic tank, where it is likely to cause a risk to human health or safety or the environment. Taken together these measures represent a comprehensive approach to protecting and improving our groundwater resources.

#### Water and Sewerage Schemes.

555. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government if an assessment has been done to evaluate the efficiency of various waste water treatment plants throughout the country with particular reference to the need to identify potential sources of pollution; and if he will make a statement on the matter. [35570/07]

556. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the action that should be taken or will be taken to address the issue of the pollution of water sources by overloaded or inadequate public waste water treatment systems; and if he will make a statement on the matter. [35571/07]

557. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of incidents of pollution of water courses reported in the various local authority areas and deemed to have originated from public waste water treatment systems; and if he will make a statement on the matter. [35572/07]

558. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the action he has taken to prevent a repeat of the pollution of Lough Corrib from a sewage treatment system at that and other locations throughout the country; and if he will make a statement on the matter. [35573/07]

564. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government when he expects to make the financial allocation to the various local authorities throughout County Kildare to facilitate the expansion and upgrading of the overloaded or inadequate waste water treatment systems in the county; if he will set out the programme and timescale in this regard; and if he will make a statement on the matter. [35580/07]

565. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the urgent need for the upgrading of the waste water treatment systems in County Kildare in line with population requirements; and if he will make a statement on the matter. [35581/07]

566. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the capability of the combined waste water treatment systems in County Kildare in terms of giving adequate service to the maximum number of households; his plans to increase this capacity in the short to medium term; and if he will make a statement on the matter. [35582/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 555 to 558, inclusive, and 564 to 566, inclusive, together.

The EPA's regular reports on Water Quality in Ireland present a review of water quality and suspected causes of pollution in various categories of water bodies. The EPA's reports on Urban Waste Water Discharges in Ireland provide an analysis of the treatment of waste water from all agglomerations with a population equivalent over 500. Both reports are available in the Oireachtas Library. My Department's Water Services Investment Programme 2007-2009, which I published in September 2007 and which is also available in the Oireachtas Library, sets out details of approved schemes for, *inter alia*, improving local authority waste water infrastructure, including such infrastructure in County Kildare. Each local authority was asked by my Department in 2006 to carry out detailed assessments of the need for capital water services infrastructure in their areas and to prioritise their proposals taking account, *inter alia*, of relevant reports and studies such as the National Urban Waste Water Study, Rural Water Strategies, County Sludge Management Plans and any similar studies/reports commissioned locally; relevant reports produced by the EPA, including Water Quality in Ireland and Urban Wastewater Discharges in Ireland; the requirements of the Urban Wastewater Treatment Regulations 2001, and, in particular, the requirement of Article 7 to provide "appropriate treatment" in the case of sub-threshold agglomerations; the adequacy of existing sewage collection networks and, in the case of anticipated development, the adequacy of the capacity of existing treatment plants; and national and EU environmental and public health requirements and standards. The priorities subsequently identified by Kildare and other local authorities were taken into consideration in the selection of schemes for inclusion in the 2007-2009 Investment Programme. In addition, my Department has allocated funds to Kildare and other County Councils for new public water services infrastructure under the Small Schemes Measure of the Rural Water Programme and details of activity under this measure may be obtained from relevant local authorities.

*Question No. 559 answered with Question No. 81.*

*Question No. 560 answered with Question No. 104.*

*Questions Nos. 561 and 562 answered with Question No. 129.*

#### **Greenhouse Gas Emissions.**

563. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the calculation carried out to assess the carbon generated from the combined air transport of all participants in the conference at Bali; the plans to address this issue; and if he will make a statement on the matter. [35579/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I am not in a position to comment on the calculation of the carbon generated from the combined air transport of all participants at the recent UN climate change conference in Bali. On the issue of offsetting the greenhouse gas emissions from air travel involved for the Irish delegation, I refer to the reply to Question No. 990 of 11 December last.

*Questions Nos. 564 to 566, inclusive, answered with Question No. 555.*

*Questions Nos. 565 and 566 answered with Question No. 555.*

#### **Water and Sewerage Schemes.**

567. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve a project (details supplied) submitted by Roscommon County Council; and if he will make a statement on the matter. [35641/07]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The South Roscommon Regional Water Supply Scheme is included in my Department's Water Services Investment Programme 2007 — 2009 as part of a grouped project to begin construction in 2009.

Roscommon County Council's Contract Documents for the South Roscommon scheme are being examined in my Department and are being dealt with as quickly as possible.

#### **Energy Efficiency Initiatives.**

568. **Deputy James Bannon** asked the Minister for Communications, Energy and Natural Resources how he will make up the shortfall of 50% in budget 2008 for energy efficient initiatives, in view of his statement (details supplied). [35493/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Far from there being a shortfall for energy efficiency initiatives in Budget 2008, I announced additional funding for insulation and energy building rating schemes together with the energy efficiency programme for SMEs. This is in line with the Government's commitment to radically enhance energy



[Deputy Eamon Ryan.]

efficiency in the interests of environmental sustainability and competitiveness.

I am making some €63 million in total available in 2008 for energy conservation measures, together with a further €13 million for energy research and development initiatives. The €63 million funding for energy conservation measures, which is more than twice the original 2007 REV allocation for this area, will fund Sustainable Energy Ireland's programmes in the area of energy efficiency and renewable energy. These include the House of Tomorrow Programme, the Public Sector Programme, the Industry Programme, the Low Income Housing Programme, the Greener Homes Scheme and many other smaller programmes.

The separate Subhead entitled "Energy Efficiency Initiatives" relates exclusively to funding for the national energy efficiency awareness campaign, Power of One. The funding of €2.5 million in this subhead will meet the remaining contractual commitment in 2008 for the Power of One campaign, which was launched in 2006. Some €4.9 million has been spent on the campaign in 2007. The overall contractual commitment for 2006-2008 is €10 million.

#### Departmental Expenditure.

569. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources if his Department or its agencies has paid in advance for works or services that will not be completed before the end of the 2007 financial year; the reasons for doing so; 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. [34879/07]

**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, which has not been completed. Tipperary County Council manages the project and a certain level of pre-payment 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. I have nonetheless requested my Department to conduct a review to find out whether there are areas in which payments have been made in advance for works or services that will not be completed before the end of the 2007 financial year and I will, if necessary, revert to the Deputy on the matter.

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.

#### Inland Fisheries.

570. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources the number of fishing fines imposed in 2007 in each of the fishery board areas; the nature of the offence in each case; and if he will make a statement on the matter. [34935/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Under Section 11 of the 1980 Consolidated Fisheries Act, as amended, primary responsibility for the management, conservation, protection and development of inland fisheries stocks rests with the Central and Regional Fisheries Boards. I have no role in regard to the imposition of fines and I have no information regarding individual cases.

571. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources the extent of law breaking in regard to salmon fishing in 2007; and if he will make a statement on the matter. [34936/07]

572. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources his proposals to minimise law breaking in regard to salmon fishing in 2008; and if he will make a statement on the matter. [34937/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 571 and 572 together.

Under the Fisheries Acts, primary responsibility for the management, conservation, protection and development of inland fisheries stocks rests with the Central and Regional Fisheries Boards. A considerable proportion of fisheries boards' resources and personnel time is devoted to the protection of fish stocks. I have not been made aware of any increase in the extent of law breaking as regards salmon fishing in 2007.

Additional funding will be provided to the Regional Fisheries Boards in 2008, as in 2007, to allow enhanced enforcement and protection of salmon stocks.

#### Electricity Generation.

573. **Deputy Damien English** asked the Minister for Communications, Energy and Natural Resources if the major expansion of the electrical grid here, in particular the 400 kv Meath-Cavan power line, is part of the electrical strategic infrastructure projects in Europe; and if he will make a statement on the matter. [34951/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The European Union has committed to ensure secure and competitively priced electricity markets into the future. Enhanced interconnection between electricity systems is a key priority for Europe. The Programme for Government and the Energy Policy Framework underlines the Government's commitment to a sustainable energy future

through a range of measures including increased electricity and gas interconnection and robust networks infrastructure which will also support greater integration of renewable energy onto the system.

The Woodland (County Meath) to Kingscourt (County Cavan) 400 kV Power Line will reinforce the power system in the North East, facilitating more competition in generation and secure power supplies for all customers. The new lines are needed because transmission lines in the region will reach full capacity in the near future. The new lines will facilitate more competitive and reliable power, which is critical to keeping the north east region on a level playing field in its ability to attract investment and ensure economic activity and employment. The Meath-Cavan Power Line project is in line with national and regional economic policy objectives, the National Spatial Strategy, the National Development Plan and the Government's energy policy priorities in relation to energy infrastructure and security of supply.

The European Union Trans-European Network for Energy has funded 50% of the stage 1 planning phase for both the Meath-Cavan Power Line and the Cavan-Tyrone Interconnector.

574. **Deputy Damien English** asked the Minister for Communications, Energy and Natural Resources the discussions that have taken place between him or his Department and his EU counterparts in relation to provision of new power lines in member states; if the option of placing such lines underground was discussed, the conclusions from such talks; and if he will make a statement on the matter. [34953/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** While I have not had any direct discussions to date with European Ministerial colleagues on the provision of energy infrastructure, or transmission lines in particular, it has been agreed in the context of the European Energy Strategic Review that urgent measures are needed to develop effective energy and adequate infrastructure, including electricity networks, right across Europe. It is the case that some 97% of the onshore high-voltage transmission network in Europe is carried by overhead lines.

#### **Inland Fisheries.**

575. **Deputy Noel O'Flynn** asked the Minister for Communications, Energy and Natural Resources the amount of money spent to date on the works carried out at the Dinan Fish Pass, Kilkenny; if it is intended to spend further money on this pass; if the money being spent or planned to be spent is coming from the conservation stamp moneys collected from anglers; if the plans for this work were discussed with all stakeholders and in particular local anglers; the amount in this fund; and if he will make a statement on the matter. [35000/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** A Ministerial Direction under Sections 18A, 19(4) and 20(3) of the Fisheries Act 1980 required the Central and Regional Fisheries Board to prepare and implement a programme for rehabilitation of salmon stocks, giving priority to rivers below their conservation limits, in special areas of conservation and which have the greatest prospect of recovery, funded by the proceeds of the salmon conservation component of the salmon licence fees.

I have been advised by the Southern Regional Fisheries Board that €29,000 was allocated from these funds for work on the Dinan Bridge. The works are not yet completed and consultation with Kilkenny County Council, the owner of the bridge, is ongoing. To date the total expenditure incurred is some €10,478.

Wide-ranging consultation took place with stakeholders, including the OPW, Kilkenny County Council, Consultant Marc Redeker, the National Parks and Wildlife Service and local farmers. The Southern Regional Fisheries Board, which includes angling representatives, has had this work as a rolling priority since 2005.

576. **Deputy Noel O'Flynn** asked the Minister for Communications, Energy and Natural Resources the consultation that has taken place or is taking place between groups (details supplied) regarding a plan for the work to be undertaken to remove barriers to fish on the River Nore, Kilkenny; if the O'Sullivan Report has been considered by the Southern Regional Fisheries Board relative to the way the barriers in the Nore can be dealt with; and if he will make a statement on the matter. [35001/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** This is a day-to-day operational matter for the Southern Regional Fisheries Board in which I have no function.

#### **Broadband Coverage.**

577. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources if he will provide a response to correspondence (details supplied); if he will support the proposed funding mechanism outlined; and if he will make a statement on the matter. [35328/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** A Value for Money and Policy Review (VFMPR) of Phase I of the MANs Programme will be completed and published in January 2008. My Department is also preparing a draft policy paper on Next Generation Broadband Networks which will consider the optimum role for Government in facilitating the roll-out of high-speed broadband networks. I expect to publish the draft policy paper on Next Generation Broadband Networks for consultation early in the New Year.

[Deputy Eamon Ryan.]

In the circumstances, I consider it prudent that contracts for the construction of new MANs networks should not be signed until I have had an opportunity to consider and assess the implications of the value for money report and the outcome of the consultation on the Next Generation Broadband policy paper.

MANs that are under construction will proceed as planned. There are sixty-six Phase II MANs that are either recently completed or under construction.

#### **Inland Fisheries.**

578. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources his views on an extension to the cut-off date for the acceptance of offers under the salmon hardship scheme, the terms of the hardship fund which states that it should apply to drift net licence holders on a voluntary basis and on the fact that the 2007 regulations had the effect of forcing draft licence holders to surrender their licences; and if he will make a statement on the matter. [35504/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The closing date for receipt of applications under the Salmon Hardship Scheme was 27 April, 2007. Applicants, however, have until the 31 December 2007 to accept any offer under the scheme. As previously stated, most recently in my reply to Parliamentary Question No. 998 of 11 December 2007, this deadline, I believe, provides ample time for those concerned to give the scheme due consideration and accordingly, there are no plans to extend the date for acceptance of any offers under the scheme.

Participation in the Salmon Hardship Scheme is voluntary. The scheme was established by the Government to address the likely hardship that would arise because of the necessary cessation of interceptory mixed stock fishing for wild salmon. The opportunities to fish for salmon, however, will be more limited in the future than in the past largely because of the unacceptability of the mixed stock fishery at sea.

Persons who do not avail of the scheme are entitled to apply for a commercial salmon fishing licence. In 2007 draft net fishermen had the opportunity to apply for a licence in those fishery districts where rivers had an identifiable surplus

of salmon stocks. The number of commercial salmon fishing licences available and determination of priority in the allocation of such licences is governed by the Control of Fishing for Salmon Order.

#### **Departmental Records.**

579. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources if his Department maintain a record of visits by him to the headquarters of his Department; and if he will make a statement on the matter. [35537/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Department does not maintain a record of my attendance at headquarters. I attend the headquarters daily or almost daily throughout the working year except when Ministerial duties in Oireachtas Éireann or other locations preclude daily attendance.

#### **Prospecting Licences.**

580. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources his views on concerns that a gold mining assessment in Cregganbaun, near Louisburgh, County Mayo, is damaging to the environment and local tourism; and his further views on the granting of an exploratory licence in this area. [35652/07]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department is currently processing an application for eleven Prospecting Licences in Mayo, over an area south of Westport and including the Doolough/Cregganbaun area. Notice of Intention to grant these Licences was advertised in the *Connaught Telegraph* on 14th November 2007. In deference to local concerns that this paper did not have sufficient circulation in some of the areas in question my Department extended the consultation period by a further 21 days and re-advertised in both the *Western People* and the *Mayo News* on Tuesday 4th December 2007.

I will adjudicate on the application for a Prospecting Licence for the area in question following the conclusion of the public consultation process within the next month. The consultation process will enable any concerns regarding the environment and tourism to be set out and I will take full account of any such concerns.