



# DÁIL ÉIREANN

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## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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

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*Paidir.*  
*Prayer.*

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#### **Leaders' Questions.**

**Deputy Enda Kenny:** The Minister for Health and Children has instructed the HSE to implement a new contract for community pharmacists in just over two weeks. This has caused much anxiety among people who use the GMS system, who number well over 1 million and are among the most vulnerable in our society, that they will not be able to obtain their medicines after 1 March. There is currently a stand-off between the HSE and the pharmacists. At yesterday's five hour meeting of the Joint Committee on Health and Children, which is to resume this morning, it was made perfectly clear by the representatives of the HSE that they had been instructed by the Minister for Health and Children to implement this new contract by 1 March.

What contingency plans does the Taoiseach have to ensure that substantial numbers of elderly and vulnerable people and children who avail of medical cards will be able to obtain their medicines after 1 March if this stand-off continues? This is causing considerable stress to many people. This party does not condone any precipitate action, either by the pharmacists or by the HSE, that will reduce the level of services. What are the Taoiseach's contingency plans after 1 March?

**The Taoiseach:** I acknowledge the meetings of the Joint Committee on Health and Children that have taken place yesterday and today. The committee has done its best to tease out the issues. I should point out that if any community pharmacists decide not to honour their contracts they must give three months notice. No pharmacy in the Republic, to the best of my

[The Taoiseach.]

knowledge, has provided such notice. Thus, the issue should not arise. I note Deputy Kenny's point that there should not be any precipitate action, which means that pharmacists should not break their contracts. That is the position.

The Shipsey dialogue process was established by the HSE to address the concerns of the Irish Pharmaceutical Union, on behalf of community pharmacists, about the implications of the legal advice on competition law and the right of the IPU to negotiate margins on medicines. That has continued for the last few months. We discussed it here last autumn. At a meeting on 5 December 2007 under the auspices of Mr. Shipsey, a two-stage process was offered to the IPU by the HSE. The first stage was to address the immediate concerns of the IPU regarding the alleged impact of the proposed revised wholesale arrangements on GMS-dependent pharmacists — the ones mentioned by Deputy Kenny — while the other was to provide a basis upon which discussions on a new substantive contract could commence. As the IPU rejected this offer, the HSE proceeded to offer a draft interim contract to address the main concerns regarding the alleged impact of the proposals. As Deputies we have all heard from pharmacists about how this will affect them. The details of the draft interim contract and the HSE's other intentions in this regard were set out in letters to individual community pharmacists after Christmas and into the new year.

I understand the HSE now intends to implement revised arrangements on 1 March and that it also intends to enter discussions with the IPU on the development of a new substantive pharmacy contract as soon as possible. The Minister is working to develop appropriate arrangements for the deployment of the contracts and for the setting of fees. These arrangements may include the establishment of an independent body which would consider the nature of the service to be provided and all other relevant factors in each case——

**Deputy Pádraic McCormack:** Before March?

**The Taoiseach:** ——and make recommendations to Government on the fees it considers appropriate. Many Members have asked how it would work, but its terms of reference and the timescale for its work are among the matters to be discussed. I can inform the House, because I know all Deputies are interested in this, that the Minister is anxious that the process to enable the development of new contractual arrangements for the delivery of general practitioner, dental and community pharmaceutical services be put in place as soon as possible. Consultations are continuing with all relevant stakeholders with a view to establishing these arrangements.

**Deputy Pádraic McCormack:** Will it happen before March?

**The Taoiseach:** It will happen as soon as possible.

**Deputy Enda Kenny:** It is a pity the Minister was not as direct about the intention of introducing savings by reducing the administrative bulge in the HSE, which has been recognised by the Taoiseach.

The Taoiseach has not answered my question about his contingency plans for the provision of medicines to people all over the country in the event of a withdrawal from the GMS by community pharmacists after 1 March. This is exercising the minds of people in the Taoiseach's own party as well as every other party. I recognise that it is important that savings be introduced. If the HSE and the Minister for Health and Children are so confident of the irrefutability of their figures they should not have anything to fear from arbitration. I commend the actions of Minister for Transport, Deputy Noel Dempsey, in appointing an arbitrator to deal

with the broken promise about Cork Airport. Independent arbitrators have been appointed all over the place. This is a matter of genuine concern——

**Deputies:** Hear, hear.

**Deputy Enda Kenny:** ——to ordinary people who want to be assured they will be able to obtain their medicines.

**Deputy Seymour Crawford:** They are sitting behind the Taoiseach.

**Deputy Enda Kenny:** Pharmacists are well able to stand on their own two feet and will approach this argument in a mature fashion. If the Taoiseach and the Minister are so sure of their figures, they should not have anything to fear from arbitration.

At yesterday's committee meeting it was made perfectly clear that the Indecon report, commissioned by the HSE, stated that there should not be any precipitate action. Although the Taoiseach says that the draft interim contract is to be implemented on 1 March, the committee was told yesterday that this was a voluntary interim contract but that the changes at stake would still be implemented by the HSE.

I ask the Taoiseach again what contingency arrangements are in place. Second, in order to bring some sanity and common sense to this stand-off, will the Taoiseach agree to the appointment of an independent arbitrator to consider how a reduction in costs can be achieved without affecting the delivery of services to people throughout the country? This process should be put off until such time as a competent arbitrator can make a recommendation — within a month, six weeks, two months or whatever date the Taoiseach decides.

When the committee and the HSE were questioned yesterday, they said that if the Minister was to say that she wanted this put back until 1 May, they would follow that direction. The same thing happened when she intended to introduce the long stay health institutions Bill on 1 January. When the Government recognised that there was a problem, it put back the introduction and implementation of that Bill and we still have not seen it. If there is a problem, it should be dealt with.

It is now two weeks and the clock is ticking in a situation where hundreds of thousands of people are concerned and anxious. In many cases, it is causing stress to elderly people because they fear they will not be able to get their medicines and prescribed drugs when they need them. There is a problem and a stand-off. The Taoiseach can deal with it by appointing an independent arbitrator and giving that person six weeks or two months to deal with it. If that happens, I am quite sure the matter can be resolved so that savings can be introduced without any disruption to the quality of the service that has been available for so many years to hundreds of thousands of people through community pharmacies. What are the Government's contingency plans and will the Taoiseach direct that an independent arbitrator be appointed?

**The Taoiseach:** A number of points have been made. In respect of the main point made by Deputy Kenny, the HSE had contracts with 1,600 pharmacists. If anybody wishes to break from this contract, he or she must give three months notice. That is the legal fixed position. In respect of interim arrangements, if nobody has declined the contract, that is the position. As Deputy Kenny stated, people should not take precipitate action. I do not want them to do that either.

The Department of Health and Children understands that preliminary interests have been expressed by pharmacy chains and individual pharmacies in the new interim contract offered by the HSE. However, definitive information on possible take-up is not available from the

[The Taoiseach.]

HSE. A preliminary meeting was held recently between the HSE and the Irish Pharmaceutical Union to discuss the contractual matters.

In respect of pricing, I understand that we deferred it. Deputies Kenny and Gilmore raised the matter in October and November and we took an active interest in it at that stage. I understand that it was deferred on 1 November.

**Deputy Seymour Crawford:** Nothing happened.

**The Taoiseach:** The crux of the matter is that the wholesale margin in this country is more than double that found in any other country in Europe, including Northern Ireland. We must work to find a solution, which we have been doing. It is an enormous margin. I will not get into the side issue. This is simply a statement of fact. The Minister wants to agree a contract, which must be done. I said again this morning that the Minister is working to develop appropriate arrangements for the development of contracts and the setting of the fees payable.

The issue relates to the fees. Pharmacists have put their case to me, as they have done to every Deputy in this House. They are entitled to do so and have put their case well. The Minister said, and I repeat, that these arrangements may include the establishment of an independent body which would consider the nature of the service to be provided and all other relevant factors in each case and make recommendations to the Government in respect of the fees it considers appropriate. The composition of such a body, its terms of reference and the timescale for its work are among the matters to be considered in this regard.

I believe Deputy Kenny would agree with me that rather than us scaring and upsetting a large number of people, particularly older people, it would be reasonable for the sides to agree the contract. Based on the cases I have heard from individual pharmacists, I understand that the main issue that divides them is the fees element. The Minister has said that only then could we involve an independent arbitrator or body who would examine the fees issue. That does not seem to be an unreasonable position.

**Deputy Pádraic McCormack:** Will the Government do that?

**The Taoiseach:** I urge the sides to lower the temperature, agree the contract and then allow the Minister to look at the fees element. I am only stating a fact. I am not trying to upset—

**Deputy Seymour Crawford:** Cart before the horse.

**Deputy Mary Harney:** It is not a case of putting the cart before the horse.

**The Taoiseach:** It is not a case of putting the cart before the horse. One cannot negotiate a fee with somebody if one has no arrangement. Let us not be unreasonable about this. It does not seem an unreasonable position for the sides to take and they should consider it.

**Deputy Bernard J. Durkan:** Why not appoint an arbitrator now?

**Deputy Eamon Gilmore:** I previously raised here reports that workers on the Irish Ferries vessel running from Ireland to France are to be paid €4 per hour. It is not the only case of low pay that has been in the news in the past week. Last week, the Government was forced to concede in the High Court a case which has resulted in the striking down of the employment regulation order which sets the minimum wages and conditions for 25,000 workers in Irish hotels. This, in turn, has implications for approximately 250,000 people, most of them low-paid workers, working in various services who are covered by the joint labour committees.

We also know that over the past two years, there have been 296 detections of breaches of the minimum wage legislation. However, there has been only one prosecution. It appears that there has been an increase in the number of labour inspectors employed, which is welcome, but there has been a drop in the number of inspections carried out. There were 1,500 fewer inspections carried out last year, a drop of 9% on the number of labour inspections despite the increase in the number of inspectors. I understand that the number of inspectors who are employed in turn is now up to 50 but is significantly less than the 90 that was promised in the employment agreement.

Meanwhile, the Government is delaying bringing forward legislation to protect the rights of agency workers. An employment law compliance Bill was promised but has still not appeared. Ireland is one of three EU countries that continues to block the EU directive on temporary agency workers.

Will the Taoiseach tell us what the Government will do to protect the rights of workers, particularly low-paid workers, and to eradicate the continuing exploitation of low-paid workers in this well-off country with a prosperous economy? What investigation has been carried out into the reports of the payment of €4 per hour on the Irish Ferries vessel? What will the Government do to protect the pay and conditions of the 25,000 hotel workers who have now been exposed as a result of last week's High Court decision? When will the necessary legislation be brought before this House to provide adequate protection for workers on low pay?

**The Taoiseach:** This Government has done more than probably any government in Europe in respect of low pay. We were the first government in Europe to bring in a minimum wage. We have progressively improved that, in conjunction with the Labour Court, employers and workers. We have removed the workers from the tax net, which has had a significant effect.

In respect of the two issues mentioned by Deputy Gilmore, the National Employment Rights Authority legislation is on a non-statutory basis. The legislation is due before the House. Deputy Gilmore raised this during Question Time last week. I spoke to the Minister of State with responsibility for labour affairs. I understand that they had already commenced an investigation last Tuesday into the Irish Ferries case to see if it was factual, which would not surprise me, and, if so, what arrangements were to be used to pay those workers. That is under examination.

On the inspectorate, close to the full complement of 90 people are employed. The last figure I saw was 78 but I can confirm the number with the Deputy's office.

**Deputy Denis Naughten:** The rest of them are still in training.

**The Taoiseach:** We are anxious to progress the legislation. The Minister has completed two of the Bills. He has been in consultation with the Irish Congress of Trade Unions. He wants to bring the legislation to fruition in a way that addresses aspects not in Towards 2016, but that arose subsequently. The Government supports the legislation.

I explained the issue of agency workers in detail to the House last week. The European directive creates its own problems in terms of our position, which is that our social partners must agree on these issues. Rather than just accepting the European position and putting that into Irish law, we have always taken the view that we must consult. Sometimes it suits employers that we do so and sometimes it suits the organised workers, but it is the same regardless of the issue and it would be wrong to move away from that position and adopt a directive without taking account of the normal arrangements we have for industrial relations. There is no difficulty in this regard. Both the Minister, Deputy Martin, and the Minister of

[The Taoiseach.]

State, Deputy Kelleher, have been engaging with the Irish Congress of Trade Unions and they and their officials are anxious to continue to do so.

On the joint labour committees, JLCs, as the Deputy is aware, an injunction was granted last week. That case was taken by the employers side. The immediate effect of the injunction granted is to prevent increases in the minimum rates of pay for workers in the hotel sector, which were due to come into effect on 16 November last. As employment regulation orders, EROs, generally address the conditions of low pay workers, the pay increases at issue are quite modest; they are less than €8.50 per week. The Irish Hotels Federation action appears to be driven by a determination in principle not to pay more than the statutory minimum wage. It is the opposite to the Irish Ferries case the Deputy raised where they were paying less than the minimum wage. This issue was an argument to tie the JLC to the minimum wage.

There is a commitment in Towards 2016, which the Minister, Deputy Martin, pointed out in recent days, to modernise the operations of the JLC system. That is ongoing under the Labour Court but the exercise was not intended to consider the legislative aspects of the system. It was appropriate to take the legal decision we took last week but we are now faced with having to resolve the legislation for the JLC system generally.

**Deputy Eamon Gilmore:** I thank the Taoiseach for his reply, which covered a lot of ground. I acknowledge that consultation is required in respect of a number of these matters but, as the Taoiseach will have seen, some of the social partners have indicated over the course of the past week that the lack of action by Government on the matters I have raised this morning could cause them to hold back from entering into new social partnership talks.

The difficulty with the minimum wage is the fact that it is not being enforced. I have drawn attention to the fact that 296 cases have been detected but only one prosecution has been brought. First, why is that the case? Second, can the Taoiseach tell me the reason the number of inspections have dropped even though the number of inspectors has increased?

Third, on the hotel workers issue, which is the most immediate one dealt with over the course of the past week, what is the position now with regard to the hotel workers? Is it intended that a new employment regulation order will be made for hotel workers or is the Taoiseach accepting that their pay will be pinned to the minimum wage? I remind him that in the case of hotel workers in many instances we are talking about people like waiters, bar staff and other skilled people working in the hotel industry whose wages were traditionally set by the joint labour committees and were not pinned to the minimum wage.

Did I understand from the end of the Taoiseach's reply that it is intended to introduce new legislation to strengthen the joint labour committee system and provide protection not only for the 25,000 hotel workers, but for the other 250,000 largely low paid workers who are covered by the JLC arrangement?

**The Taoiseach:** To answer the last question, we are examining last weekend's decision. The Government has to take its own action because the whole system of the JLCs, which are statutory bodies, as Deputy Gilmore and I fully understand, was established under the Industrial Relations Act and their role has always been to fix the minimum rates of pay and the regulation of employments. The system was undermined by this decision. We already had a commitment in Towards 2016 to modernise the operation of the joint labour committees and that is ongoing under the auspices of the Labour Court. This case was not foreseen but it was not intended to consider the legislative aspects of the system. We must examine that now because similar actions could be taken in other areas.

I was surprised by the action of the Irish Hotels Federation in this area but that is its entitlement. We must now examine the system. This system has worked well. It was set up in under a clause in the 1946 Act and it regulated these sectors fairly well for many years. We are considering the implications but the legal position must be examined because JLCs are statutory bodies under the 1946 Act and if they are struck down we must examine that.

On the other issue, the Minister, Deputy Martin, and I accept the point that we must try to finalise these legislative matters and that is what the Government wants to do. Last autumn, we approved the drafting of the employment law compliance Bill to give effect to the relevant provisions of Towards 2016. That included the appointment on a statutory basis of the director of the National Employment Rights Authority, NERA, which has now been working for 12 months on an interim basis, to secure better compliance with employment law through information and enforcement activities. It is supported by 90 labour inspectorates, an increase of 59 over the number a year ago, and the appointment of a statutory tripartite advisory body to advise the director on those activities.

The social partners were invited to nominate members of the interim advisory board. The Bill will extend the remit of NERA inspection services to include enforcement of the Employment Permits Acts of recent years. Drafting of the Bill, which involves the amendment of over 30 enactments, is proceeding and it is hoped the Bill will be published this month.

The regionalisation of the NERA inspection services is also progressing. It is now headquartered in Carlow but it has offices in Dublin, Cork and Shannon and premises in Sligo, which will be operational in about a month. The Department of Finance sanctioned 59 labour inspectorate posts. All the positions have been filled following a recruitment campaign. An additional 47 inspectors have been appointed and the remaining 12 will take up their positions shortly.

Regarding the labour inspectors, the Deputy's point about the action and the cases in the courts, the labour inspectorate, or NERA, as it is now called, has dealt with 14,200 calls and inspections. I understand the reason there are not prosecutions in most cases is because the companies pay the arrears as a result of the inspection and correct the procedures.

*11 o'clock* The inspectors do not then proceed on actions but they call back. It is to try to clean up arrangements. The inspectors are active and are coming down hard on those who do not pay the minimum wage. They are watching the rights of the new Irish, the foreign workers, and they are examining the area of permits. They are dealing with any cases brought to the attention of NERA by organised workers or the public.

## Ceisteanna — Questions.

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### Departmental Bodies.

1. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent meeting of the cross-departmental team on infrastructure and public private partnership; and if he will make a statement on the matter. [31359/07]

2. **Deputy Eamon Gilmore** asked the Taoiseach if he will report on the most recent meeting of the cross-departmental team on infrastructure; and if he will make a statement on the matter. [34025/07]

3. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if there will be a review of the remit of the cross-departmental team on housing, infrastructure and public private partnership; and if he will make a statement on the matter. [35283/07]



4. **Deputy Enda Kenny** asked the Taoiseach when the cross-departmental team on infrastructure and public private partnerships will next meet; the number of meetings of the team planned for 2008; and if he will make a statement on the matter. [3544/08]

5. **Deputy Eamon Gilmore** asked the Taoiseach when the Cabinet Committee on Infrastructure and Housing last met; when the next meeting is expected [36124/07]

**The Taoiseach:** I propose to answer Questions Nos. 1 to 5, inclusive, together.

The Cabinet committee on housing, infrastructure and PPPs last met on 12 December 2007. The next meeting is scheduled for 12 March 2008. The Cabinet committee is supported in its work by a cross-departmental team of senior officials from relevant Departments. The role of the cross-departmental team is to identify and assist in progressing and resolving issues related to infrastructure planning and delivery, ensuring that they are adequately prepared for consideration by the Cabinet committee and, where necessary, by the Government.

The cross-departmental team last met yesterday morning; it normally meets on a monthly basis and is due to meet again on 4 March 2008. There are no plans to change its role.

As the House is aware, Cabinet committees are an integral part of the Cabinet process and questions as to the business of Cabinet or Cabinet committee meetings have never been allowed in the House on the grounds that they are internal to Government. This well-established precedent is founded on sound policy principles and the need to respect and uphold the constitutional protection of Cabinet confidentiality. Questions about specific issues dealt with by the Cabinet Committee or the cross-departmental team should be addressed to the relevant Minister.

**Deputy Enda Kenny:** That is a recent addendum to the normal way the Taoiseach answers these questions by referring them to the line Minister.

**The Taoiseach:** I always answer that but the Deputy ignores it.

**Deputy Enda Kenny:** I have a concern about the provision of broadband. There is a serious decline in the construction industry, which is evident in and affects so many areas. There will be less money coming into local authorities from development charges. This means it will be difficult for local authorities to implement local authority programmes.

One of the fundamental criteria for the attraction and retention of industry is the provision of quality broadband. The Taoiseach is aware that only 15.4% of the population subscribes to broadband and that the average speed is only 3 megabytes. This is the third lowest speed of 35 OECD countries, with only Mexico and Turkey lower. Our speed is well below the OECD average of 13.7 megabytes. In France, it is 44 megabytes. I have travelled around the country like the Taoiseach and I have spoken to chambers of commerce, leaders in communities and businesses, and they believe this is sacrilegious. In many cases there is no connection and speeds are so far below the average European speed that it is impossible for them to compete. The Taoiseach is as interested as I am in attracting and retaining jobs. He should have the cross-departmental infrastructure team get the lead out and make a drive to deal with this issue. Deputy Simon Coveney produced a realistic set of proposals, launched two weeks ago, on the provision of broadband and progress to the next generation of capacity and communications. I suggest the Taoiseach should drive this on in his capacity as Taoiseach and as chairman of this cross-departmental group.

The Taoiseach referred to looking back on his years in the office. He could look back on many aspects of it. He stated that he would have preferred to have invested more in infrastructure. I agree with that. We are still short of school buildings. With the decline in the housing

end of construction, could the Taoiseach prioritise the building of far more than 30 new schools? There is a reconstruction programme but there is a need for new school buildings. This is the key to the next generation. If the cross-departmental infrastructure team does not appreciate it, we have failed the young people in the primary school system.

**The Taoiseach:** I have listened to the arguments of businesses on the matter of broadband. There are now 800,000 broadband subscribers in the country, including 90,000 mobile subscribers. At the end of September last year, that represented an increase of 81% on the previous 12 months. We may have had a slow start with broadband but it is clear that the market is growing rapidly. If we maintain the progress, it will become a strong market. Broadband penetration is 18.4 subscribers per 100 of the population, including mobile subscribers, not 15. We have narrowed the gap between Ireland and the OECD average dramatically. At the end of the third quarter of last year — the latest figures available to me — the OECD average is 18.8 and our rate, including new mobile subscriptions, is 18.4. Broadband is widely available at €20-30 per month as the combination of competition and regulation is driving down prices. The most recent figures show us having the fifth cheapest entry levels for DSL prices in the EU 15.

In respect of telecommunications and broadband, where the markets fail, Government must act. I accept that and over recent years we have faced tough, risky decisions on telecommunications infrastructure. In the late 1990s, we recognised the need for fibre optic and the internet cable connectivity between Ireland and other major international business centres, including the US, Europe and the Pacific Rim. We have been widely praised across industry and other groups for the investment made in 1999 in the global crossing and the connectivity project. I am sure Deputy Kenny has heard this praise. Although we were heavily criticised at the time, the analysis now is that it was an enlightened decision and the correct one.

It has been clear for some time that the private sector has failed to invest at the level necessary to keep pace with the demand for broadband. I have had meetings with the entire industry over the past few years. We made this clear to them and brought members of the industry together so that we would not get into playing one off against the other. I do not care who makes a profit — I just want them to do it.

I accept the point made by Deputy Kenny about speed. Speeds are improving everywhere and we must do the same. If they invest in this, they can do this very quickly. Direct funding has been provided under the national development plan for the backbone infrastructure. The regional broadband programme of the Department of Communications, Energy and Natural Resources is addressing the infrastructural deficit by building high speed open access broadband networks in association with metropolitan area networks. The House is familiar with that aspect. A further 66 towns are scheduled to be completed by the end of this year, on top of those completed in the first phase of the programme.

Despite Government and private investment in broadband, it is recognised that there are areas of the country where the private sector is unable to justify the commercial provision of broadband connectivity. They make no bones about this when they tell me. The new broadband scheme will target the last 10% of the population who would remain without a broadband service without direct State intervention. When fully rolled out, all reasonable requests for broadband from houses and premises in unserved rural areas will be met. The procurement process for a new national broadband scheme is now in the competitive dialogue stage, with three short-listed candidates. The estimated timescale for the award of the MBS contract, about which I asked last night, is the summer. The roll-out of the service is due to begin as soon as possible, subject to agreement with the chosen provider. I understand there should not be a long delay in getting on with that. I suppose that means work will continue into next year but it will begin as soon as we have an operator.

[The Taoiseach.]

I am also aware that the development of a world-class telecommunications sector is important for economic growth and the prosperity of the country. Deputy Kenny made that point. The migration to and the development of the next generation network will provide the necessary platform for the telecommunications sector. The migration to the next generation network is being considered by service providers and will generate many issues with wide implications for regulation, competition and investment in service delivery that need to be addressed. I am keen to see all stakeholders working together to ensure that Irish businesses and consumers have choice and that competitive products are offered. ComReg has established a next generation network forum and is working in partnership with industry.

The next progression for next generation networks is being considered by the Minister, Deputy Eamon Ryan. His policy paper will be published next month. It will examine market developments and consider the optimum role for Government in the progression shift to IP-based next generation works. When that paper comes out it can be debated and discussed. That is an important paper for the next generation.

What is happening is good. We are rapidly catching up after a slow start. The last 10% of the national broadband scheme should be rolled out from this summer. The paper on the next generation networks, which is to engage the industry, will also be produced.

Deputy Kenny will appreciate that we made the right decision on schools in the last national development plan. It was my view that even though there might be a slowdown in the international economy we should not slow down the capital programme so we went the other way. We have an enormous capital programme for the six-year period of the national development plan. We are now in an investment position that is higher than that in any of the European countries. My belief on that is that this was the right thing to do because of an increase in population and because of the traditional deficit. This year alone we will spend €8.4 billion on investment and schools will get their fair share of that. Across the NDP we have pushed the boat out to the upper levels of investment, which is the first time it has ever happened in this country. Traditionally, in every decade we tended to retract in more difficult periods.

Last year in one form or another there were 1,600 school projects. There are 4,000 schools in the Republic so there will always be pressure for extensions. What happened this year was due to a rise in population in certain areas that was not known about as we used to know it based on the figures. What happened in Balbriggan this year was that those people did not show up on the register, which is quite extraordinary. There were more than enough school places but approximately 300 children turned up that were not known about. The same will happen next September. Tracking where these problems will show up is a big issue. That is a demand and it is taking up a large amount of resources from education where we are spending €600 million on a capital programme.

**Deputy Enda Kenny:** That remark deals with the planning system which should show up what is being built if the planning applications being carried through are monitored.

Will the Taoiseach inquire from the Minister for Communications, Energy and Natural Resources why the MANs system is not in operation, for instance, in my home base of Castlebar? A number of years ago the town was dug up, trenches were dug and ducting was laid but nothing was put in them. Businesses in the area cannot connect to a system.

In parallel with the national broadband scheme, to which the Taoiseach referred, do we have an audit of the areas around the country that will not get a physical connection in the foreseeable future? Parallel to that, can he guarantee that wireless connections will be available to them?

I respect the efforts that are being made to improve broadband access to put us well ahead of Turkey and Mexico, which are just behind us at the moment. Next generation access for the school system is absolutely critical. This was pointed out in the Coveney document. The recommendation was that the Government should invite the private sector to tender for the provision of high speed broadband to all those schools, not only so that young people can communicate around the world but that they are given the opportunity to meet the challenges that other countries are offering their young people. If the Taoiseach, I and everybody else are to be able to continue to set out a platform for the next generation, that is essentially where it will be. In the provision of broadband the schools business is absolutely critical. Next generation access, NGA, should be provided through a tender system from the private sector.

The provision of computers for schools has been a very worthwhile business but it is completely and utterly haphazard. There is no back-up system. If they break down there are no people there to fix them. There are different systems and different computers, some of which work very well but others that have not been used for months. Money was provided for computer rooms but no money was provided for computers. That is an issue the national infrastructure cross-committee could investigate and on which it could make an impact, not just for now but for the future. Schools no longer have walls. The key element of that is NGA for all those young people.

**The Taoiseach:** I will raise both of those issues with the Ministers, Deputies Eamon Ryan and Mary Hanafin.

There is a map-chart of the 10% of areas that remain to be done and the State will have to undertake that. I do not claim to be an expert but the problem as I understand it is that some of those blackspots are a bit like the Black Valley in Kerry all those years ago.

**Deputy Enda Kenny:** His name is up on the plaque there for the satellite. It worked for a while.

**Deputy Bernard J. Durkan:** In the satellite.

**The Taoiseach:** As I understand it, some of the blackspots—

**Deputy Phil Hogan:** Jackie was a black spot too.

**Deputy Enda Kenny:** It is outside the church. I was down there on the bike.

**The Taoiseach:** —where the national broadband scheme does not work are also areas where wireless does not work. That is the difficulty so they have to operate some other technology. From meetings I am aware the private sector shows no great interest in some of these areas for obvious reasons so it has to be done under the national broadband scheme. I do not want to get into the detail of the questions which the Minister, Deputy Eamon Ryan, can answer, but what is important — it is no good saying it is easy — is to get the private sector to invest at the required level. That will involve the public and the private sector working together. Obviously one needs competition and choice and that is what the Minister, Deputy Eamon Ryan, has been engaged in.

**Deputy Eamon Gilmore:** In the past ten or 15 years, as the Taoiseach regularly reminds us, this country has made huge economic progress. The degree to which the economy has grown and incomes and living standards have improved in the past ten to 15 years has been absolutely phenomenal. That is unprecedented in this country and in most other countries and it has been extremely welcome.

[Deputy Eamon Gilmore.]

When one looks at international comparisons and the league tables that are carried out for different economies, one finds that on incomes, average incomes, GDP, etc. we are in the top ten, and that is great, but on competitiveness we do not do so well. We are beginning to slip. We are now lying in 22nd place internationally. On infrastructure we are in 49th place, which is way behind. Why is it that the bit of the economic equation for which the Government is directly responsible, namely, infrastructure, is the bit on which we are doing worst? Can the Taoiseach account for why that is after ten or 11 years of leadership of Government in that period?

We all know the traffic situation in Dublin is chronic. One of the things most people find frustrating is that the most minor accident anywhere in Dublin causes traffic gridlock. Before Christmas a truck jack-knifed near the East Link bridge and the traffic on the north and west sides of the city was completely screwed up for the entire day. There was a burst water pipe south of Bray and the entire M50 was shut down for seven or eight hours because nobody could move.

**Deputy Enda Kenny:** A Minister was escorted down the middle of it.

**Deputy Eamon Gilmore:** The Minister denies that. He thinks it was twilight. The car was seen in twilight hours and he denies that he was the occupant.

**Deputy Enda Kenny:** Heading home into the twilight zone.

**Deputy Eamon Gilmore:** The Taoiseach has dealt with that because the Minister has since been asked to make his own transport arrangements.

**Deputy Enda Kenny:** That was oil on troubled waters.

**Deputy Eamon Gilmore:** Does this infrastructure committee examine matters such as these traffic problems and the fact that such accidents stop traffic in Dublin? Is there a solution whereby the city need not close down every time there is an accident, such as when a truck jack-knifes?

On the construction issue, we are aware there is a significant drop in residential construction activity. What is the Government's strategy to shift constructive activity from residential to infrastructural activity? It seems that increasing numbers of building workers, including skilled workers, are becoming unemployed. I am coming across tradespeople who cannot get work. Since there is available capacity in construction, certainly on the labour side, is there a strategy to shift that to get the infrastructure built?

**The Taoiseach:** I will not answer for the traffic committee of Dublin Corporation. I left that behind me 20 years or more ago so I will not deal with that. I was in Brussels last year when there was a three-car crash. Brussels has many highways and roads but that caused a six-hour closure of the entire city.

**Deputy Eamon Gilmore:** Was it Deputy Donie Cassidy who was driving on the wrong side of the road?

**Deputy Enda Kenny:** Was that where the Minister of State, Deputy Dick Roche, was going, to sort that out?

**The Taoiseach:** On the more serious issues, Deputy Gilmore made a point on the national development plan. The answer, as he knows, is that 20 years ago this country was working on

CSO figures which showed that by 2010 we would have a population of approximately 3.4 million if we were lucky, but we have ended up with a population of 4.3 million and going the other way — 1 million more people. Dublin Corporation and other councils worked on the basis that by 2010 we could have 1 million registered vehicles in this country, and while we are not there yet, we have 2.5 million vehicles. We were working on the basis that there might be 1.25 million people working but there are 2.25 million people working. These are the reasons and that is why we have had two successful national plans.

More has happened in the last national development plan and in this one than has happened since the foundation of the State. That is probably because we did not have the money, although the foresight of some of those generations might have seen that, rather than wholesale emigration, it might have been better to try some of the programmes, but they did not do so.

The current plan is an integrated and coherent one. It is a seven-year investment strategy that this Government has put together, like the last one we put together. It sets out a blueprint of economic and social development over its lifetime and it deals with the accompanying quantified investment programmes which aim to achieve high level objectives. It is a broad plan. It is the plan, as housing construction goes down, where we put in more money rather than less. We are developing the spatial strategy. There is the maintenance of a framework of macro-economic and budgetary stability, but we have addressed economic and social infrastructure, we have been supporting enterprise, we have been promoting social inclusion and looking at the all-island economy.

The plan costs €55 billion, which for a country of our size, even at this stage of development, is a massive programme. It is higher in percentage terms than those of any other European country because we need it. It is investment in economic construction. The plan commits us to spend €25 billion in human capital and will result in investment in education and training. A sum of €20 billion is provided for enterprise and €33 billion for social infrastructure.

Mention was made of what is happening in the areas of roads and infrastructure, such as sewerage and drainage. This is where most of the money is going. They all are good contracts, for the economic development of the country and the regions, whether for water, sewerage or roads, and for investment across the island such as the North-South investment structure to improve the road to Derry. It is helping the development of the island but is also good in employment terms. This year construction employment would be a far greater problem if we had not moved to provide those resources. It is helping private sector development in many areas where we have so many projects. We will continue that.

There are in the region of 135 roads projects in one form or another, apart from the considerable stretches that we are building. At last we have got to the stage of building long stretches of road. There are over 40 km in the stretch of road to Cork that will open shortly. There is the road to Athlone, the Carlow bypass, the Waterford bridge and the Waterford road. These are huge contracts, employing large amounts of people. This will drive economic development.

Whatever we do for the next few years, no matter how tight the economy gets, we should stick with that. It is only by doing that back-to-back as this Government and the previous Government have done that we will eventually get that deficit in infrastructure dealt with, but it is happening and we can see it all over the place.

If I was involved in Dublin Corporation's traffic planning committee, this is one of the matters they must deal with. We must face up to what other cities are dealing sooner rather than later. If we are serious about emissions and congestion, we cannot continue the way we have been where everybody drives from A to B regardless, with no restrictions. That was all right when we had 500,000 vehicles, but we have 2.5 million now and the number is rising. We have a population of 4.3 million and we have 2.5 million registered vehicles. I am told with

[The Taoiseach.]

certainty by CSO that we will have 5 million people in 12 years' time. If the number of vehicles increases beyond 3 million, one cannot continue operating with "no entry" zones, particularly in Dublin and cities such as Cork, which is not much different. These are difficult decisions for the city fathers and they will have to be dealt with as they are being dealt with in other cities.

**Deputy Eamon Gilmore:** Picking up on that last point, the Taoiseach twice expressed a desire to be on the traffic committee of Dublin Corporation.

**The Taoiseach:** I used to be.

**Deputy Eamon Gilmore:** He is obviously planning a new future for himself. What exactly is he saying Dublin Corporation should be doing? Do I decode what he stated as a suggestion that Dublin Corporation should introduce a congestion charge, for example? Is that the import of what he stated?

Second, the traffic problem in Dublin is not confined to one local authority area. At the time the M50 ground to a halt over the burst water main in Bray, I recall making inquiries and finding that seven statutory bodies had responsibility of some kind or other for what was happening on the M50 — three or four local authorities, the Garda who are the traffic authority, the NRA and the Department of Transport.

This brings me to the question of what has happened with regard to the promise to introduce a Dublin transport authority. We have been waiting for legislation for this for some time. When Deputy Martin Cullen was Minister for Transport he said, in November 2006, that the Bill for the authority would be published by Christmas of that year. Will we ever see a Dublin transport authority or is it the Government's intention to leave it all to the traffic committee of Dublin Corporation?

**The Taoiseach:** I think that Bill will be in the House this session. If you ask me, other cities, for example, Paris, Rome and Athens, seem far more aggressive and have a range of plans, and we must do the same. The bus corridors that have been rolled out have been a success.

**Deputy Eamon Gilmore:** That is right. We just need more buses on them.

**The Taoiseach:** There are 100 more buses on them this year. The number of buses is increasing. The bus corridors have proved a success. They are opposed by many people in many places, but I have always supported them. Work has been done on the quays and the tunnel is the biggest engineering job we have completed. It has been highly successful, despite all the games played with regard to leaks and whether it would ever open. It has proved to be massively successful and we have heard little complaint about it since it opened because of that success.

**Deputy Bernard J. Durkan:** It does not take tall trucks. No super trucks use the tunnel.

**The Taoiseach:** They should never have been here in the first place. They should have been banned, as I said several times.

More imaginative proposals could be developed. There are very few park and ride facilities. In other cities these facilities are the norm and work well. Luas capacity will increase by 40% and we will have more trams. The trams we have on the red and green lines will be extended. The work on Broadstone is going ahead, as is the metro to Swords. The line to Lucan is also going ahead. There is significant infrastructure plans and all those working together will make and are making an enormous difference.

**Deputy Eamon Gilmore:** When will we have them? The Taoiseach has been in every position, from mayor of Dublin to Taoiseach. Why do we not have them?

**The Taoiseach:** They are happening. The Deputy is worried about a car breaking down. However, I remind the Deputy his party was outside the gates of Leinster House criticising Deputy Mary O'Rourke and me about the Luas and saying it would never happen.

**Deputy Eamon Gilmore:** No, we were not.

**Deputy Joan Burton:** We were criticising the Government for not doing it.

**The Taoiseach:** I never heard the Opposition Deputies say how great it was when it was set up. The metro line is now being planned. We are putting billions into infrastructure and things are happening for the first time ever. There are improvements also on rail lines and we now have an hourly train to Cork and Belfast and an improved service to Sligo. We should acknowledge the incredible improvements made rather than worry. If the Deputy is so worried about——

**Deputy Eamon Gilmore:** What about congestion charges?

**The Taoiseach:** There are many proposals. I will talk to my councillors and let Deputy Gilmore talk to his. If they use some——

**Deputy Eamon Gilmore:** What does the Taoiseach mean by that? I asked about congestion charges.

**The Taoiseach:** Is that the only issue? I think there are excellent proposals.

**Deputy Eamon Gilmore:** I asked the Taoiseach to clarify whether that was what he meant.

**The Taoiseach:** No, it is not. I said I thought we should consider some of the imaginative proposals other cities operate.

**Deputy Eamon Gilmore:** Such as.

**The Taoiseach:** There is a range of them, such as park and ride facilities.

**An Ceann Comhairle:** We can have a chat about that later with the Taoiseach.

**Deputy Joan Burton:** Park and ride facilities are vetoed by local authorities.

**The Taoiseach:** Park and ride facilities are allowed. I fought for such facilities 20 years ago. I fought for the one in Whitehall then and it is about the only one that works well.

**Deputy Joan Burton:** The Taoiseach should travel the Clonsilla line and see what it is like.

**Deputy Caoimhghín Ó Caoláin:** Will the Taoiseach revisit the terms of reference of the cross-departmental team in order to place a greater emphasis on its responsibility to address the issue of housing? We have addressed this team and its remit on many occasions and there is, understandably, a significant concentration on infrastructure and public private partnerships, but the housing element, which is a component in the title of the committee's responsibility, is rarely addressed in detail. I raised this issue previously. I am particularly keen to know whether the cross-departmental team has taken the opportunity, or will, with new emphasis on the need to do so, address the report published last month that claimed there were 40,000 vacant apart-



[Deputy Caoimhghín Ó Caoláin.]

ments in the city of Dublin. I do not accept that claim, but nevertheless it was made and it has not been repudiated, examined or rejected and the factual position has not been established.

Does the Taoiseach see a role for the cross-departmental team in addressing that report and putting the factual position on the record? Does he see a role for the team in enhancing the whole policy area in relation to the delivery of social and affordable housing through the local authority system, where we have 43,000 families, family units or individual senior citizens waiting on the respective waiting lists. That equates to approximately 100,000 people, which includes family units, some consisting of several people, so 100,000 is a conservative number.

Does the Taoiseach accept there is, perhaps, a further role for the cross-departmental team in revisiting the outworking of Part V of the Planning and Development Act 2000? I wonder what the Taoiseach's view is on this. If implemented as originally announced by the former Minister for the Environment, Heritage and Local Government, Deputy Noel Dempsey, and if the original intent was adhered to, Part V would have made a significant contribution towards addressing the social housing need throughout the State, but, sadly, as amended, it has failed to live up to the original expectation. What is the Taoiseach's position in that regard and does he believe the cross-departmental team has a role and function in revisiting the factual outworking of Part V over the period since?

There is, understandably, great concern at the situation where many young couples have taken out 100% mortgages in order to access a home of their own, and these are dependent on a dual income. As a result of the steady series of increases in European Central Bank interest rates, many couples have found themselves in a very difficult financial situation and, in a contracting market, a negative equity now, perhaps, applies to these properties. Does the Taoiseach agree that the cross-departmental team should also address this issue? There is real concern in that regard. If the situation becomes more grave, we will see an ever-increasing spiral of repossessions. Already the indication is that there is a significant increase in that area. Does the Taoiseach share my concern in that regard and does he believe it is a matter that the cross-departmental team should address?

**The Taoiseach:** There is a large number of questions there. On the provisions under the NDP, the cross-departmental team and officials in various Departments deal with these issues on an ongoing basis. All the issues raised by the Deputy are included in that.

The Department of the Environment, Heritage and Local Government has estimated that the housing needs of 140,000 households are to be met through the housing programme of the NDP. Investment under the housing programme will total €21 billion, €18 billion of which is in direct housing provision, including the rent supplement issue. That covers different sub-programmes, including social housing provision and renewal, affordable housing and targeting of housing supports. The housing sub-programme allocation will fund the provision of 60,000 new units over the period of the plan.

The financial framework in the affordable housing and targeted private housing sub-programme will result in 40,000 households benefiting from affordable housing. It is estimated a further 40,000 households will be assisted mainly by availing of vacancies in existing stock and through households transferring to the rental accommodation scheme from rent supplement under the contractual arrangements. Every year under the plan large amounts of investment are being put in. There is effective use of the resources which stand, as I said, at €18 billion. There is a new scheme to support social housing tenants seeking home ownership, the incremental purchase scheme for the sale of flats and the reformed grant scheme to adapt housing to meet the needs of older people or those with disability. Resources are provided to sustain the communities fund to support regeneration processes and tackle anti-social behav-

ious and there is new legislation to support the social housing reform programme and the use of land. On the quality of social housing stock, almost €2 billion is to be spent on housing renewal and sustainable community planning.

On Part V of the Planning and Development Act 2000, the Deputy will recall the arguments and debates on that and the pressure from all sides in this House to do something about it. From the position six years ago, when just 46 homes were delivered, output has continued apace. Last year 1,007 affordable homes and 531 social homes were delivered during the first nine months under Part V. During the last quarter of the year it is expected a significant number of the 6,000 units under construction will be completed, surpassing the previous year's total. On predictions of future output under Part V, all the planning systems that have gone out of the system are necessarily subject to uncertain variables but include the volume of housing development and planning permissions granted. More than 5,400 homes were in progress at the end of September and 2,600 further homes are proposed under Part V. The situation has changed. Developers have transferred 99 acres of land to local authorities under Part V and 388 partially or fully serviced sites have been transferred to local authorities. Just under €80 million has been paid in lieu of land. Considerable development has happened under Part V, all of which has been helpful and progressive.

On the 40,000 supposedly vacant apartments, I saw the report and I asked the officials about it; some developers and builders said it was the reason housing numbers would drop this year and some said as many as 100,000 houses lie vacant. I have asked that this be examined. The calculations included summer houses, which are not occupied in the winter, and flats or apartments used by students in college in Dublin, who are not there all the time. Therefore that figure is nonsense. I asked for the best estimate on the Dublin figure and the national figure and people were slow to give me a figure. They said that if they took in everything they could see, it could perhaps be 20,000 nationally, but they would not stand over that figure.

**Deputy Arthur Morgan:** There are 100,000 people on the housing list.

**The Taoiseach:** Those figures were grossly overstated. Although I cannot be certain about the figure of 20,000, the number is nothing like the figures mentioned.

**Deputy Caoimhghín Ó Caoláin:** The point of the various questions I posed to the Taoiseach was whether the cross-departmental team is giving sufficient attention and time to housing provision. I refer particularly to social housing, not the statistics on private house provision. I again ask the question. Does the Taoiseach believe there is a requirement to revisit the remit of the committee to lay greater emphasis on the housing responsibility of the cross-departmental team? In this Chamber the concentration is invariably on other matters and I have seen references to this cross-departmental team from Government, the Taoiseach, his Department and Opposition voices that do not mention its responsibility to address housing. Does the Taoiseach believe sufficient time is being given to address the matters I have raised, and others on which we have not had the opportunity to reflect today, and will he lay greater emphasis on it and indicate to the House that such is his intent?

**An Ceann Comhairle:** We are out of time. I call Deputies Naughten and Coveney.

**Deputy Denis Naughten:** I would like to ask the Taoiseach about his comments on planning in Balbriggan and the point that he had no idea of numbers. Is the Department of Education and Science represented on the infrastructural educational committee? I understand it is not. Does the Taoiseach believe the Department should be represented on that committee? Many rural schools are being left high and dry because resources are going into the Dublin area.

[Deputy Denis Naughten.]

The Taoiseach said the broadband market is growing but the key issue is accessibility and availability. The MANs project is being shelved for 15 months for towns such as Castlerea and Boyle. Have discussions taken place, or will they take place, between the three Departments of Transport, Environment, Heritage and Local Government and Communications, Energy and Natural Resources on trying to bring the semi-State broadband networks together under one operator to provide the type of competition needed and ensure we can have accessibility throughout the country?

**Deputy Simon Coveney:** The cross-departmental team on infrastructure is the ideal place to examine the challenges we face on broadband connectivity because it involves so many Departments. On the Taoiseach's answer on broadband, for clarity purposes, international connectivity for Ireland was dramatically enhanced by the global crossing project, and that was welcome. However it is still far cheaper to send data from Amsterdam to New York than from Dublin to New York. We should not sit back and pretend the global crossing project back in 1999 solved all our problems. We need further investment in that and there are opportunities at which the Government should look.

The national broadband scheme will have to deal with up to 15% of the country rather than 10%. There is much scepticism on whether it will be viable in competition law for some parts of the country where it needs rolling out as well as the issues the Taoiseach has identified. The key issue for the cross-Departmental committee is to try to put a plan in place that will allow the Government to subsidise the private sector to roll out next-generation broadband with the speeds required without interfering with natural competition.

In the policy document we launched two weeks ago we tried to indicate how that can be done. It is primarily about helping to fund open-access ducting to carry fibre optic cable that will upgrade a primarily copper infrastructure from people's houses to the kerb side to the exchange, which is the key section of infrastructure that needs to be upgraded. It does not make financial sense for many of the companies involved, predominantly Eircom, to do that because of the numbers of houses and businesses involved, which is why the State needs to subsidise that key piece of infrastructure between the kerb side and the exchange in particular. I ask the Taoiseach and the cross-departmental committee to examine our suggestions, which have been made in a non-political way as a proactive attempt to deal with the issue rather than setting up more fora and consultations processes, which is what the Minister continues to do on broadband.

**The Taoiseach:** To deal with Deputy Ó Caoláin's question on housing, we have meetings that just deal with the housing issue. That happens a number of times a year. The same happens in education, where there are meetings dedicated to educational issues. They would not normally be at the other meetings.

On the national broadband scheme, I am told it is 10% of the country. I am not arguing about whether that is the case but it is important that the roll-out is ongoing and the scheme is in place. I gave details earlier about the NBS contract and the work from July. I do not disagree with Deputy Coveney's point. By the way, I was not saying that the Global Crossing contract would have sorted it out but it was, at the time, advanced. In fact, had we continued along that line, perhaps we would have built on it but there was so much criticism at that time about it generally, not politically. There are good opportunities for companies and the private sector in this area and, obviously, we must work with them. The Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, is involved in that process. Deputy

Coveney's paper is helpful and constructive. The Minister's policy paper will be published next month and will examine market developments.

It is important to note that Eircom, one way or another, is important in this regard because of the assets it holds. Eircom's discussion document, which was submitted to the Minister, addressed a number of issues relating to the future provision of broadband, including the proposal to structure its network into separate wholesale and retail arms. As a private company, Eircom is entitled to separate ownership of the company into two different entities, provided the regulatory operations are dealt with. Any further engagement with Eircom will be on the basis of exploring how any changed ownership structure will impact on investment, particularly on the evolution of the next generation of broadband. Eircom is a major part of that process.

From the State's point of view, we must deal with the issue of competitiveness and how to get the other companies linked in. To have this done quickly, we need a plan, which hopefully we will have next month, that takes on board the views of the various companies. We need those companies to work with the State and to work together. I believe, having listened to many presentations and spoken to representatives of the companies, that if there was connectivity and co-operation between them and us, we could make progress very quickly on the issue of speed. In fairness, as companies, they are all prepared to invest. It is a question of getting them to work together. Unless we sort out the competition and rivalry issues, because there are a lot of companies in the market now, we will not make as much progress as we would like. The Minister is working hard, trying to get them to co-operate with one another.

**Deputy Denis Naughten:** What about starting with the semi-State sector?

**The Taoiseach:** Yes, but it is similar to the schools issue which Deputy Kenny raised earlier. The success of this is now in the hands of the private sector, whether we like it or not. We must deal with these private sector companies, with the investments and plans they have, and try to pull those plans together. The discussion document next month deals with that and aims to make real progress. That is the challenge.

### **Request to move Adjournment of Dáil under Standing Order 32.**

**An Ceann Comhairle:** Anois, iarratais chun tairiscint a dhéanamh an Dáil a chur ar athló faoi Bhuan-Ordú 32. We will now deal with a request to move the adjournment of the Dáil under Standing Order 32

**Deputy Arthur Morgan:** I seek the adjournment of the Dáil under Standing Order 32 to discuss the following matter of urgent national importance, namely, that the Government and the Minister for Health and Children recognise the incalculable suffering of the victims of Dr. Michael Neary by extending the terms of reference of the redress scheme to take full cognisance of the extent of the pain and suffering inflicted by Dr. Neary and also to extend the scheme to include victims of symphysiotomy, who have been ignored by the Department of Health and Children to date. I hope we can allow time for that discussion.

**An Ceann Comhairle:** It is not in order under Standing Order 32.

### **Order of Business.**

**The Taoiseach:** It is proposed to take No.2, Social Welfare and Pensions Bill 2008, Second Stage (resumed), and No.3, Immigration, Residence and Protection Bill 2008, Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight; business shall be interrupted on the conclusion of Private Members' business, which shall be No. 28, motion re education, autism and special

[The Taoiseach.]

needs (resumed) and which shall be taken for 90 minutes at 7 p.m. or on the conclusion of No. 2, whichever is the later; and the proceedings on the resumed Second Stage of No.2 shall, if not previously concluded, be brought to a conclusion at 7 p.m. tonight.

**An Ceann Comhairle:** Is the proposal that the Dáil shall sit later than 8.30 p.m. tonight agreed? Agreed. Is the proposal for dealing with No. 2, the Second Stage of the Social Welfare and Pensions Bill 2008 agreed? Agreed.

**Deputy Enda Kenny:** I ask the Taoiseach to send out an APB for the Greens. They have not been in this House since the place resumed. The Minister for patio heaters is going around the country collecting them and I do not know where the Minister for Communications, Energy and Natural Resources is. I remember back in the good old days, when former Deputy John Bruton was Taoiseach, that he made it perfectly clear that every Minister should be in the House for the Order of Business unless an issue of national importance kept them away. If they are out there, the Green Party Ministers should attend to keep this place moving.

**Deputy Denis Naughten:** Where are the Fianna Fáil Ministers?

**The Taoiseach:** In those days, the Order of Business took ten minutes. Now it takes several hours.

**Deputy Enda Kenny:** Not if one goes back and listens to what the Ceann Comhairle used to say. When the poor former Deputy Nora Owen was in here, as Minister for Justice, it used to take longer than ten minutes, believe me.

**Deputy Bernard J. Durkan:** That alone used to take half an hour.

**An Ceann Comhairle:** I am sure the historical marathon is marvellous, but we must move on.

**Deputy Enda Kenny:** It is also accurate, a Cheann Comhairle. I ask the Taoiseach to explain the difference between No. 33 and No. 79, the intoxicating liquor Bill and the sale of alcohol Bill, both of which deal with the sale and consumption of alcohol. One is expected to come before the House in late 2008 and I do not know when the other is expected. Is there a difference between these two Bills and when are they likely to be dealt with in the House?

I note the statement from the Ó Cuanacháin parents about their autistic child and his education. Having gone through the trauma they have experienced, they made the point that the Government should allow a free vote on the motion on special educational needs this evening. Is it the Taoiseach's intention to allow that to happen, in view of the statements being made by many of his backbenchers?

I received a letter recently from the Minister for Foreign Affairs, who said that on a daily basis the Irish ambassador in Washington is dealing with Members on Capitol Hill, in the Senate and the Congress about the issue of undocumented Irish, following on from the all-party motion agreed in the Dáil that there would be a bilateral arrangement with the United States. I note this morning that the Democratic Caucus is now talking about stop-gap immigration legislation which would allow illegal immigrants to the United States to pay a fine, pass criminal background checks and obtain five-year visas. I ask the Taoiseach to bring this to the attention of the ambassador, consequent on the bilateral motion agreed unanimously in this House, as it may be of interest to him. Even if all candidates in the presidential election are not committing themselves at this point regarding their future plans, the Democratic Caucus in Washington, with particular emphasis on the Hispanic population, is examining this issue seriously.

**The Taoiseach:** The intoxicating liquor Bill is to provide for public order aspects of the sale and consumption of alcohol. It aims to deal with public order issues and what has happened recently —

**Deputy Enda Kenny:** Will the other one just deal with the sale outlets?

**The Taoiseach:** The sale of alcohol Bill is designed to codify the law relating to the sale and consumption of alcohol. A substantial amount of legislation has been introduced over the years and the Bill will codify it. That legislation will probably be introduced before the end of the year. The Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, is anxious to bring the intoxicating liquor Bill, which is a shorter Bill, before the House by the summer.

**Deputy Emmet Stagg:** Here's a Green now.

**Deputy Eamon Gilmore:** I congratulate Deputy Kenny on succeeding in getting a Green Party Minister into the House.

**Deputy Joan Burton:** Welcome back, Deputy Sargent.

**Deputy Eamon Gilmore:** It is the fastest response by the Government to a call from the Opposition that I have seen in a long time.

**Deputy Denis Naughten:** Is this what is called a green moment?

**Deputy Trevor Sargent:** I am at the Deputy's service.

**A Deputy:** Does the Deputy want Brussels sprouts?

**Deputy Bernard J. Durkan:** Is it a vision or a mirage?

**Deputy Eamon Gilmore:** I am sure, despite all the things that are on the Taoiseach's mind these days, it has not escaped his attention that tomorrow is Valentine's day. I recall that—

**Deputy Enda Kenny:** Is legislation promised?

**Deputy Mary Harney:** We will not be adjourning the Dáil

**Deputy Eamon Gilmore:** I recall that last October, when the Labour Party put its Civil Unions Bill before the House, the Government promised it would produce the heads of its own civil unions Bill in February. As it is now February and given the day that is in it tomorrow, perhaps the Taoiseach will indicate when we will see that legislation.

The Ceann Comhairle wrote to me this morning, and I thank him for that, arising from the matters I raised yesterday. I acknowledge that I should have given the Ceann Comhairle notice yesterday prior to raising what were detailed and complicated matters. I wish to ask two questions arising from the Ceann Comhairle's letter. I understand from press reports that the Government does not intend to contest the application being made by the Smithwick tribunal to the High Court for the production of Cabinet documents. This is welcome. Will the House become a party to the action being taken by the Taoiseach to the High Court, which he states is in respect of parliamentary privilege? In the Ceann Comhairle's letter to me, he pointed out that under section 4 of the Houses of the Oireachtas Commission Acts 2003 and 2006, the commission may seek leave to be joined as a notice party in legal proceedings provided it has been duly authorised by the Dáil to do so. Given the Taoiseach's statement yesterday concerning the purpose of his visit to the High

12 o'clock

[Deputy Eamon Gilmore.]

Court — to protect parliamentary privilege — does he intend to bring a motion to the Dáil on behalf of the Government to authorise the commission to become a notice party to the action?

**The Taoiseach:** On the civil partnership Bill, the draft heads of the Bill are in preparation in the Department. We have not got the heads yet so it will be a while before the legislation will be introduced. On the other issue dealing with my own case, I have given no consideration to it.

**Deputy Bernard J. Durkan:** The Taoiseach is too modest.

**The Taoiseach:** Is Deputy Gilmore offering to help me?

**Deputy Eamon Gilmore:** No, but this is the whole point — it is interesting that the Taoiseach describes it as his own case. Yesterday, he told the House that this is all about parliamentary privilege and that a constitutional principle is involved.

**The Taoiseach:** It is.

**Deputy Eamon Gilmore:** If it is, the Ceann Comhairle pointed out to me that the Houses of the Oireachtas Commission Acts provide that the Dáil must authorise the commission if it wishes to become a notice party in legal proceedings. What I am trying to establish is whether the Government intends to bring such a motion to the House.

**An Ceann Comhairle:** I am loth to intervene in matters of this nature for obvious reasons, but as the Deputy raised the matter with me and I replied to him, I should clarify the situation for him. The position is that it is a matter in the first instance for the Committee on Procedure and Privileges to decide whether it would recommend that the Houses of the Oireachtas should be joined as a party to the relevant proceedings. If the Deputy wants my view it is that the Oireachtas should be very slow to take such a course of action because clearly in all those cases the taxpayer is possibly exposed to liability for costs. As it is a matter in the first instance for CPP, it must be considered there. There is precedent for the Houses to become involved in cases relating to privilege of Members, but it is a step that should be taken very carefully and to which very deep consideration should be given prior to any move. It certainly should not be done precipitously. The CPP must deal with this matter in the first instance and if the Deputy wishes it to be raised there, he will no doubt have a representative or representatives who can do so on his behalf.

**Deputy Joan Burton:** Is the Taoiseach aware of various statements made by the Minister for Education and Science to the effect that she proposes to introduce VEC-based primary schools for areas such as west Dublin and Fingal where there has been a significant growth in population? She plans to establish schools after other schools in the area have full enrolments. Effectively, she plans to provide schools for children without places, nearly all of whom are international children. However, it appears she cannot do so in respect of VECs without legislation.

For the seventh year in a row, parents in the area are concerned by the desperate scramble to find primary school places. The Minister has promised extra schools, but those attending the extra last-minute schools she introduced last year, including one under the patronage of Educate Together——

**An Ceann Comhairle:** Deputy Burton knows she is out of order.

**Deputy Joan Burton:** ——and one under the patronage of the Catholic Church——

**An Ceann Comhairle:** Does the Deputy have a question on legislation? We must move on.

**Deputy Joan Burton:** —are almost entirely international children. Nearly no Irish children go to those schools.

**An Ceann Comhairle:** I cannot allow the Deputy to raise this matter.

**Deputy Joan Burton:** What is the Minister playing at? Where is the legislation and framework to have schools up and running as part of the choices available to parents instead of ghettoising last-minute schools for children who cannot get places? Will legislation be introduced?

**An Ceann Comhairle:** Is legislation promised in this area and, if so, when?

**The Taoiseach:** The education patronage Bill is due during the year.

**Deputy Joanna Tuffy:** Recently, the Minister for the Environment, Heritage and Local Government announced draft planning guidelines and promised legislation, but his proposals are weak. Will the Taoiseach consider as a stronger step designating more areas as strategic development zones, as was the case in Adamstown? For example, the Government could pick areas that fit in with the national spatial strategy outside Dublin. Strategic development zones are effective because they are clearly set out in legislation.

**An Ceann Comhairle:** I cannot allow the matter. This is becoming a free-for-all.

**Deputy Tom Hayes:** On a related matter——

**An Ceann Comhairle:** We cannot have it.

**Deputy Lucinda Creighton:** There are reports in today's newspapers on the proposed referendum Bill, which I understand is being discussed at Cabinet. It is imperative that the Government set a date for the referendum in the immediate future. It is mooted a potential date at the end of May or start of June at which time many people will have booked their summer holidays. There is an onus on the Government to ensure the maximum number of people are enfranchised to vote. It is a particularly important constitutional issue.

**An Ceann Comhairle:** That is it.

**Deputy Lucinda Creighton:** As the Taoiseach has branded himself a constitutional crusader in the past 48 hours, he might take this issue on board.

**An Ceann Comhairle:** We will leave the crusades. They are a part of history.

**The Taoiseach:** I answered that comprehensively yesterday.

**Deputy Seymour Crawford:** There is no date.

**The Taoiseach:** The Deputies are talking about four months' time. We have to agree the——

**Deputy Lucinda Creighton:** People book their holidays four months in advance.

**The Taoiseach:** Please, let us not get into a row about nothing. We must agree the legislation between us. Hopefully, those discussions will start. We have to publish it and pass it here. We have to give the Referendum Commission time. I have said very clearly the end of May. Those for whom Deputy Creighton is concerned should not go on their holidays in the first two weeks of June.



**Deputy Caoimhghín Ó Caoláin:** It was revealed in recent days that 30 of the 150 children with cystic fibrosis being treated at Our Lady's Children's Hospital, Crumlin, are colonised with MRSA.

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

**Deputy Caoimhghín Ó Caoláin:** I have indeed and that is the backdrop to it, and the emphasis for why——

**An Ceann Comhairle:** I stated previously that the prologues and epilogues must end.

**Deputy Caoimhghín Ó Caoláin:** ——it is necessary to bring forward with all haste the health information Bill to ensure that patients and their relatives receive the due care to which they are entitled and are fully informed of their condition, particularly in respect of MRSA. Currently, that is not the position in many cases. What is the Taoiseach's intent in respect of the Bill and what can the Government offer in terms of these very distressed families?

**The Taoiseach:** Work is continuing on the health information Bill. I do not have a date for its introduction.

**Deputy Thomas P. Broughan:** I have two points to make on the road safety Bill. It was reported today that the Cabinet intends to scrap the roll-out of speed cameras at 600 locations. Will that be done on cost grounds? If so, is it not short-sighted given that the cost to the country of fatalities from tragic car crashes is estimated to have been approximately €700 million last year?

**An Ceann Comhairle:** This is not relevant.

**Deputy Thomas P. Broughan:** As a brief follow-on to the point raised by my colleague, Deputy Tuffy, it is deliberate that the large north fringe, north of the Taoiseach's constituency, is not a strategic development zone because certain large developers were taken care of. Householders owe mortgages of more than €400,000 and are left in houses that are not repaired. One company, Killoe Developments, refuses to talk to them, although they have only been in the houses for a couple of years.

**An Ceann Comhairle:** This is not relevant to the Order of Business, as the Deputy well knows.

**Deputy Thomas P. Broughan:** Walls and roofs are cracking. I can take the Taoiseach to see this if he so wishes. I wonder what he could do about this in his role as Taoiseach. I have raised it about ten times with him.

**The Taoiseach:** The road traffic Bill is being drafted.

**Deputy Joe Costello:** I wish to ask the Taoiseach about Mountjoy Prison, with which he is very familiar as it is in his constituency. *The Irish Times* today gave the welcome news that Dublin City Council architects have been able to defy the orders of the previous Minister for Justice, Equality and Law Reform, who sought to prohibit any member of Dublin City Council from entering the prison to assess its architectural needs.

**An Ceann Comhairle:** Deputy Costello knows this is not relevant to the Order of Business.

**Deputy Joe Costello:** As a result, Mountjoy Prison will be redeveloped rather than demolished.

**Deputy Joan Burton:** It will be a boutique hotel.

**Deputy Mary Harney:** One will have to pay to get in.

**Deputy Joe Costello:** In this context, and with regard to promised legislation, can the Taoiseach tell us when the prison development approval (confirmation) Bill, which relates to Thornton Hall, will come before the House?

**The Taoiseach:** It will come before the House in the middle of the year.

**Deputy Bernard J. Durkan:** Regarding promised legislation regulating pharmacy services, will the Taoiseach consider the expeditious introduction to the House of the relevant Bill to ensure the current impasse between the Health Service Executive, HSE, and pharmacists will not force young pharmacists out of business, thereby reducing competition and services for consumers?

**An Ceann Comhairle:** That was raised on Leaders' Questions and we must move on.

**Deputy Bernard J. Durkan:** I am raising this matter with regard to promised legislation and I wish to know when the Taoiseach will bring this Bill before the House.

**The Taoiseach:** We passed a Pharmacy Bill last year.

**Deputy Bernard J. Durkan:** Will it not be possible to pass another?

**The Taoiseach:** We do not have a date for the other one.

**Deputy Mary Harney:** It will not deal with this matter so the Deputy should not worry.

**Deputy Bernard J. Durkan:** Why is it on the Order Paper then?

**Deputy Seymour Crawford:** In light of the current housing situation and the availability of houses, can the social housing (miscellaneous provisions) Bill be brought before the House more quickly?

The George Mitchell scholarship fund Act 1998 (amendment) Bill must be passed urgently if people are to benefit from it. George Mitchell had a proud record and he deserves recognition.

A Bill relating to the advertising of alcohol has been on the books for some time. In light of recent reports on the abuse of alcohol, especially among young people, when will this Bill be resurrected?

**The Taoiseach:** The social housing (miscellaneous provisions) Bill will come before the House in the middle of 2008. Preparation of the heads of the George Mitchell scholarship fund Act 1998 (amendment) Bill is ongoing.

The heads of the alcohol products Bill, which seeks to protect children and adolescents from over-exposure to alcohol advertising, have been approved. The Minister has received the first report from the monitoring group established to oversee adherence to the voluntary codes. The Department and the Minister are currently considering this report and the decision as to whether the legislation will be reactivated has yet to be made.

**Deputy David Stanton:** There are nine Bills on the section C list under the auspices of the Minister for Health and Children and many of them have been promised for some time. It is not possible for many of them to be published at this stage but can the Taoiseach tell us whether movement has occurred on these Bills and if any work has gone on in the Department of

[Deputy David Stanton.]

Health and Children? I refer to the dentists Bill, the eligibility for health and personal social services Bill, the health corporate bodies Bill, the human tissue Bill, the mental health (amendment) Bill, the nurses and midwives Bill and the public health (miscellaneous provisions) Bill. What is happening with these Bills?

**The Taoiseach:** The dental Bill will come before the House later this year and the health (long-term residential care services) Bill will be dealt with during this session. The Health and Social Care Professionals Bill was passed last year.

**Deputy David Stanton:** The eligibility for health and personal social services Bill is on the C list.

**The Taoiseach:** That is a different Bill and work has commenced on a draft and discussion document. Preparation of a regulatory impact analysis and public consultation of all proposals should be later this year.

**Deputy David Stanton:** Can the Taoiseach address my questions on the other Bills including the health corporate bodies Bill, the human tissue Bill, the mental health (amendment) Bill, the nurses and midwives Bill and the public health (miscellaneous provisions) Bill?

**The Taoiseach:** I could go through the Bills individually but work is ongoing on all of them. The nurses and midwives Bill has gone for consultation. Following advice from the Attorney General, the Health (Miscellaneous Provisions) Act 2007 was enacted as a matter of urgency to confirm the existing bodies established under the Health (Corporate Bodies) Act 1961. Consideration is now being given to the preparation of a further Bill to address health corporate bodies.

**Deputy Tom Hayes:** Deputy Joanna Tuffy raised a serious issue.

**An Ceann Comhairle:** It is, but it is out of order.

**Deputy Tom Hayes:** The serious matter of one-off rural houses is hidden within this issue. There is widespread concern relating to this matter and we feel it should be debated in this House.

**An Ceann Comhairle:** If this matter was not in order ten minutes ago, it cannot be in order now.

**Deputy Tom Hayes:** Not only am I worried about this matter, but so too are many Fianna Fáil backbenchers.

**An Ceann Comhairle:** I am sure they are.

**Deputy Tom Hayes:** The Taoiseach outlined to the Fianna Fáil parliamentary party some years ago that this is one of the biggest issues facing the country. He was correct and I request a debate on the matter in this House.

**Deputy Simon Coveney:** The broadcasting Bill is due to be published soon but I understand there have been delays and I ask the Taoiseach to clarify when we will see it.

**The Taoiseach:** It will come before the House during this session.

**Deputy Simon Coveney:** The autumn list of upcoming legislation clearly stated the electricity (transfer of transmission assets) Bill was to be published in 2008, as is consistent with the programme for Government. The Government now says it is not possible to indicate when it will be published. Does this reflect a change in Government policy regarding the structural separation of the ESB and EirGrid? There is genuine concern relating to this matter and I ask the Taoiseach to clarify the situation.

The Tánaiste and Minister for Finance, Deputy Brian Cowen, made comments at a meeting of Finance Ministers in Brussels yesterday that seemed to water down the European Commission's proposals on targets for the reduction of carbon emissions before 2020. What is the Government's position on the European Commission's proposal that Ireland reduce its 2005 carbon emissions by 20% by 2020?

**An Ceann Comhairle:** The last issue raised by the Deputy is not in order.

**Deputy Bernard J. Durkan:** It should be in order.

**Deputy Simon Coveney:** The matter will require legislation.

**The Taoiseach:** The electricity (transfer of transmission assets) Bill is to provide for the transfer of ownership of electricity transmission assets from the ESB to EirGrid. Analysis and discussion is under way on all dimensions, including legal and financial aspects, to ensure optimum outcomes on foot of the transfer process for both the ESB and EirGrid.

**Deputy Enda Kenny:** I met the Taoiseach before Christmas and we discussed a number of issues relating to Dáil reform. Deputy Stanton submitted a list of proposals from our party to the Government Whip. I think that yesterday's Joint Committee on Health and Children should have been broadcast to the nation because people have a great interest in these things. My views on having a platform for broadcasting the proceedings of the Dáil, Seanad and committees are well known.

We are half way through this session so when can we expect the Minister of State at the Department of the Taoiseach, Deputy Tom Kitt, to bring forward his proposals for Dáil reform, upon which there is a measure of agreement? Dáil reform would make this place more relevant and transparent and would give the public a real indication of what is discussed here, in the Seanad and in committees, rather than mere snapshots.

**The Taoiseach:** The Government is anxious to move on this issue, as is the Ceann Comhairle. The Minister of State is anxious to reform the committee in question. I think Deputy Kenny and I could get a lot of agreement on the issues.

**Deputy Seán Barrett:** What is the point of the Committee on Procedure and Privileges?

**The Taoiseach:** It would be more effective to do this in the Dáil reform committee because we have to get agreement. If the issue went to the Committee on Procedure and Privileges, it would go on and on.

**Deputy David Stanton:** Did the Taoiseach propose that the committee deal with the issue?

### **Social Welfare and Pensions Bill 2008: Second Stage (Resumed).**

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

**Deputy Michael Moynihan:** I welcome the opportunity to continue my contribution on our deliberations on the Social Welfare and Pensions Bill 2008. Section 8 raises the earnings limit

[Deputy Michael Moynihan.]

for those in receipt of one-parent family payment to €425 per week. I note from discussions of this matter that some lone parents find themselves in a poverty trap. While I welcome the provisions governing family income supplement and efforts to enable people to return to part-time work, much more needs to be done because lone parents find themselves raising children alone for 101 different reasons. As public representatives, we meet lone parents in our clinics and see the difficulties they encounter in securing housing. They can only dream of getting on the property ladder. I welcome the disregard applicable to the one-parent family payment and ask that the Government continue to monitor the position.

Regarding the disregard for the non-contributory pension, the change to the disregard for insurable employment introduced in the 2006 budget has affected self-employed people on low incomes. While self-employed people earning below a certain threshold are not required to pay PRSI contributions, they are not entitled to a State pension when they reach 66 years. Those most affected tend to be single people and farmers who, for one reason or another, did not make insurable contributions. The State should consider extending the disregard for insurable employment for non-contributory pensions to moneys earned in self-employment. While disregards are in place for REPS and other payments to farmers, insurable employment must also be examined.

In my concluding remarks last night, I referred to the introduction of the provision concerning PRSI and the self-employed. The introduction in 1998 of what was known as the *pro rata* pension affected a small number of people who had reached the age of 55 years and had paid contributions for less than nine years. I ask the Government to consider giving this small group full pensions.

Expenditure on social welfare has increased substantially in recent years, as has the number of people entitled to a social welfare payment. Recent budgets have introduced record increases in social welfare payments, from old age pensions to carer's allowance. We must encourage people to make submissions on the Government's strategy on carers which will be chaired by the Department of the Taoiseach.

Farm assist was introduced almost ten years ago to help those in the farming community on low incomes. Subsequently, the scheme was considered a qualification point for the rural social scheme, which has delivered significant benefits across rural areas. The leadership and partnership groups are doing excellent work under the scheme by providing insulation for elderly people and engaging in many other worthwhile activities at little cost to the taxpayer. Many innovative initiatives under the scheme have benefited communities and taxpayers in the long term and the individuals participating in them. I have seen this throughout my constituency. The raft of social inclusion measures introduced by the Government and implemented by partnership and leadership groups have resulted in many people being employed in various projects, ranging from child care provision to rural social activities and beyond. Exchequer figures on their cost would not show their benefits to individuals and communities.

To recap, we must ensure that people connect with the strategy on carers which is being developed by the Government. Those involved in the care sector should tell their stories and ensure the position of carers is improved. It is also important to examine the habitual rule as it applies to overseas pensions for missionaries. I commend the Bill to the House and thank the Government, particularly the Minister, for the work it is doing on social welfare on behalf of the less well-off.

**Deputy Seymour Crawford:** I welcome the increases in social welfare payments contained in the Social Welfare and Pensions Bill 2008. Deputy Moynihan raised the issue of *pro rata* pensions. When Deputy Jim O'Keeffe and I applied pressure on the Government on this issue, we

secured an agreement that the matter would be addressed. The then Minister of State with responsibility for the issue, the current Minister of State at the Department of Finance, Deputy Noel Ahern, led us to believe that those who had paid contributions for five years would receive, at minimum, half pension plus a *pro rata* pension calculated on the basis of additional years of paid contributions. When the Bill was published, however, it provided for a half pension only, regardless of whether five years or ten years of contributions had been made.

I beg the Minister of State to reconsider the provision as a matter of urgency because individuals who paid contributions for ten years are receiving only a half pension. In one case of which I am aware, a person fell one day short of qualifying for a full pension. The Minister or State should be able to determine how many people would be affected by a change and how much it would cost.

The increase in child income support rates, one of the first issues to which the Minister referred, is welcome. However, it contains a number of anomalies. It goes to children not living in this country, but whose parent or parents work here. However, somebody who lived abroad for a couple of years and who is forced to come home to care for a parent or any person who is sick cannot obtain child income support or children's allowance and, apart from exceptional circumstances, they cannot receive carer's allowance. This has to do with the habitual residency condition introduced for entirely different reasons and it must be examined.

I welcome the increase in the upper limits for qualification of the one-parent family payment to €425. However, this benefit will not be sufficient in many cases unless proper care is available for children in crèches. The changes made by the Minister to crèche support must be re-examined as they are not sufficient in rural areas.

Carers play a crucial and much valued role in ensuring older people and people with disabilities can remain in their own homes for as long as possible. However, serious anomalies exist in this structure. I am aware of a young woman who lost her husband and who must now care for her father. She is solely on a contributory pension and rejoiced with me in the great news that a half-rate carer's allowance was available from September 2007. However, the value of the family residence she inherited was taken into account for means testing rather than the €100 per week she receives in rent from a friend. This regulation in the means test is at complete odds with the special deals the Department of Finance made with big builders and others for tax breaks in the building sector. I urge the Minister for Social and Family Affairs to re-examine this situation.

I provided the Department with the full facts of this case. If the matter is not rectified, the lady has made it clear she will have no choice but to return to work and let her father be cared for at full cost to the State in a nursing home, which neither of them wants. In general, I welcome the half-rate carer's allowance. As the departmental officials present today will verify, I spent ten years lobbying in the Dáil for it and I obtained 100% support for the proposal from the Oireachtas Joint Committee on Social and Family Affairs. However, the then Minister stated such a proposal was illegal. This decision was changed in the budget in 2006, I suppose for election purposes, and the rest is history.

I must highlight another anomaly within a means test structure. A PAYE worker on a non-contributory pension can earn €200 per week or €10,400 and still receive the full old-age pension. However, self-employed people such as plumbers, electricians, shopkeepers and farmers, having reached retirement age, can only earn €30 per week or approximately €1,500 per year. This is unacceptable and must be rectified.

Will the possibility of ending the means test system for the small number of people who do not have PRSI contributions be examined? Many people are in this situation because they were too late in life to make all the necessary payments after the scheme was first introduced in

[Deputy Seymour Crawford.]

1988. The Government, with the support of all parties, saw fit to provide medical cards to those over 70. I urge the Government to provide all of those aged over 70 with pensions. Elderly people living alone are in fear of revision requests being sent to them and this must be addressed.

The living alone allowance is €7.50 and as such is useless. A couple, both on pensions, living together in a rural area can hardly afford to have a car. When or if one of them dies or goes to a home, the remaining person on a pension will then receive this major boost of €7.50. What will €7.50 do in this day and age to help pay insurance, tax or run a car? This must be examined.

I pay tribute to staff in social welfare offices and in Sligo and Longford.

**Deputy John Browne:** And the Minister.

**Deputy Seymour Crawford:** They are extremely helpful and they provide a good service to the public and to Oireachtas Members.

**Deputy John Deasy:** I wish to warn the speaker after me that I will not use all of my allocated seven minutes.

I wish to speak on a matter which affects participants on the community employment scheme and which was raised by them with me in my constituency of Waterford. I had hoped the Minister for Social and Family Affairs, Deputy Cullen, would be here and it is unfortunate that he is not. I am sure the Minister of State, Deputy Browne, will pass on what I say.

The matter I wish to raise indicates the lack of joined-up thinking between Departments, in this instance as it affects people in lower income brackets. I could more simply state a fairly silly mistake was pointed out to the Minister for Enterprise, Trade and Employment, Deputy Martin, and he has chosen to ignore it and not correct it. I will now point it out to the Minister for Social and Family Affairs in the expectation that he has a slightly less indignant attitude towards people on community employment schemes.

In this year's budget, an increase was given by the Minister for Social and Family Affairs to participants in the community employment scheme with an adult dependant. The increase was €20 and it raised the amount for a participant with an adult dependant in the community employment scheme programme from €333.50 to €353.50. This sounds fine, except for the fact that unwittingly the €20 increase pushed this category of participants into the PRSI bracket and, in doing so, almost half of the increase was taken back in PRSI. Immediately and effectively, a €20 increase did not exist.

The threshold is €352; anything over this and community employment participants must pay PRSI contributions. A disregard is made with regard to the first €127 for employees. The balance is then calculated for PRSI purposes at 4%. In this case, it amounts to €9.06, which means the €20 increase is reduced to €10.94. If the budget increase had been €18.50, these employees would not have passed the threshold of €352 and would have enjoyed the full benefit of the increase.

We all make mistakes and as individuals we acknowledge them and deal with them. However, in this case, the Government has an alternative attitude. I wish to outline the response I received from the Minister for Enterprise, Trade and Employment, Deputy Martin, when I raised this matter in a parliamentary question. The reply acknowledges the error. However, in the final paragraph the Minister states the aim of the community employment scheme remains as an active labour market programme with the emphasis on progression into employment — this is the good bit — where the employee would in any event be obliged to pay a PRSI contribution. The Minister accepts a mistake has been made but he is loath to admit it.

We hear many clichés in the Chamber and a few, such as smug, smarmy and arrogant, could be used to describe the response I received from the Minister, Deputy Martin. While I could not be bothered getting into that, I would like a reasonable response from the Minister for Social and Family Affairs on this matter. No one will starve over this as we are only talking about €10. However, at the very least, participants in community employment schemes deserve a ministerial response that does not insult their intelligence.

**Deputy Deirdre Clune:** I, like Deputy Crawford, acknowledge how helpful and supportive the staff of the Department of Social and Family Affairs are to Members. They are more available at the end of a telephone line, a considerable change in the past eight years.

From constituency clinics, I am aware of several issues concerning this Bill, particularly the role of carers. In the budget, the rate of payment for carers was increased by €14 per week, as well as the respite care grant and the weekly income disregard for carer's allowance. The earnings threshold for entitlement to carer's benefit will be increased by €12.50. Any amount of the carer's benefit that was in excess of the basic rate will be disregarded for the purposes of rent and mortgage interest supplement.

While one is hardly going to reject these welcome proposed payment increases, they are piecemeal measures. The proposed national carers' strategy needs to be developed to ensure supports and services are provided for carers and that their health and well-being can be addressed. An adequate and fair system of remuneration must be put in place.

Carers must also be facilitated in terms of training. For many, it is an entirely new area with nursing and medical issues. Some caring for elderly people may be elderly themselves but get little support in developing their expertise. I look forward to the publication of the strategy to address these issues.

From the debates on the budget and this Bill, it is obvious the role of carers is of real concern and they need their voices heard. No one doubts the contribution they make to society. Financially, the Carers Association estimates the work of family carers saves the State over €2.1 billion per annum. All Members recognise the value carers provide to the State.

The health strategy announced by the Department of Health and Children and the Health Service Executive, HSE, puts more emphasis on community care. Such an approach will allow people live longer in their own homes, not becoming dependent on nursing homes or long-term care institutions. The role of the carer will be essential in delivering this policy objective.

I look forward to the publication of the Government's carers' strategy and that it will recognise carers are individuals themselves who need a work-life balance. I hope measures will be introduced to allow carers leave work in emergency situations. Carers should be put to the centre of the debate. Flexibility is very important. Facilitating them and recognising their contribution will go a long way towards improving their quality of life and health.

Another welfare issue that regularly comes to my attention is that of one-parent families and rented accommodation costs. Up to 25% of families are one-parent families with 21% of children living in one-parent families. Up to 80,000 lone parents are in receipt of the one-parent family payment. Lone parents, however, experience the highest levels of consistent poverty with approximately 40% of lone-parent households at risk of poverty.

The cost of rented accommodation for lone parents can be very high. Rent allowance and rent supplement levels do not match the high levels of rents demanded. Many of those in receipt of such benefits are lone parents. Rents have escalated recently. While today's newspapers report the level of rent increases is levelling out, rents have not gone down. A cap was introduced to reduce the level of rents but it is not working. While the rental accommodation scheme will ensure security of supply for tenants with support from the local authority, the



[Deputy Deirdre Clune.]

uptake of the scheme has been varied across the country. One only has to look at the registry on *www.daft.ie* to get a clear indication of the high level of rents demanded by landlords. It is having a detrimental and negative effect on those dependent on rent supplement, particularly lone parents. I hope the Minister will address this issue. The Acting Chairman, Deputy Kathleen Lynch, will be well aware of this issue as it must come across her desk regularly.

**Deputy Charlie O'Connor:** The Social Welfare and Pensions Bill 2008 provides for the implementation of certain social welfare improvements announced by the Minister for Finance in the 2008 budget. These include increases in child benefit, early child care supplement and the respite care grant. Provision is also made for an increase in income limit for the one-parent family payment and a change in the assessment of income for the purposes of qualification for the payment.

I congratulate the Minister for Social and Family Affairs, Deputy Cullen, on his successful negotiation of the social welfare package of €900 million against the reduced financial position announced in December 2007. This arises not only from my general interest in the area but also from my recent appointment as Vice Chairman of the Joint Committee on Social and Family Affairs under the chairmanship of Deputy Jackie Healy-Rae, who succeeded Deputy Willie Penrose, a colleague of the Acting Chairman, Deputy Kathleen Lynch. I do not wish to patronise, but I always pay tribute to the work of Deputy Penrose in this regard. He kept the joint committee on an even keel. In this Chamber politics must be played, and that is fair enough, but I am sure the Deputies opposite will agree that at joint committee level, where possible, people should be seen to be working together. As the Acting Chairman and I discovered this morning, that is not always possible in some committees, but it is something we should try to achieve.

I note the Minister's comments in his speech last night to the effect that the generous package contained in the Bill represents nearly half of all additional current Government spending announced in the budget and that it brings total expenditure on social welfare in 2008 to just under €17 billion. Deputies on all sides of the House should acknowledge the increased level of expenditure and the benefits it brings to almost all households. I represent the constituency of Dublin South-West which, like every other constituency, has experienced challenges in the area of social welfare that have demanded a response over the years. I live in a town which many years ago experienced the particular challenge of unemployment.

**Deputy John Browne:** Is it Tallaght?

**Deputy Tom Hayes:** It is an expansion.

**Deputy Charlie O'Connor:** Of course, Tallaght is a different place today. I am not saying there are no problems and challenges but, like many other areas, it has undergone considerable improvements. In the context of this debate it is important to point out that where difficulties and challenges remain, the Department of Social and Family Affairs must always be in a position to respond and to do so in a caring way. I have often made the point that the services provided by the Department must always be client-friendly. We must stress to the Department the need to continue to promote its services in a positive way.

I remember, many years ago at the opening of an information centre, former Taoiseach Garret FitzGerald making the point that the work of public representatives would be reduced somewhat if the services offered to the public were easily identifiable and available. I am not just talking about the Department of Social and Family Affairs, but it is relevant to its work. Many of the queries we all get at our clinics every week would not be necessary if this were

the case. There has been a lot of progress in recent times, but it is something we must continue to work on. To be parochial for a minute, I will mention the excellent Department of Social and Family Affairs facility in Tallaght, which is situated in a first-class modern building and does exactly what we would ask of it — it provides a good service to the public in a client-friendly way. We should continue to establish more of these services. I hope that this type of facility, which is available in the third largest population centre in the country, will become available in as many centres as possible throughout the country.

The Government's commitment to child income support is demonstrated by the fact that nearly €148 million, or €194 million if we include the early child care supplement, has been allocated to improve the range of supports for children. The policy direction followed by the Government in recent years has included the dedication of substantial resources to the universal child benefit scheme. Budget 2008 provided for payment of an additional €2 per week in the qualified child increase, which is paid to all social welfare recipients with children. It also provided for increased weekly income thresholds for all FIS family sizes, with additional resources being directed towards larger families as research has shown that this is where poverty is more likely to exist. I also welcome the Minister's announcement that these improvements will benefit 26,500 families who are already receiving the payment and will entitle a further 2,700 families to that payment.

I am also pleased with the increase of €6 in the lower monthly rate of child benefit and €8 in the higher rate, bringing the new monthly rates to €166 for each of the first two children and to €203 for the third child and subsequent children. The increase will benefit more than 570,000 families in respect of approximately 1.1 million children. This is to be welcomed. The Bill before us also provides for an increase of €100 annually in the early child care supplement, bringing the annual rate to €1,100 and the quarterly rate to €275. This will benefit 420,000 to 430,000 children by the end of 2008 and is a further demonstration that the Government's commitment to child care is very much in place.

Other colleagues, including the previous speaker, mentioned the need to support lone parents. I noted with interest the Minister's contribution on lone parents and the Government discussion paper proposals for supporting lone parents, which recommended expansion of the availability and range of education and training opportunities for lone parents, extension of the national employment action plan to focus on lone parents and the introduction of a new social assistance payment for low-income families with young children. This is an issue of specific importance to me in many areas of my constituency. At my weekly clinics in Tallaght, Firhouse, Greenhills and Templeogue, and throughout Dublin South-West, I have encountered many cases in which the need for the facilities——

**Deputy Tom Hayes:** Are they next weekend's clinics?

**Deputy Charlie O'Connor:** Unlike some of the country Deputies, I only do nine clinics a week. I know some Deputies do 30. I get around and I spend as much time in my constituency as possible.

**Deputy John Browne:** We all do.

**Deputy Charlie O'Connor:** I am much happier in Tallaght than in the city centre.

I have encountered many cases in which the facility to increase the lone parent family income is urgently needed. It is interesting that other colleagues referred to the issue of lone parents. I know there are political points to be made about what the Minister, and the previous Minister, said in debates, but there is no question that we need to consider this issue in particular. Other colleagues mentioned the challenges faced by lone parents, including, as mentioned by Deputy

[Deputy Charlie O'Connor.]

Deirdre Clune, the issue of rent subsidies. We must take account of the fact that €392 million was paid out last year in rent allowances. It must be pointed out that this is not sustainable for ever. While local authorities are considering the situation, young people and lone parents are being caught in the poverty trap. The only people who benefit are landlords. I do not want to pick on landlords, but in every one of our constituencies we hear from people living in sub-standard accommodation for which a considerable amount of money is being paid through the social welfare scheme, although in the end the families have nothing to show for it. This has been going on for quite some time. I suspect the Minister knows there is agreement across the political spectrum that something needs to be done about this and I hope he will be brave enough to grasp that nettle.

Many lone parents who come to me and who are trying to obtain local authority housing make the point that with improvements in the areas of child care and employment, they are caught in a poverty trap whereby they want to return to work and look after themselves and their families better but they are caught in a bind. I have always made the point that the social welfare code should facilitate people as much as possible in this regard because the ultimate goal should be to improve people's circumstances and help them get back into work or training. I hope this debate will continue.

In view of the high levels of consistent poverty among lone-parent families, the Government discussion paper, *Proposals for Supporting Lone Parents*, recommended that the upper income limit for receipt of the new social assistance payment should be €400 per week. Budget 2007 realised this increase, and I welcome the increase to €420 in the upper earnings limit for qualification for the one-parent family payment that is included in the Bill. I also welcome the Minister's commitment that any new scheme to support low-income parents can only be introduced when the necessary co-ordinated supports and services are put in place on the ground by other Departments and agencies.

I agree that the testing of the non-income recommendations contained in the discussion paper is vital for any successful roll-out of that plan. These recommendations are being tested in Coolock and Kilkenny. Needless to say, I would have liked Tallaght to have been selected but, as they say, I cannot win them all.

Like other colleagues, I express my admiration for people throughout the country who support carers. When my late father was quite ill, I saw the challenges this kind of situation can bring. From my work in my constituency, I know that it is a particular challenge. I know that the home help group based in Tallaght Welfare Society provides much support and carries out a considerable amount of work in that regard. The Carers Association, which is based in nearby Clondalkin, also carries out a considerable amount of work. I am glad that we get a considerable amount of interaction with and reaction from that group. It is important that we continue to do that. None of us should be afraid to support their work in that regard and to continue to press the Department and make the point to the Minister that improvements must continue.

We all know that carers play a critical and much valued role in ensuring that our older people and people with disabilities can remain in their homes for as long as possible. We should not forget that supporting and recognising carers in our society is and has been a priority of the Government since 1997. It is important that we continue to stress that point. It is important for us to continue to take from our constituencies various examples of how people are challenged in that regard and continue to tell the Government that it is a good use of public money to look after carers. I hope this would continue to be the case.

I also welcome the commitment to carers that has been reinforced in the national partnership agreement, Towards 2016, and the programme for Government, both of which include significant commitments in the area of caring. These include commitments to increase the level of the respite care grant, to keep the scope for further development of payments to carers under review and to ensure that those on average industrial earnings continue to qualify for carer's allowance.

I welcome the fact that this Bill provides for an increase in the respite care grant of €200, bringing the value of the grant to €1,700 for each care recipient. The fact that this measure will benefit over 48,000 carers in 2008 demonstrates the scale of the support that ordinary family members make in this area. We should continue to support them in that meaningful way without patronising them.

As we know, budget 2007 provided for a fundamental reform of the social welfare system for carers, including the introduction of the half carer's allowance. Under the new arrangements, which came into effect in September last year, people in receipt of certain social welfare payments other than carer's allowance or benefit who provide someone with full-time care and attention can now retain their main payment and receive another payment, depending on their means, the maximum of which is equivalent to a half-rate carer's allowance. The new arrangements apply to almost all weekly social welfare payments and to people in receipt of the qualified adult allowance. The beneficiaries of these arrangements are people currently in receipt of carer's allowance who may have underlying eligibility for another social welfare payment, such as the contributory State pension, and people currently in receipt of other social welfare payments who are also providing full-time care and attention who may now qualify for an additional payment. I welcome the Minister's confirmation that, to date, almost 7,000 national carers have benefited from these new arrangements.

In respect of the development of the national carers strategy, I welcome the Minister's comments and look forward to its report being made available this summer. I have already mentioned the work of the Oireachtas Joint Committee on Social and Family Affairs and I hope that, at that level, we can all continue to look in a very positive way at where we have been, where we are and where we want to go. We have gone through a period where, clearly, the economy was in sound shape and I believe the country and all our communities benefited in that regard. I do not agree with the view that the bottom has fallen out of the world but there are challenges ahead. I have no problem with every Department fighting its own corner and every community fighting for its rights. However, we should all remember that social inclusion is very important. As the Taoiseach has often said, when all boats are rising, let us remember the small boats. If all boats are being challenged, let us remember the small boats. I hope the Minister continues to do that. I will not revisit what I said earlier but I congratulate the Minister on his efforts in that regard.

Deputy Deenihan has cautioned me on more than one occasion not to praise Ministers too much but I am not afraid to praise Ministers who do their job. As a Fianna Fáil backbencher, I will continue to press the Government and the Minister to ensure that the vulnerable people in our communities will continue to be facilitated and looked after.

**Deputy Pat Breen:** The Deputy is up there with Conor.

**Deputy Charlie O'Connor:** If one looks back over the past number of years and at what this Minister achieved in a very definite way last December, one can see that improvements have been maintained as far as social welfare payments are concerned. All of us in our constituencies, be they in Cork, Tipperary, Mayo, Waterford, Clare or the Dublin region, often get calls from people who tell us that they get good social welfare payments and increases and must then

[Deputy Charlie O'Connor.]

deal with factors like the local authorities ambushing their rents. I know local authorities will have a view about that. Somebody should grasp that particular nettle. Where families are challenged or are having difficulties, we should try to create a situation where the increases impact on them and are not gobbled up by other costs. I have referred to this matter on a number of occasions.

The work of the Department of Social and Family Affairs is very important. It is important that the Department continues to look after the vulnerable and those in need but even in the circumstances we spoke about concerning the economy, it should also keep an eye on the fact that at the end of the day, the ideal for families under pressure is to get people back to work. I hope that this continues to be very much a part of the ethos of the Department.

I congratulate the Minister on his progress. As someone once said, there is a lot done, more to do but the Minister is on the right road. I am satisfied that the Department is in safe hands.

**Deputy Tom Hayes:** The Deputy will be here around the fairy fort.

**Deputy Michael Ring:** I wish to share my time with Deputies Tom Hayes, Pat Breen and Michael Bannon, with five minutes for each speaker. I would appreciate it if the Acting Chairman could let me when my five minutes are up.

I wish to raise two important issues and put a few questions to the Minister and his officials about the payment of child benefit outside the State. Will the Department launch an immediate investigation into this area? If these people have left the State, are they still entitled to claim child benefit? If they have made applications and are working in the State, they are legally entitled to get the payment for children outside the State but what happens if they leave the State and work elsewhere?

Instead of attacking farmers and those on farm assist, we should immediately check this matter, which I will monitor over the next number of months. There should be an immediate investigation to find out how many people are drawing child benefit outside the State, whether they are working in the State and the last time an official from the Department of Social and Family Affairs checked to see whether they were in the State. I understand that a sizeable number of people are drawing child benefit who have left the State and who think that they are still entitled to the payment because they were once here.

They are robbing the taxpayers and I want an investigation into it immediately. The Minister's officials should leave alone the poor farmers who are hardly able to live on what they earn. Every day officials are out checking them to find out how much they got in agriculture payments. They would be better off going after the people who are defrauding the State rather than those who need money to live on a day-to-day basis.

My second point relates to the waiver charges, an issue I raised when I was social welfare spokesman. I ask the Minister and his officials in the Department to try to do something for people once and for all who must pay for refuse services. I ask that it be included as part of the household package with their units of electricity allowance, television licence and the free schemes for elderly people who are on a low income. That is the biggest rip-off affecting elderly people and they are finding it very difficult. The local authorities have washed their hands in terms of responsibility for refuse. They have handed it over to the private sector but those in the private sector have no respect. They are robbing old people. There is no waiver scheme in place. When the Minister gives an increase in social welfare, the local authorities take a major part of that increase and now it is being used in respect of refuse collection. I ask the Minister to investigate that immediately.

**Deputy Martin Cullen:** Some local authorities have very good waiver schemes, both with private operators as well as their own. It is a matter for the local authorities. Some of them are very good.

**Deputy Michael Ring:** They have washed their hands of responsibility for this area. It has been handed over to the private sector.

**Deputy Martin Cullen:** It is abdication of responsibility.

**Deputy Michael Ring:** We need clear legislation on it. The Minister has an obligation to ensure that the means of people on social welfare are protected. There is little point in the Minister giving them an increase if the private sector takes it off them. It is a problem. The same applies to the local authorities.

**Deputy Martin Cullen:** It is not my responsibility. It is local government.

**Deputy Michael Ring:** It is the responsibility of all of Government. That is what is wrong with the local authorities. In the past 15 years my local authority has not revised the guidelines on the amount people can earn. When the Minister gives them an increase every year, the local authority takes it off them.

**Deputy Martin Cullen:** That is terrible. I agree with the Deputy.

**Deputy Michael Ring:** I am asking the Minister to protect them.

**Deputy Martin Mansergh:** Protect our eardrums please.

**Deputy Michael Ring:** I do not want any lectures from the professor on the opposite side of the House.

**Deputy Martin Mansergh:** Do not be insulting.

**Deputy Michael Ring:** Do not lecture me. I will not take any lecture from Deputy Mansergh.

**Deputy Martin Mansergh:** Do not shout.

**Deputy Michael Ring:** I will not take any lectures from the Deputy.

**Acting Chairman (Deputy Kathleen Lynch):** Deputy Ring without interruption, please. The Deputy has one minute remaining.

**Deputy Michael Ring:** I will be there for the weak in society. I will defend them.

The fuel allowance should be available throughout the year because we do not have good weather in this country.

People who have paid into a second pension and are over the €100 mark should not be means tested. It is wrong that they are not entitled to the fuel allowance. It does not pay people to work in this country. Those people have worked, paid their dues and they should get the fuel allowance.

**Deputy Tom Hayes:** I hope the Minister does not inject such emotion into me.

**Deputy Martin Cullen:** I did not say a word.

**Deputy Pat Breen:** The Minister's colleague on that side is looking after him.

**Deputy Tom Hayes:** I welcome the opportunity to contribute to what is an important debate each year. I wish to address a number of issues, the first of which is the fuel allowance. Figures released indicate that 18.4% of Irish households, almost one in five, experience fuel poverty. People cannot afford to keep themselves warm during the cold months of the year. With a bag of coal costing €14 and a tank of oil costing almost €1,000, there is a real problem in terms of the fuel allowance. We have had a cold and wet winter and it is unfair that people get a fuel allowance of €18. They cannot afford the oil, coal and timber they must buy to keep their houses warm. If anything needs to be changed that issue must be addressed, particularly in terms of older people. It is impossible to keep a damp, cold house heated on that amount of money. I implore the Minister to examine the fuel allowance in the context of the Social Welfare Bill.

Housing aid for the elderly is another issue I have raised on many occasions. That is a wonderful scheme. I realise it has been changed and taken before the councils but the number of people who want to avail of the scheme on a yearly basis is very high. I have seen that at first hand across my own constituency. Families have been helped under that scheme and it should be re-examined with a view to allowing a greater number of people avail of it. Provision for replacing windows and doors, and other cost saving measures in terms of heating, should be made available for older people living in old council houses, old farm houses in rural areas and old local authority houses in our towns. There is a real need in regard to the housing aid for the elderly scheme. For a small amount of money we could get a major return in terms of cutting costs. More people should be able to avail of the scheme.

I realise this Minister's Department is not responsible for FÁS schemes but people on FÁS schemes must be unemployed or on social welfare. A serious situation has arisen in my constituency, and I am delighted Deputy Mansergh is in the Chamber because I am aware he is doing some work on it. There are people who do not know if they will be on those schemes in two weeks time or thrown to the wolves, so to speak, in terms of earning money. Those people have made a good contribution to their communities be it through tidying up graveyards, school grounds or helping elderly people. We have championed that in Tipperary because we have a very successful scheme but we are now being put under pressure because the Minister, Deputy Martin, does not appear to be willing to address that problem.

The other issue I want to address is people qualifying for local authority houses. It takes too long to get people on local authority housing lists, particularly now when budgets are tighter and banks are not freely making mortgages available to people. That issue must be addressed to ensure those people know whether they are on or off the housing list. It is unfair to let the issue drag on for so long.

**Deputy Pat Breen:** The Chair might indicate when I have used four and a half minutes of my time. I am delighted to have an opportunity to speak on the Social Welfare and Pensions Bill. While welcoming some of the increases in social welfare payments, I take this opportunity to highlight the inadequacies in the current system and the difficulties being faced by those at the coalface of the system.

The Conference of Religious in Ireland, CORI, in response to budget 2008, stated that the problem of poverty has not been addressed with the working poor remaining a major issue. This is the core issue. In spite of the wealth created by the economy in the past decade, the changes in this Bill do little to deal with the problems of social exclusion.

While budget 2008 committed a package of social welfare measures totalling nearly €900 million, little has changed for the plight of those who are in need. Budget 2008 was this Government's opportunity to show that it was serious about reform, reducing child poverty, improving

the plight of carers and the Minister's commitments in the programme for Government and Towards 2016, but the Minister has failed the examination.

I will turn to some of the specifics of the Bill. The increase in the non-contributory and contributory old age pension of €12 and €14 respectively is welcome but it is eaten up, so to speak, by the cost of living. Age Action Ireland claims that one in five pensioners is at risk of poverty while 18,000 are unable to pay for a winter overcoat or an extra pair of shoes. They cannot afford to buy the meat or fish that will ensure they have a staple diet.

Half of the pensioners depend on the State pension as their sole source of income and more than one third of these are on non-contributory pensions. In the programme for Government, the Government committed to increasing the State pension to €300 per week. The failure of the Government to increase the fuel allowance is astonishing, given the 58% increase in oil prices in the past 12 months, the largest increase in the past ten years. No older person should be sitting in the cold, afraid to light a fire or turn on a heater because they cannot afford the cost of fuel. The Minister should have paid more attention to this in the budget.

The greatest failure of the Government is its inability to recognise the invaluable contribution made by carers throughout Ireland. There are 150,000 carers working 3.5 million hours every week and saving the State over €2.1 billion each year, yet only one in six carers qualify for this allowance. For those who qualify, an increase of €14 is wholly inadequate.

Caring for a loved one is not just a job, it is a vocation. These are ordinary people coping in extraordinary circumstances. They suffer physical, emotional or financial stress and the majority are caring for dependent older people, children or adults with disabilities. Voluntary groups have mushroomed throughout the country to support carers. I spoke to a woman in west Clare who was struggling to cope. All she wanted was a break for an hour or two in the week so that she could go for a cup of coffee with someone. However, she does not think it will happen in the near future.

The West Clare Caring for Carers group is doing Trojan work in west Clare. The groups is frustrated by the lack of respite care. The fact that there is no one available to provide breaks is the greatest area of concern and is more prevalent in rural areas. While one can apply to have someone transferred to a nursing home for a two-week break, a person needs more than this. I welcome the increase in the respite care grant from €200 to €1,700 but some say it should be higher again. Hopefully the Minister will deal with that in the future.

The lack of home help hours and the shortage of funding for this essential service does little to assist these carers. Even if there is a person available locally to do the work, in several instances there is no funding available from the HSE to cover the hours. The national carers strategy, which the Government promised for the end of 2007 is, like all the promises made by the Government, consigned to a dustbin. The completion of this strategy, putting in place a comprehensive plan for carers, cannot be delayed further.

The year 2010 has been nominated European year for combating poverty and social exclusion. If the Government is to achieve its commitment, the provisions outlined in the Social Welfare and Pensions Bill 2008 fall well short. The Bill is another case of a little done, more to do.

**Deputy James Bannon:** The Government engaged in much spin in respect of the budget and what it delivered. There was little in the budget to tackle poverty. The Government spent more on spin doctors in the past ten years than on tackling real problems in society and rolling out community care services. The Government did little to lift old people from the poverty trap and leave them comfortable in their retirement. It ignored the poor, the ill and the disabled and those who care for those groups. It also ignored farmers' wives.



[Deputy James Bannon.]

Every week 3.5 million hours are worked by 150,000 family carers, yet only one in six carers qualify for the carer's allowance. The Carers Association estimated that the work of family carers in Ireland saves the State over €2.2 billion per year, yet the allowance has only been increased by a miserly €14. We are aware of the wonderful services provided by carers and if they were not there the State would have to provide these services. Fine Gael believes that people should have their means individually assessed to demonstrate that it is the carer and not the carer's partner who provides the care. The carer's partner's income should be excluded from the means test. That would be fair and just. It is clear that the current subvention for nursing home care has fallen far out of line with increased charges in nursing home fees etc.

Throughout the State, carers find it difficult to take up part-time work because the rules on working and receiving the carer's allowance are restrictive. The last budget gave the Government a golden opportunity to ease the restrictions by raising the working hours limit to 20 hours per week, enabling more carers to take up part-time employment. Unfortunately, this did not happen despite promises made on every doorstep in the country before the last general election.

There is unfair pension and PRSI coverage for farm spouses working on farms. Where a spouse or partner assists in the day-to-day running of the farm business but is not a business partner in the formal sense, the spouse is not covered for social insurance purposes as a self-employed person or an employee. They are treated as qualified adult dependants as regards payments, benefits and pensions.

The same goes for people who retired under the marriage ban in the 1950s, 1960s and 1970s. Many women who are wives of gardaí are affected by this. The Government must recognise the role of farm spouses working on farms by allowing spouses or partners to make PRSI contributions to qualify for self-employed social insurance benefits, including contributory State pensions. Personal PRSI coverage would provide long overdue recognition of the status of the farm spouse or partner as a person who makes a very important and independent contribution to the family farm, the economy and society. For a long time I have advocated that where a spouse works on a farm without formally structured income by means of a partnership arrangement and does not have PRSI coverage, the spouse should be provided with the option of alternative coverage, such as those who are self-employed, for a flat rate annual contribution of up to €200 where a farm income threshold of €20,000 applies and a farm income related contribution of 2% above that income level. The contribution by the self-employed spouse should be voluntary. The main condition should be that the spouse is working on the farm and not covered by PRSI in her own right.

Many female spouses, as with other women in the workforce, have worked as employees or have been self-employed for part of their careers and have then left the workforce to raise children or care for incapacitated or elderly relatives. The current home maker disregard scheme is a limited response to this situation. We should move from the PRSI disregard to a PRSI home maker beefed up credits scheme. This would recognise the value of the woman's role in the home to society. It would also ensure a more comprehensive pension entitlement.

I have serious concerns about the treatment of a relatively small group of self-employed people, mainly farmers, who are excluded from the State's contributory pension because of the ten-year rule. These people were in the 50 to 60 year age bracket in April 1998 and do not fulfil the eligibility criteria for the State contributory old age pension. Eligibility for the special 50% State contributory old age pension should be extended to those aged 60 to 65 in April 1998. Those who were deemed by their accountants not to have an income at that time should be given similar rights. We must encourage better pension provision for farmers to enable

younger people to take up farming as a career. This is not happening because the Minister has ignored the farming community with regard to pension for far too long.

Debate adjourned.

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

## **Ceisteanna — Questions (Resumed).**

### **Priority Questions.**

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#### **Social Welfare Benefits.**

101. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs if he will review the habitual residence condition for the carer's allowance; and if he will make a statement on the matter. [4793/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Carer's allowance is a means tested social welfare payment for people providing full-time care and attention to people who need it. In line with social assistance payments generally, one of the eligibility requirements for carer's allowance is that the applicant be habitually resident in the State.

All applicants, regardless of nationality, are required to be habitually resident in the State in order to qualify for carer's allowance. The question of what is a person's "habitual residence" is decided in accordance with European Court of Justice case law, which sets out the criteria to be applied in determining whether a person is habitually resident.

Each case received for a determination on the habitual residence condition is dealt with in its own right and a decision is based on application of the guidelines to the particular individual circumstances of each case. Any applicant who disagrees with the decision of a deciding officer has the right to appeal to the social welfare appeals office.

The habitual residence condition is being operated in a careful manner to ensure that Ireland's social welfare system is protected, while at the same time ensuring that people whose cases are appropriate to the system have access to it when they need it. The operation of the condition was reviewed by my Department in 2006 and the report of the review was published on 1 February 2007. The full content of the review may be accessed on the Department's website, [www.welfare.ie](http://www.welfare.ie). I have no plans to further review the application of the habitual residence condition at this time.

**Deputy Denis Naughten:** Is it not the case that approximately 17,000 Irish citizens, including religious missionaries, have been refused welfare benefits due to the habitual residence condition which was introduced in 2004 to deal with welfare tourism? In some instances, the restrictions have been applied inconsistently by the Department. What is the position of Irish people who were resident in the United States? If people come home to take care of their elderly parents they must provide the Department with some type of evidence that they have severed their links with the United States, for example, proof of having closed a bank account or terminated their tenancy. This is extremely difficult for Irish people who live illegally in the United States. Since they are not legally there, they do not have much documentation to provide in the first place. Not only are they being discriminated against in the United States, but they are now being discriminated against in Ireland.

**Deputy Martin Cullen:** The correct information is that from 1 May 2004 to 31 December 2007 the number of claims with complex habitual residence condition, HRC, issues decided in respect of Irish citizens was 16,242 of which 1,684 were disallowed. It was not 16,000 as the Deputy indicated.

**Deputy Denis Naughten:** I said 17,000. I am sorry.

**Deputy Martin Cullen:** There were 16,000 applications. European Union legislation prohibits discrimination between nationals of EU member states in the context of freedom of movement and people's access to social security or social assistance entitlements. Irish nationals returning here to live on a permanent basis have absolutely no difficulty in demonstrating that they satisfy the requirements of the habitual residence condition. Deputy Naughten referred to some people who come back for a short period of time.

**Deputy Denis Naughten:** I referred to people coming back permanently.

**Deputy Martin Cullen:** Anybody who comes back permanently has no problem at all. Some people may come back for two or three months and that is an entirely different matter. If Irish people come back to Ireland to stay here, there is no difficulty in giving them all of the various entitlements. As the Deputy is aware, there are a number of areas where the habitual residence condition applies to different aspects of the social welfare system.

**Deputy Denis Naughten:** Will the Minister explain how an Irish emigrant who returned from the United States to care for her elderly mother was denied the carer's allowance because she could not establish that she was permanently living here, even though she had applied for that allowance? The Minister ignored the fact that a second test applies to the carer's allowance, namely, that one must provide full-time care and attention and the person receiving the care must require same. The habitual residence clause should not be required when the test applying to the need for full-time care exists.

A woman from outside the European Union who has lived here for approximately two years with a sick child is in receipt of child benefit, yet has been denied the carer's allowance by the Department. Is it not a fallacy to have the habitual residence clause in place specifically for the carer's allowance when other eligibility tests apply?

**Deputy Martin Cullen:** It is not in place specifically for the carer's allowance.

**Deputy Denis Naughten:** It includes the carer's allowance.

**Deputy Martin Cullen:** It includes the carer's allowance but the point is that it applies to a range of issues in the social welfare system. The bottom line is that it is there to protect our social welfare system, so that we do not——

**Deputy Denis Naughten:** What about protecting the elderly?

**Deputy Martin Cullen:** I understand from where people are coming in this debate. What has been continually suggested to me is that we should abandon the habitual residence clause.

**Deputy Denis Naughten:** I never asked for that.

**Deputy Martin Cullen:** If we were to do that, anybody who landed on our shores could immediately access many aspects of the social welfare system.

**Deputy Denis Naughten:** An additional test applies in regard to the carer's allowance.

**Deputy Martin Cullen:** The second test applies to anybody who seeks the carer's allowance. It does not matter whether they live here, have come here or are re-establishing their habitual residence condition in the country. The bottom line is that one has to fulfil conditions to get the carer's allowance. As I outlined in the reply, this particular aspect was reviewed in 2006 and the report was published only last year. I do not intend to review it again in the immediate future. The system we operate currently is fair.

It is possible to make an appeal to the social welfare appeals office. I would not like to see anybody who is entitled to any of the allowances refused them. I would like to know the circumstances of each case. When an individual case is brought to my attention, it is difficult for me to comment on it without knowing the full circumstances. Nevertheless, the system is working quite well and nearly all people who have Irish citizenship are getting any allowances to which they are entitled.

### **Pension Provisions.**

102. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the action his Department is taking to inform and assist the high number of people in their late 50s and early 60s who may find themselves disqualified from a State pension from 2012 on the basis of the new contribution qualifying thresholds that will apply from that time; his Department's estimate of the number aged over 50 years currently on its records who would not qualify if they failed to make a further contribution or they made yearly contributions at their current average rate; and if he will make a statement on the matter. [5440/08]

**Deputy Martin Cullen:** The final report of the National Pensions Board, published in 1993, recommended that the number of paid contributions required to qualify for a contributory pension should be increased to 520 contributions. At the time, the paid requirement was as low as 156 contributions. The new requirement represents 20% of the potential maximum number of contributions that a person can register over his or her working life.

The necessary legislation to effect the recommendations of the National Pensions Board was contained in section 12 of the Social Welfare Act 1997, which from that date to 2012 allowed 15 years for people to get the required number. This would have required them to have approximately five years within that 15 years which was reasonably generous. That section is now incorporated in the Social Welfare Consolidation Act 2005, which provided for the implementation of the change in two stages, with the paid contribution requirement being standardised at 260 from 2002, rising to 520 from 2012. Details of the proposed increase in the paid contributions required have been included in the Department's standard information material on pensions for some years.

In assessing the contribution records of those claiming pension for the first time in the context of work on the pensions Green Paper, the Department found that currently about 13% would fail the new conditions if they were applied at the moment. However, with improved social insurance coverage introduced in the 1980s and 1990s, and increased workforce participation across all sectors of society, this position can be expected to improve substantially in the years running up to 2012.

It is estimated that there are about 40,000 people with active social insurance records who will reach 66 in 2012. The Department is working to establish the impact of the planned change on these people. However, there are difficulties in establishing the contribution histories of those involved because of the many and varied ways in which records are held. The extent to which the increased contribution requirement should be promoted will be reviewed when the situation is clearer. Decisions will also be taken at that time on how and when individuals should be notified of their position.

[Deputy Martin Cullen.]

The contributory pension is a very valuable benefit and I consider that it is reasonable to expect that people should contribute towards it to the fullest extent possible. Increasing contribution requirements is also consistent with trends across the EU as countries reform pensions systems to make them more sustainable in the future and to discourage early retirement among older workers.

**Deputy Róisín Shortall:** It seems that little or no work has been done on this in recent months. I would have thought that at this stage the Minister would be in a position to tell us exactly how many people are likely to be affected by these changes and that he would have worked out a strategy to notify those people of how they are likely to be affected. We all are guilty of not making adequate preparation for the future and often when it comes to pensions people really only take an interest when they approach retirement age.

In respect of the State pension, in particular, there are many who assume because of their work record that they will have an entitlement to a full pension but the changes that have been made in recent years clearly will result in a significant number of people discovering, in many cases perhaps on retirement, that they do not have such an entitlement. There is a requirement on the Minister and his Department to notify people of the likelihood of that happening to them and to set out clearly what they can do to supplement their pensions between now and retirement age.

**Deputy Martin Cullen:** As I have stated to Deputy Shortall, since these changes were brought about there has been active involvement with all pensioners and those approaching pension age in ensuring that they are aware of the changes. I have asked that the position be clarified as soon as possible. We are four years from when the change will take place. There are, according to the estimates, approximately 40,000 people who will be affected in the system as we come towards 2012, and I have given Deputy Shortall that figure. Over the next two years or so we will see exactly what the position will be.

The Department is providing a quality service to all of its customers and this includes ensuring that applications are processed and that decisions on entitlement are issued as expeditiously as possible having regard to the eligibility conditions which apply. The first phase of this new initiative which is claim initiation, whereby my Department will be able to offer its customers an enhanced service by inviting them to claim pensions in advance of reaching pension age, commenced in January last. That will begin to assist us in getting all of the facts and assisting those customers.

Certain customers who have an entitlement to State contributory pension and have had recent interaction with the Department are being invited to apply for a pension in advance of pension age and the Department recognises the merits of proactively initiating pension claims. However, it will take some time before all customers can be addressed in this way.

**Deputy Róisín Shortall:** There is not much point in waiting until 2010 to notify people. It is at this point that the people who are likely to be affected by this — as the Minister stated, up to 40,000 who are likely to discover on retirement that they are not entitled to the full State pension — need to be notified so that they can take action.

What advice is the Department providing to those people? Many will be current welfare recipients who are in their late 50s or 60s. They are not necessarily in any position to do anything about their insurance record. What exactly is the Minister suggesting those people do? Can he provide any clear advice and support to them, or is it a case that he will merely wait and let them discover in their own time that they do not have an entitlement which they

thought they would have? The Minister needs to take action now. He needs to notify current welfare recipients in particular and provide clear advice to them on what action they can take. Failing that, he should look at some kind of tapering system.

**Deputy Martin Cullen:** I do not have any evidence from the Deputy that all of these people are not aware of the situation. My view is that most, if not all, of them are aware of what is happening.

**Deputy Róisín Shortall:** What is the advice to them?

**Deputy Martin Cullen:** The advice given was from 1997, which gave a 15-year window. These people know that five years of contributions within the 15 year timespan, which is a fairly reasonable approach, is all that they must make up and most of them are doing so.

A person reaching age 66 on or after 6 April 2012 must have paid 520 full-rate employment contributions or if at least 260 full-rate employment contributions are paid, the balance of the 520 can be made up with high-rate voluntary contributions as well. There are a number of options and all people have been notified.

I will look at it again to see if there are within the system many people who are unaware and if so, I intend to do something about it. My understanding is that all of these people know the position.

### **Lone Parent Supports.**

103. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the details on his proposal to oblige single parents to seek work once their child is eight years of age; the consultation that has taken to place with relevant stakeholders on this matter; and if he will make a statement on the matter. [5523/08]

**Deputy Martin Cullen:** The Government discussion paper, *Proposals for Supporting Lone Parents*, put forward proposals for the expanded availability and range of education and training opportunities for lone parents, the extension of the national employment action plan to focus on lone parents, focused provision of child care, improved information services for lone parents and the introduction of a new social assistance payment for low income families with young children.

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 as it is employment that offers the best route out of poverty.

Active engagement will take place with recipients of the payment with a progression plan being agreed to support the person into education, training and employment. This engagement will increase when the youngest child reaches a certain age, with an expectation that the person will seek part-time employment, education or training for a period, before then moving on to seek full-time employment as the youngest child gets older.

Extensive consultation has been carried out at all stages in the development of the proposal. Submissions were invited from a range of organisations when the working group was first established within the Department of Social and Family Affairs to analyse the income support arrangements for lone parents and parents on low income. Thirty-nine organisations were contacted, including organisations participating in social partnership, lone parent organisations and other relevant organisations. Submissions were received from 13 of these.

[Deputy Martin Cullen.]

A consultative forum also took place with the then Minister for Social and Family Affairs, Deputy Séamus Brennan, following the publication of the Government discussion paper. Attendees included representatives from a range of lone parent organisations, other NGOs, relevant agencies and other Departments, as well as Opposition spokespersons and members of the Joint Oireachtas Committee on Social and Family Affairs.

In May 2006 the then Minister, Deputy Brennan, participated in a debate on the discussion paper in the Seanad and has presented the proposals to the Joint Committee on Social and Family Affairs. This consultation has continued as the proposals are being developed in the Department with a number of meetings having taken place between officials and lone parents groups. Presentations of the proposals have been made at various fora around the country. The discussion at these meetings and events continues to assist in the development of the proposals.

**Deputy Olwyn Enright:** I thank the Minister for his somewhat historical reply giving a run-down on the position to date. Next month it will be two years since his predecessor, the Minister, Deputy Brennan, published the findings following the report. As the Minister stated, Deputy Brennan engaged in consultation in major fora, etc.

When will decisions be made in this regard? The Minister has stated that he would like to see changes in the next budget and he has given us some idea of the way he intends to go about it. Prior to that will people know, not so much the figures in terms of payment which will be announced in the budget but exactly how it will operate? Has the Minister reached a decision as to whether the proposals will be mandatory or voluntary? That is a important issue and it will be a difficult matter on which to make a decision.

In terms of the practicalities, the Minister has spoken about consultation. Obviously, the availability of transport to get people to work, training, etc., will be an issue, particularly in rural areas. The second stumbling block will be child care facilities. Has the Minister any proposals to get over those two major problems?

**Deputy Martin Cullen:** In the first instance, the report on the pilot schemes I am awaiting will be submitted this month and then I expect to make a report to the Cabinet Sub-Committee on Social Inclusion on the issue.

Deputy Enright correctly identified that there is a range of bodies and agencies involved in the process. It is not something I can deliver on my own from my Department but we are determined to lead it. Deputy Enright correctly stated that is my wish to introduce the changes for budget 2009.

The pilot scheme indicates, according to early notional discussion I have had, that those who come voluntarily to the scheme find, perhaps to their surprise, that it is quite a positive experience. It is not about trying to take assistance people have through the social welfare system away from them, but trying to work positively with them to get them back to work. One of the issues with regard to lone parents is that many of them left school at an early age, resulting in education and literacy issues. It is all very well to say let us get people back into the workplace, but we must ensure they have the tools to get back, the achievement of which will be a substantive issue.

I would like a positive message to go out from all the different organisations, and particularly from the Oireachtas, that this is a positive move. All the representative bodies of the lone parent groups are in favour of this and welcome and support it. We are trying to agree a forward strategy. My concern is that if we do not have some formalised way of getting people to interact with the system, not many will take part on a voluntary basis.

**Deputy Olwyn Enright:** It might be more appropriate to say the organisations are in favour of change. However, they do not know as yet what change is proposed by the Department in terms of how it will operate. When will we get more information with regard to how the Minister intends to go about this? Will he present it as a *fait accompli* or will there be negotiation on it?

**Deputy Martin Cullen:** The two pilot schemes in Kilkenny and Coolock have been filtering the information and looking at the wide range of issues involved, some we might not even have considered. It is surprising the issues that arise only when we interact with people. The Deputy identified child care as an issue. We are all aware that will be a major issue for many of these people in getting them into part-time work, or even in facilitating training and education before ultimately getting them into the workplace. When the pilot scheme is complete — I understand that will be this month — it will provide the basis of information with regard to what the customer, the people we are trying to assist, wants and to how we may use a cross-departmental and cross-agency approach to facilitate people to move on.

The primary purpose is to get these people, who form the most vulnerable group in terms of poverty, out of poverty. The best way to achieve that is to give people the means to get into employment. That is what it is about.

#### **Employment Support Services.**

104. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the number of people on welfare referred in 2007 under the National Employment Action Plan to FÁS; the percentage of those that were placed in employment, training or education; if he has satisfied himself that the structures are achieving the maximum potential of progressing claimants off welfare; the action he will take to improve these arrangements; and if he will make a statement on the matter. [5441/08]

**Deputy Martin Cullen:** Based on the latest information available, 49,300 people from the live register were referred to FÁS in the period January to November 2007. Of these, over 7,000 had been placed in jobs, training or education by the end of December 2007. This represents over 14% of the total referred. A further 16,900, approximately, left the live register at the end of December 2007. In total, therefore, nearly 24,000 of those referred to FÁS had left the live register by the end of the year.

All new claimants are currently identified for referral on reaching three months on the live register. Those referred remain on the live register while engaged with FÁS until they take up offers of employment or training. I am satisfied that the employment action plan provides an effective structure for dealing with the progression needs of those on the live register. It provides a stimulus to job search and affords an opportunity to explore, under professional guidance, the full range of employment and training services offered by FÁS.

The Department also provides other support services to assist unemployed people, particularly the long-term unemployed, lone parents and sickness related welfare recipients to return to the active labour market either by taking up employment or becoming self-employed. At present, some 40 facilitators provide these services.

Provision has been made in the national development plan for a social and economic participation programme which will build on these activities. The programme is aimed at all people of working age on social welfare payments. The Department will shortly commence recruiting some 30 additional facilitators who, together with the existing facilitator network, will have responsibility for implementing the programme at local level. The programme will build on the



[Deputy Martin Cullen.]

Department's existing experience and relationship with the people concerned, in co-operation with other relevant service providers such as FÁS, VECs, the HSE and other local agencies.

The Department has also secured funding, under the European Social Fund, for a project aimed at developing a systematic employment strategy based on individual case management of people on disability welfare payments. The project will be implemented initially in 2008 in County Westmeath with a view to mainstreaming at national level following a review and evaluation. I am satisfied the current structures and new measures outlined significantly increase the prospects of progressing claimants off welfare.

**Deputy Róisín Shortall:** In reply to the previous question the Minister said the best way out of poverty was to encourage people to get into employment. Nobody disagrees with that. The Minister also asked us to be positive about these proposals. We will be positive if the Minister plays his part in ensuring these things happen. Unfortunately, the record shows the Department and FÁS have not been very active in assisting people to move off welfare into training or employment.

The numbers being referred to FÁS have been increasing steadily over the past seven years. However, the number of people being placed in employment each year has remained static, at approximately 6,500 or 7,000. Previously approximately 40% of people were being placed in employment. In 2006 the figure was 26% and the Minister has just told us that last year it was a mere 14%. How can the Minister defend that disappointing figure when only 14% of people referred to FÁS for a job or training place succeeded in being placed? This is a serious problem.

I raised this problem yesterday and want to return to it. The level of work being done by FÁS in terms of assisting lone parents, school leavers or middle aged people who find themselves redundant into training and employment is tokenistic. A figure of 14% is completely inadequate. Can the Minister blame the various groups working in this area if they are sceptical of his proposals in view of the fact that he does not seem prepared to put funding into providing the services necessary to support people? Does the Minister accept that FÁS needs to take drastic action?

**Deputy Martin Cullen:** The figures I provided show that over 50% of the 49,300 were placed. Some 7,000 were placed directly and another 17,000 left the live register. I presume they got employment too, but did not need the assistance of FÁS to do so. However, they would have interacted with FÁS. Out of that interaction that 17,000 decided they were in a position to work.

I am not saying we have reached the end of the development of the process. I agree there is a need to enhance further the ability and co-relation between my Department and FÁS to get as many people as possible out of the social welfare system, where they are entirely dependent, into the workplace. We need to facilitate that, whether through education, training or other ways, in order to help them achieve either part-time or full-time employment. I want to see more done.

The Deputy may have noted that in my response to the question, I indicated a substantial increase in the number of additional facilitators to help this process forward. I also mentioned the scheme that will be implemented in County Westmeath this year. There is innovation in this area. I have attended many FÁS graduation ceremonies over the past number of years and have spoken to people from all walks of life who said that without FÁS, they would be nowhere. We would like to see a higher volume of people employed and off the social welfare system. FÁS is only one of the elements involved in achieving that and it cannot be entirely achieved through it.

**Deputy Róisín Shortall:** Most OECD countries have moved towards a situation where income support Departments have been merged with employment support agencies. Does the Minister think there is a case for doing that and for merging FÁS with the Department in order to provide a seamless service? Under the proposals for lone parents, it is the Department that is in touch with the lone parent until the child is seven years of age and then FÁS takes over. There is no continuity in that. Is there not a strong case for merging FÁS with the Department.

**Deputy Martin Cullen:** That is a matter of policy and whether I think it might make a substantial difference. There are no such proposals currently. I made the point in my initial response that all new claimants are referred to FÁS after three months on the register. Therefore, the figures I gave dealt with the historical situation. In the recent past all new claimants must——

**Deputy Róisín Shortall:** The placement rate is significant.

**Deputy Martin Cullen:** Yes, but not all the ability to deliver jobs lies solely with FÁS. There are many different ways——

**Deputy Róisín Shortall:** A declining number are placed.

**Deputy Martin Cullen:** The figure that went to FÁS is 49,000. That is a substantial number of people and approximately half of those placed came directly or indirectly off the register because of that interaction. That is significant.

**Deputy Róisín Shortall:** It is a very low number.

**Deputy Martin Cullen:** I agree. That is the approach we are taking and that is why we are exploring the pilot schemes in Coolock and Kilkenny. We need to substantially increase that figure. All new entrants are automatically referred to FÁS after three months on the system.

### **Anti-Poverty Strategy.**

105. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if he has plans to develop a national fuel poverty strategy to tackle fuel poverty here; and if he will make a statement on the matter. [5524/08]

**Deputy Martin Cullen:** Fuel poverty has been described as the inability to afford adequate warmth in a home, or the inability to achieve adequate warmth because of the energy inefficiency of the home. The primary contributory factor to fuel poverty is the low energy efficiency of parts of the private and public housing stock. Such problems relate mainly to older housing with poor insulation and draught-proofing or inefficient heating systems. All new housing, including social housing, is being built to modern energy efficiency standards. Local housing authorities are undertaking an ongoing programme, including draught insulation and energy efficiency, to upgrade the older social housing stock and provide better living conditions generally for tenants.

My Department is co-operating with a number of organisations, including Sustainable Energy Ireland, the Combat Poverty Agency and the Department of the Environment Heritage and Local Government, in an action research project to review the effectiveness of Sustainable Energy Ireland's warmer homes scheme. The 2006 budget made a grant of €2 million available to Sustainable Energy Ireland to undertake a fuel poverty research project. The reports on these fuel research projects will help to inform Government policy on fuel poverty.

[Deputy Martin Cullen.]

The main role of the social welfare system in this issue is to provide income supports. Government policy in recent years has focused on increasing primary social welfare rates significantly to ensure that people on social welfare can meet their basic living costs, including heating costs, throughout the year. Since December 2001, overall inflation has increased by 24% while energy product prices have increased by 56%. However, increases in social welfare payments have been between 71% and 88% in the same period.

In addition to primary payments, there are a number of social welfare programmes to assist with heating costs, specifically the national fuel allowance scheme, the household benefits package and the special heating needs supplement. These arrangements too have been improved in recent years. The Department will continue to co-operate with other Departments and agencies on fuel poverty research as appropriate. However, the main focus will be to increase social welfare payments in real terms to enable social welfare recipients to better meet heating and other needs.

**Deputy Olwyn Enright:** The Minister's answer shows a need for a national fuel poverty strategy. I appreciate that the Minister said there are two research projects going on in this area and that is important, but we have many statistics on this already. I presume the Minister agrees that levels of fuel poverty remain unacceptably high. The island of Ireland has one of the highest mortality rates for winter months in Europe with approximately 2,800 excess deaths during the winter months. While I do not suggest they are all related to fuel poverty, it is a significant part of the problem. There are strong links between low income, unemployment and fuel poverty, particularly among pensioners and low-income parents.

Despite having research projects, will the Minister examine the idea of a national strategy? His answer mentioned consultation with the Department of the Environment, Heritage and Local Government and that is important. However, the Minister for Social and Family Affairs taking responsibility for the amount paid every year and the Department of the Environment, Heritage and Local Government looking at other areas leads to an unco-ordinated approach. There have been improvements in local authority housing but that is where people have not bought out the local authority housing. A large number of people who have bought them out are still caught in the trap because the amount of grant availability to improve one's house is insufficient. Following the publication of the research projects, will the Minister give any thought to having a strategy?

**Deputy Martin Cullen:** For Deputies with responsibility for the Department of Social and Family Affairs and the people we deal with, this issue, among many others, is always a major concern and we do all we can through our responsibilities in supporting people to meet their needs. As I said, there is an historical problem with the quality of much of the housing stock in both the public and private sectors, and it needs to be substantially upscaled and improved. From my time in the Department of the Environment, Heritage and Local Government, I know a large amount of resources is being spent through the Department and the local authorities which are best placed to do work on these houses. Examples include the new windows and insulation which have been fitted and which have transformed many of these homes and made them much warmer and more efficient for a lower cost to the people living there.

The role of the Department of Social and Family Affairs is to provide the financial supports to assist people who find themselves in need and my job is to increase as much as I can those figures on an annual basis to meet those needs when the resources are available. We are working with Sustainable Energy Ireland and the Department of the Environment, Heritage and Local Government, which is the lead Department on the work of maintaining and improv-

ing policy. My Department is involved but is not the lead Department. I want to be clear on our role. However, we work with Sustainable Energy Ireland and the Department of the Environment, Heritage and Local Government to ensure we can resolve this issue.

**Deputy Olwyn Enright:** Despite not being the lead Minister, does the Minister, Deputy Cullen, not see that there is a gap? Gas prices have risen by 70% in the past five years, electricity by 30% and oil by 50%. Elderly people in particular cannot afford the €12,000 cost of installing a wood pellet burner or the more environmentally friendly, cost-efficient products out there. They are only for people who can afford them. Does the Minister not see that we need greater co-ordination between two Departments and that a strategy would be a better way to do it?

**Deputy Martin Cullen:** I have no difficulty working with the other Departments and I have indicated where we are working with them. In 2000, the expenditure on the fuel allowance was €55.5 million and this year it was €167 million so from my Department's point of view the costs have risen dramatically.

**Deputy Olwyn Enright:** Many people are still in fuel poverty.

**Deputy Martin Cullen:** More than 286,000 people benefit from this provision. The other packages cost over €300 million, such as the wider heating supply for electricity in other units in the family home.

**Deputy Olwyn Enright:** Over 250,000 homes are in fuel poverty.

**Deputy Martin Cullen:** The contribution from my Department to the general area of facilitating people to heat their homes and live a comfortable life is close to €500 million per year, which is a substantial amount of money.

**Deputy Olwyn Enright:** The problem is not solved as a result of that spend.

**Deputy Martin Cullen:** While I accept the problem is not solved, we have come a long way for many of these people through the Department of the Environment, Heritage and Local Government system.

### Other Questions.

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### Budgeting Advice.

106. **Deputy Michael D. Higgins** asked the Minister for Social and Family Affairs when he will place the Money Advice and Budgeting Service on a statutory basis. [5256/08]

146. **Deputy David Stanton** asked the Minister for Social and Family Affairs when he expects to publish the new legislation to place the Money Advice and Budgeting Service on a statutory basis; the number of people who approached the service in 2007; the number of cases which were dealt with and resolved; and if he will make a statement on the matter. [5263/08]

162. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs the action he is taking to tackle the problem of debt among social welfare recipients; and if he will make a statement on the matter. [5257/08]

**Deputy Martin Cullen:** I propose to take Questions Nos. 106, 146 and 162 together.

[Deputy Martin Cullen.]

The Money Advice and Budgeting Service, MABS, is the main Government funded service which provides assistance to people who are over-indebted and need help and advice in coping with debt problems. There are 53 independent companies nationwide with over 240 money advice staff operating the service.

In 2007, MABS provided services to almost 12,500 new clients throughout the country. In addition, some 2,600 people sought information on budgeting and money management. The MABS national telephone helpline, which was launched in October 2007, has dealt to date with approximately 1,700 calls. The number of active cases receiving ongoing support in managing their finances and resolving their debt difficulties at the end of the year was 19,200. Almost €18 million has been provided in 2008 to assist MABS in dealing with its workload.

The issues that give rise to problems of over-indebtedness for people are highly complex. Research shows that lack of information about money management can be a contributory factor in many cases. The cost and availability of credit for people on low incomes and the barriers they face in accessing mainstream and cheap forms of credit add to the difficulties people encounter in managing their finances. MABS is making a unique and expert contribution to meeting the needs of people with debt difficulties in today's society. This includes promoting greater awareness of household budgeting and shaping the strategies to ensure greater financial inclusion, especially those of service providers, such as banks and credit unions.

In line with the programme for Government, I am developing proposals to establish a new structure for the future of the MABS. I intend to bring the proposals to the Government in the coming months. My proposals will build on the best features of the MABS model of service to the public. They involve the continuation of local voluntary involvement in the MABS service, with strong national leadership to ensure a high quality, co-ordinated budgeting and advice service that represents value for money for the taxpayers' investment and is geared to meet the challenges posed by the changing face of debt in Ireland.

**Deputy Róisín Shortall:** We all accept that MABS provides an excellent service. All of us, on a regular basis, refer constituents to it for support and assistance when they get into debt. However, it is not tolerable that the MABS service operates on the basis of 53 separate, independent companies around the country. For a long time, the Government has been promising to introduce legislation. There was a Bill in 2002 but it was scrapped. I am very concerned about what has happened since then because prior to the last general election, the MABS Bill was on the Government's programme of legislation for the autumn session, but it has vanished from the programme. What has happened to that Bill? Why has it not been given the urgency and attention it requires? I ask the Minister to give an assurance that it will be restored to the Government's legislative programme and to set out a very clear timescale for dealing with it. When will the Bill be published and when does the Minister expect it to become law?

**Deputy Martin Cullen:** I am happy to agree with the Deputy regarding MABS and what it achieves. We are both of one mind on that and any of the people who interact with MABS will hold the same view. I intend to put MABS on a statutory footing. I am currently conducting an efficiency review of a large number of organisations. There is a lot of overlapping and complementarity between a large number of organisations. In some respects, the remit of organisations that were established some time ago has been surpassed by a changing Ireland. MABS is very much a part of the future. I have no doubts about the service MABS delivers and its importance. It will remain a significant and important service for the foreseeable future.

Due to the efficiency review and the examination of the structures in place, I decided to hold fire on the direction I will take with MABS. However, I assure the Deputy that it will be put on a statutory basis. I am trying to work out, through examining various structures, the best structure for MABS. I do not necessarily want another organisation created. As the Deputy knows, the number of organisations has mushroomed. I want to be sure that we are getting the best value for taxpayers' money and that the best efficiencies and delivery mechanisms are in place. That is why I have stood back from specifically racing forward with setting up another statutory body, to add to all the other statutory bodies in existence. I want to examine the remit of them all to determine what exactly we should have for now and the future.

**Deputy Róisín Shortall:** What is the timescale for that?

**Deputy Martin Cullen:** I am doing it at the moment. The work is ongoing. I would like to be in a position to complete it this year and have a way forward for MABS. That is the plan. It is significant work. One is dealing with an enormous number of organisations. There is clearly a massive overlap in some areas between the Department and many of the agencies.

**Deputy Róisín Shortall:** That has been going on for years.

**Deputy Martin Cullen:** The Deputy has asked what I will do in my time. I will tackle it and do something about it.

**Deputy Olwyn Enright:** Obviously, from a Fine Gael perspective, I have no difficulty with the Minister examining the number of agencies in existence and trying to make the system more efficient and cost effective. The Minister has agreed that the work of MABS is important, but there is nothing more disconcerting for an organisation, trying to do good work, than not knowing where it stands. I ask the Minister to conduct his review as quickly and efficiently as possible.

What other agencies is the Minister examining? I presume he is referring to agencies within his own remit, but is it every agency operating under the auspices of his Department or a select few?

**An Leas-Cheann Comhairle:** I do not want this discussion to go too far beyond the scope of the question posed.

**Deputy Martin Cullen:** There are some specific reviews taking place but what led me down this path was that I did not just want to look at one or two organisations but rather get a general sense of what is going on, in terms of the role of the Department and the role and remit of the various agencies. I wanted to examine what caused them to be set up, what they are doing and what they are supposed to be doing. I am conducting a general examination, as best I can, without delaying the process forever. I agree with Deputy Shortall in that regard. I do not want this to become an ongoing process.

I know the value of MABS, having met many people who work for that organisation, many doing so on a voluntary basis. They are doing tremendous work. Equally, I have met people who have interacted with MABS. There is nothing interfering with the process of what MABS is doing. What I want to do is develop a new statutory structure around MABS and do that in the most efficient way I can.

**Deputy Róisín Shortall:** I cannot understand why it is taking so long. While I accept the Minister is not very long in office, one must ask what his predecessor was doing for the past five years, from the time the Bill was scrapped in 2002. Was any work done within the Department regarding MABS? It is all very well paying lip service, saying this is a great organisation

[Deputy Róisín Shortall.]

which does fantastic work, but if that work is not recognised within the Department and is not given priority in terms of preparing legislation, that is a very poor reflection on the Department.

I wish to broaden the discussion *vis-à-vis* the other questions that have been grouped with Question No. 106. We know that in 2006, the average level of debt of clients attending MABS was approximately €6,500. Last year, that went up substantially, to €7,600, which represents an increase in indebtedness of 17%. Does the Minister believe that reflects on the level of payments provided by his Department, given that many MABS clients are in receipt of social welfare payments? Does it raise significant questions about the income support that his Department is providing? Why does the Minister think there has been such a substantial increase in the level of indebtedness?

**Deputy Martin Cullen:** I do not agree with the first point the Deputy made. She is correct in saying that a lot of work was done on MABS and a Bill was almost ready. I have taken the view that it should be put on hold and the Deputy can judge in the months to come whether I am correct. I want to complete this review quickly and put a new structure, statutorily based, around MABS. However, the timing is right from my perspective. My predecessors have all done tremendous work. The role of the Department has changed dramatically. It is now issuing over €17 billion of taxpayers' money every year, making it the biggest spending Department. We have a responsibility to make sure we get the best value for money out of that.

The reasons people's indebtedness has risen are many and varied. One of the key reasons has been the enormous growth in income coupled with very low interest rates, which encouraged people to borrow in various ways and at various levels in the past few years. One of the difficulties that MABS comes across consistently with people who get into trouble is their inability to understand and manage their money. Where two families live side by side, with the same income, one family may function extremely well while the family next door is in great financial difficulty. A lot of the problems relate to education levels, understanding and literacy issues. MABS has found this is the case with their clients, who are not just those in receipt of social welfare payments, I might add.

I heard of an interesting case recently where a businessman went to MABS. He had a number of employees and everything was falling down around him. He went in and put all his cards on the table and it was surprising the dramatic turnaround that occurred simply by MABS assisting him to manage what had started out as a one-person operation but which had expanded considerably. MABS facilitates people right across the social spectrum and income levels.

### **Family Support Services.**

107. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs his views on the recent findings of the Vincentian Partnership which found low income families to be facing a financial shortfall each week to meet an acceptable standard of living. [4615/08]

**Deputy Martin Cullen:** The Deputy is referring to the research report of the Vincentian Partnership for Social Justice titled, Minimum Essential Budgets for Six Households, which was published in November 2006. The partnership is updating the findings of that research to reflect improvements in social welfare and other benefits introduced in budget 2007 or during the course of the past year. A draft of that work has been furnished to my Department and is being studied by my officials. I understand that my officials have some queries that they have raised and will continue to raise with the partnership.

It is clear at this stage that the decisive steps taken by the Government on a wide range of fronts in the past two years have addressed some of the problems and challenges identified in this report and other similar studies. Such actions include the introduction of the early child care supplement, introduced after the research for this project was conducted, and its subsequent increase in budget 2008 to €1,100 per annum for each child under the age of six years, the introduction of the national child care investment programme, improvements in the means testing arrangements for jobseeker's allowance and a wide ranging reform of the assessment of spouses' earnings for that allowance, disability allowance and other payments designed to encourage people to work and increase total household income.

Other actions include changes in the upper earnings limit for the one-parent family payment, increases in the national minimum wage, an increase in the family income supplement and its extension to a greater number of families, significant increases in social welfare payments in the last two budgets, which have seen pensions increase by €30 per week since 2006 and basic social welfare rate by €32 per week in the same period — these increases have been well in excess of inflation and wage growth — and increases of more than 10% in the rates of child benefit together with a significant restructuring and enhancement of qualified child allowance.

The Government is committed to improving the standard of living of welfare dependent and low-income households significantly and to making a decisive impact on poverty and social exclusion. We have clearly demonstrated our commitment in this regard and will continue to do so.

**Deputy Arthur Morgan:** I was disappointed by the Minister's reply, the majority of which was culled from his budget speech and which we have heard several times.

Is the Minister aware there are 290,000 people living in consistent poverty, many of whom are children? Is he aware that 770,000 people, many of whom are children, are at risk of poverty? These figures come from a State organisation, the Combat Poverty Agency. Is he ashamed that there was no fuel allowance increase in the budget? Fuel is one of the first luxuries, for want of a better term, to be cut when budgetary issues take effect in family homes. What is the Minister doing about these figures in respect of low-income families?

**Deputy Martin Cullen:** I do not agree with the Deputy. The report was published in 2006, is out of date and has been surpassed substantially in nearly all categories by the advancements made in a range of social welfare payments. In recent years, all of the payments have increased ahead of inflation and rightly so.

**Deputy Arthur Morgan:** They have not.

**Deputy Martin Cullen:** I do not expect people to jump up and down with excitement.

**Deputy Arthur Morgan:** The House heard from Deputy Enright about the increases in electricity and oil prices. I do not want to quote the figures again. The Government has not kept pace with those costs.

**Deputy Martin Cullen:** Payments made across many areas in the social welfare system have been consistently and systematically increased ahead of inflation. It is right that we have done so. The questions posed by the Deputy and many others pick out specific payments, such as the fuel allowance. However, it is my contention that it is better to give everyone something substantial instead of specifying these payments. In recent years, the increase in pension payments has been substantial and much better than increasing the fuel allowance because everyone has benefited. Some of the pensions will go towards fuel. In the previous budget, the fuel allowance increased from €14 per week to €18 per week.



[Deputy Martin Cullen.]

It is a question of finding a balance between the different demands. When I sat with the 30 or so representative groups before the budget last year, I understood their points, but I would have needed a budget package of €4 billion or €5 billion per annum to meet all of the requirements. It comes down to choices and I assure the Deputy that my choice is to aim as many of my resources at the less well-off as I can. I did so this year and will continue to aim as many resources as I can get at budget time in that direction.

**Deputy Arthur Morgan:** I would be happy to itemise any amount of deficiencies yielded by the budget, not least of which is the lack of an increase in the living alone allowance, which affects more older people because they comprise a high percentage of its recipients.

The Minister stated that it is a question of choices. Would he accept the choice he has made, which is the choice the Government has consistently made in the past ten years or more, has been to look after those who are financially comfortable and to abandon those in low-income categories? This is the Minister's record and is the evidence from successive budgets in which the Minister has been involved since entering the House.

**Deputy Martin Cullen:** The Government's greatest achievement has been in respect of our pensioners, in whom Sinn Féin has no interest.

**Deputy Arthur Morgan:** The Minister has abandoned them.

**An Leas-Cheann Comhairle:** The Minister without interruption.

**Deputy Martin Cullen:** In the past ten years, it may have been the greatest singular achievement of any government in Europe. I reject the Deputy's comments entirely because we have done the opposite.

**Deputy Arthur Morgan:** The evidence shows otherwise.

**Deputy Martin Cullen:** We have actively and positively given financial resources to support people who deserve happy retirements.

**Deputy Arthur Morgan:** I am getting the figures from the Government.

**Deputy Martin Cullen:** Why would one give some increases to the small living alone allowance category now when, by comparison, we have considerably improved the situations of all old age pensioners through our substantial increases, surpassing our target of €200 per week and moving towards €300 per week during the lifetime of this Government? Rather than discussing the issue, we will act.

**Deputy Arthur Morgan:** What about the consistent poverty figures I quoted?

### **Employment Support Services.**

108. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs his plans to merge the employment support service of FÁS with his own Department to allow for better coordination of welfare to work services. [5234/08]

**Deputy Martin Cullen:** I have no plans to merge the employment support services of FÁS with my Department. My focus is to work with FÁS to complement its work on behalf of people on social welfare payments. A high degree of co-operation and co-ordination exists between the Department and FÁS at policy and operational levels. Both sides operate under a

memorandum of understanding that is updated periodically and currently under review. Senior officials of the Department hold regular joint meetings with FÁS and the Department of Enterprise, Trade and Employment. There are also regular meetings between officials of my Department and FÁS at regional and local levels.

The Department works closely with FÁS in providing opportunities for people on social welfare to access the range of training and employment services afforded by that organisation. An important area of this co-operation is in respect of the joint national employment action plan whereby people are referred to FÁS when they have been on the live register for three months. Provision has also been made in the national development plan for a social and economic participation programme aimed at all people of working age regardless of the circumstances that led them to require income maintenance. The programme builds on the Department's existing experience and relationship with the people concerned in co-operation with other relevant service providers, such as FÁS, VECs, the HSE and other local agencies.

The vision is of a single transparent system with a primary focus on the customer and a route map starting at the first point of engagement with the Department. A disability employment project will commence this year under the European Social Fund. This will involve the Department working with FÁS and other agencies to support people with disabilities in reaching their potential. I am satisfied that the existing arrangements with FÁS, together with the supporting activation measures undertaken by the Department, ensure that the social and economic progression of those most marginalised are being adequately addressed.

**Deputy Róisín Shortall:** I told the Minister I believe there is a strong case for merging the income support and employment support services, which is the tendency in many OECD countries. I ask that the Minister keep an open mind in this regard and consider it for the future.

Has the memorandum of understanding shared by the Department and FÁS achieved the desired outcome? The Minister stated it is under review, but when was the last time it was updated?

**Deputy Martin Cullen:** Regarding the Deputy's last point, I do not appear to have the date in the notes before me. In fairness to people in both Departments, FÁS has transformed itself dramatically in the past ten years. I find myself involved with FÁS a lot, particularly in the south-east region and I have met many of the people involved. The Irish economy faces competition when it comes to job creation from other economies, such as the Asian economy, specifically China, and low-wage economies, and this challenges us to examine the remit of both organisations in terms of the type of training provided. It is important to marry the type of training available to the jobs that will be available in the marketplace and this will form part of the review.

I understand the Deputy's point regarding income supports and employment supports provided by my Department — the system has been separated in Ireland but my mind is not closed to putting them together. The Department of Social and Family Affairs is focused on providing income supports in many areas. The Department of Enterprise, Trade and Employment, with its agencies, such as FÁS, is the driver when it comes to providing employment. Merging the two issues would require a huge policy shift, which would be a substantial undertaking. I have no plans to do this at the moment but I would consider it if evidence from international sources suggested it could be of significant benefit.

The heart of the Deputy's point relates to getting the best from resources coming from my Department and the agencies that can help deliver results. I would have thought this depends on good, close working relationships, regardless of the name over the door.

**Deputy Olwyn Enright:** The Minister's answers and meetings with his officials suggest he would prefer if his department could just write cheques and forget about its other responsibilities. The Minister's approach shows a lack of cohesion, as did his answer on fuel poverty. Previously he suggested the habitual residence clause was a matter for the Department of Justice, Equality and Law Reform. There is no holistic view on this.

Going back to proposals on one-parent families and so on, has the Minister had discussions with FÁS regarding a greater degree of flexibility in training programmes. This may be a matter for a different Department but if the Minister wants to introduce his proposals on lone parents there is a need for greater flexibility. The hours FÁS training centres operate will not suit many parents and I wonder whether he has covered this in his discussions.

**Deputy Arthur Morgan:** I am sure all Members of this House have many constituents who visit their clinics and express the huge difficulties faced by individuals and families seeking to move from social welfare to work. Does the Minister accept that a relatively low cost measure, such as extending the period of validity of the medical card for people moving from welfare to work, could be of benefit to the economy and is worth considering? Rent supplement is another huge issue in this regard. Measures in these areas could initially be expensive but the long-term benefit to the State of people no longer receiving welfare payments and becoming net contributors to society, rather than a burden on the economy, would be great.

**Deputy Martin Cullen:** On Deputy Enright's point, my Department has not been passive, rather it has been central to bringing about many changes. The Department's remit has changed substantially in recent years and it has proactively engaged with FÁS and other agencies. The Department of Social and Family Affairs has led the way rather than sit back and simply send out cheques. I spoke to many people in the Department who are engaged in getting the personnel to help change lives on a case by case basis. The more one-to-one engagement there is, the more one can facilitate people in accessing the workforce and making a valuable contribution to society. One-to-one engagement also improves the well-being of individuals.

On Deputy Morgan's point, as part of shaping the lone parent issue for the future, the Department is trying to remove the penalties people perceive in leaving welfare and joining the workforce. These perceptions have presented substantial problems but changes have been made in this area in recent years. There is still some way to go and I want to ensure that people in the poverty trap can escape it without immediately losing the supports the State provides. This will be critical if we are to move the number of people Deputy Shortall suggests is necessary from the welfare system to employment. I agree with the Deputy on this point.

**Deputy Róisín Shortall:** Does the Minister accept that the only way there will be a client-centred approach is through institutional reform? The emphasis should be on clients, whether they have income support needs at a particular time, education needs or employment needs. These responsibilities should not be divided between various Departments. One need only see the institutional reform that has taken place at the Department for Work and Pensions in the UK to understand that we must move in that direction.

The numbers speak for themselves as three years ago almost 10,000 people were placed in employment by FÁS, while last year that figure fell to 7,000 and that is not an adequate level of performance. The only way to tackle this problem is to bring such services within the remit of the Department of Social and Family Affairs.

**Deputy Martin Cullen:** As I said to the Deputy, I do not feel the name over the door is important but rather the outcome. In some cases I would like to see better outcomes than are evident at present, but this matter is not about the system. I have always felt that in public life

the system can take precedence over facilitating the customer. I believe that the people I have met at the Department are focused on facilitating individuals in returning to work, both part time and full time, through education and by addressing literacy problems and dealing with child care issues. Many people in the Department have made a great personal commitment that has little to do with the system. If we can enhance the system by doing some of the things the Deputy suggested in the coming years, why not do so?

### **Social Welfare Benefits.**

109. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs his views on the removal of the rule that prevents recipients of lone parent supports from cohabiting with their partners; and if he will make a statement on the matter. [5035/08]

110. **Deputy Dinny McGinley** asked the Minister for Social and Family Affairs his views on the proposals to replace the lone parent's allowance with a parental allowance; the timeframe of when same will happen; and if he will make a statement on the matter. [5034/08]

**Deputy Martin Cullen:** I propose to take Questions Nos. 109 and 110 together.

The Government discussion paper, *Proposals for Supporting Lone Parents*, 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 child care and improved information services.

Lone parents are not members of a homogenous group. They are of differing ages, education and employment backgrounds, have experienced different routes to becoming a lone parent and hence have differing needs. Many of these needs are common to all parents on a low income. Under the terms of the one-parent family payment a person must be parenting alone, therefore those who cohabit or marry no longer fit the contingency of lone parenthood and are not entitled to claim the payment. This results in a disincentive to one-parent family payment recipients to form or declare long-term relationships. The consequences for the child or children involved should also be considered.

Under the proposals, the one-parent family payment would be abolished and the contingency of lone parenthood would no longer exist. Instead, a new payment would be made to all parents on low income, living alone or with a partner, with young children. Cohabitation would, therefore, no longer be an impediment to payment. 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 are put in place on the ground by other Departments and agencies.

As I stated, the non-income recommendations contained in the discussion paper are being tested in two areas, namely, 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. They are scheduled to run until at least the end of February, with a report then being made to the Cabinet committee on social inclusion. The tests will allow for operational and logistical co-ordination between the relevant Departments and agencies to be considered and facilitate the development of the policy and operational details of the new scheme and accompanying supports.

Although the exact terms of the new payment have not been finalised, the key to any new payment is to ensure the necessary financial and other supports are in place to assist families towards improved employment prospects and disincentives to work are kept to a minimum.

[Deputy Martin Cullen.]

While there is no definite date for the nationwide roll-out of the new payment and related supports, following the evaluation of the tests, it is my intention to move forward with the proposals. As I have stated on a number of occasions, I aim to resolve these issues this year.

**Deputy Olwyn Enright:** The Minister stated he hopes to introduce the new payment by the end of the year. His predecessor made the same commitment in 2006. Why has the original commitment not been met?

The Minister will agree that the cohabitation rule is anti-family and deprives children of the right to have both parents present in the home. Is his timescale for removing the cohabitation rule this year a definite and firm commitment? Will all the changes regarding one-parent families be introduced together or incrementally? To return to a question the Minister failed to answer, will the new system be mandatory or voluntary?

**Deputy Martin Cullen:** New measures have not yet been introduced due to the substantial engagement taking place with groups representing lone parents or working in this general area. One does not always secure agreement on a way forward. We have engaged in substantial discussions with all the relevant groups to move forward. One of the recommendations arising from this engagement was that the Department would establish a pilot scheme to determine how to address issues that arise. We have acted on this recommendation and when the scheme concludes this month we will need to start taking decisions.

I want to remove the cohabitation rule because it is wrong. When one deals with substantial policy matters it affects many other areas of the social welfare code and these, too, must then be resolved. While the issue is clear when considered in isolation, it becomes much more complex when one considers the knock-on effects in other areas. Notwithstanding this, I intend to remove the cohabitation rule.

I would like the new system to be voluntary. Some of the issues to be assessed once the pilot scheme has concluded are how many people engaged in the scheme voluntarily, how many of those invited to participate in it failed to do so and what has been the response of participants. I understand those involved in the scheme have responded positively. It is important to overcome the fear of the system some people may have and concerns about prejudice. It may well be that there are prejudices on both sides.

**Deputy Olwyn Enright:** The Minister's officials laughed when I made that point yesterday.

**Deputy Martin Cullen:** As the Deputy stated, there probably are prejudices.

**Deputy Róisín Shortall:** On the payment issue, on which progress has not yet been made, is the Minister committed to introducing a parental allowance which would, as proposed, be payable irrespective of whether there are one or two parents in a family or whether the parent or parents are working? If he is so committed, what is the timescale for introducing such a payment?

**Deputy Martin Cullen:** That issue is central to what I am trying to do and I would like to achieve this objective before budget 2009. We do not know the identity of a large cohort of disqualified adults, so to speak, or what means they have at their disposal. We want to ensure everyone avails of their rights to the available supports. That is a significant challenge ahead.

*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 Leo Varadkar — the recognition and sanctioning of Carpenterstown Educate Together, in addition to the planned VEC national school (details supplied); (2) Deputy Tom Hayes — the need to provide funding for a physical education hall at a school; (3) Deputy Ulick Burke — the provision of a new community school in Glenamaddy, County Galway, in view of the fact the site has been acquired, planning obtained and a contractor appointed, and bearing in mind the condition of the existing school in the area; (4) Deputy Paul Connaughton — the proposed new sewerage scheme for Mountbellew, County Galway, which is urgently required as the present treatment system is hindering the development of the town and polluting the nearby Shiven river; (5) Deputy Deirdre Clune — the difficulties schools are experiencing in accessing educational psychologists under the scheme for commissioning psychological assessments; (6) Deputy Joe Costello — to clarify the new provisions by the Road Safety Authority in respect of examination of driving instructors and especially the validity of examinations already passed by driving instructors under the auspices of the Department of Transport; (7) Deputy P. J. Sheehan — the serious anxiety prevailing in the tourism industry in the Cork and Kerry region owing to the lack of a Cork to Swansea ferry service, whether the Minister will outline what steps he has taken to restore this ferry service to date and state what immediate steps he now intends to take to restore this ferry service which is vital for the survival of the tourism industry in the area and if he will make a statement on the matter; (8) Deputy Willie Penrose — if steps will be taken to regularise the position of self-employed driving instructors who have passed appropriate examinations and were duly accredited by the driving instructor register, DIR, which was backed by the Department of the Environment, Heritage and Local Government, whereby such drivers are now being required by the Road Safety Authority to undertake further assessments and examinations with the DIR, if the Minister will take steps to have these drivers exempted from taking such exams and if he will make a statement on the matter; (9) Deputy Michael McGrath — the need for a new school building at a school in Passage West, County Cork; (10) Deputy Pat Breen — the need to provide a train stop on the Ennis to Athenry rail line at Crusheen village in the interests of regional development and that the Minister for Transport would support the case for same; (11) Deputy Dinny McGinley — an géar ghá le méadú agus deisiúcháin a dhéanamh ar Scoil Chonaill, An Bun Beag (details supplied) agus cén uair a cheadófar deontas chun tús a chur leis an tionscnamh práinneach seo agus an ndéanfaidh sí ráiteas ina thaobh; (12) Deputy Bernard Allen — the announcement by the Minister for Transport, Deputy Noel Dempsey, that he has appointed a mediator to deal with the issue of the debt at Cork Airport, accompanied by a threat that if agreement is not reached between the Dublin Airport Authority and Cork Airport Authority, the former will retain control over the affairs of Cork Airport; (13) Deputy Thomas P. Broughan — that the roll-out of 600 speed cameras is implemented as a matter of urgency; and (14) Deputy Jimmy Deenihan — the serious problem facing orthodontic services in the Kerry area.

The matters raised by Deputies Jimmy Deenihan, Tom Hayes, Michael McGrath and Thomas P. Broughan have been selected for discussion.

### Social Welfare and Pensions Bill 2008: Second Stage (Resumed).

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

**Deputy Martin Mansergh:** Compared to some other areas of social policy, social welfare is somewhat less contested. Many advances have been made and consolidated over the past 40

[Deputy Martin Mansergh.]

years and more of the commitments entered into have been adhered to. A basic support provided to our citizens has the first call on resources at budget time. This year and in many previous years since 2004 the amount devoted to welfare improvements exceeds the cost of tax relief, which has also been focused in the first instance on keeping those on low incomes out of the tax net.

Until 20 years ago, the issue would have been whether annual welfare increases would enable recipients to keep pace with inflation. Nowadays, percentage increases are more oriented towards growth in earnings, with a benchmark of roughly 30% of average earnings in mind for welfare payments. It is a measure of the advances made in recent decades that we now focus on relative poverty or risk of poverty, rather than any imagined absolute standard taken from memories of the dire way things were for the poor decades ago.

Social cohesion is a vital objective and it is not always easy in a rapidly growing economy, where fortunes can be multiplied rapidly at the top end of the scale, to keep the gap between rich and poor, and even the majority of people who are neither, from further widening. Practically all western governments, regardless of their political complexion or intentions, face this difficulty. Governments have discovered the hard way that raising the floor is a better objective on which to concentrate than attempting to lower the ceiling which, I suspect, is what a well-known commentator writing in today's *The Irish Times* would like us to do. Read the main headline in today's *Financial Times* about the Chancellor of the Exchequer for a crash course in political reality: "Darling forced to retreat on non-doms. Chancellor says policy was misunderstood. Not enough to halt City exodus, say critics."

If it came to it, it would not be the first time Ireland would be the beneficiary of what my father used to call the influx in reaction against the establishment of the British welfare state in the late 1940s — "the retreat from Moscow". I agree with the aforementioned columnist for *The Irish Times* that the subject he is preoccupied with is no longer even much debated in the House. If free to make a choice, most people needing State help would probably prefer increased benefits for themselves, irrespective of equality considerations, rather than a more egalitarian approach of lower incomes all round, as realised, for example, in the German Democratic Republic model, if one could forget the *nomenklatura*.

As a country, in the choices that we have made and have been able to make since the 1940s, we have not opted for the comprehensive system of social protection that characterises some Nordic countries. We are neither Boston nor Berlin, despite their respective attractions. Few advocate a dismantling of social protection for the unemployed or the unmarried parent, even where employment incentives are improved. The economic disincentive effect of the much higher tax levels now required to achieve a transition to Scandinavian levels of welfare tends to be ignored by those who advocate that model.

Proceeding from where we are means striking a balance between enhancing the existing provision that is made on a universal basis and more targeted means tested interventions.

An obvious example of practical choices with larger financial implications is the debate as to whether carer's benefit should remain means-tested, although a generous income disregard of up to €332.50 is made for a single person weekly, doubled for a couple. Other examples are whether certain medical conditions, such as cystic fibrosis, should automatically trigger the benefit of medical cards or, as suggested by the Labour Party, a free pre-school year should be provided for all.

Good cases can be made for each of these improvements in isolation. However, they are less compelling when the tax implications, in what has become a much tighter budgetary situation than 12 months ago, are taken into account. Regardless of what we may consider the people

should want, most of the evidence suggests they do not want social improvements which require the payment of higher taxes.

Recent improvements in the social welfare system have focused in particular on families and older people. In the 1980s, recognition for families with children was eliminated from the tax system, while universal child support was kept at a minimal level. Where child benefit was once regarded as wasteful and ineffective because it was not means-tested, it has now been accepted as the fairest method of providing family income support. From April this year, payments for first and second qualifying children will be increased to €166 per month with €203 for subsequent children. A family of five children will receive not far short of €1,000 per month.

The early child care payment has been increased to €1,100 as a contribution to the higher costs of child care. The reform of the community child care provision, increasing the supply but making the financial assistance more targeted, does mean that some parents are likely to pay higher costs in an area which is already extremely expensive for young working couples with high mortgages. Both payments will need continued focus in future years.

The increase in the qualified child allowance recognises that, given all the changes of the past ten years, this type of targeted assistance no longer acts as a disincentive to employment. We need to recognise and continue to prioritise action against child poverty. I pay tribute to the many school principals who provide some form of breakfast to pupils who for whatever reason have not had any.

As Deputy Enright stated, the situation of carers in their late teen years should be recognised and examined. I have come across people who had to look after two families, a parent and siblings when they were young and their own children and spouse when they were a bit older.

I welcome what the Minister stated in reply to questions about getting rid of the co-habitation rule which leads to all sorts of undignified investigations.

Deputy Ring, and he was not the first on the Fine Gael side to do so, raised the issue of non-national workers' children at home being in receipt of child benefit from Ireland under EU rules, possibly even after leaving the country, and suggesting that taxpayers were being defrauded. He compared this to the investigation of participants of farm assist. At the risk of being accused by him of more professorial lectures — I am elected to this House on the same basis as he is — I deprecate none too subtle attempts to appeal to whatever anti-immigrant sentiment may be out there by focusing on hypothetical abuse of the system and pitting the interests of the indigenous population against those who have come into our midst and who contribute much to our society. I am confident the Department of Social and Family Affairs and its investigation branch has more than adequate administrative controls to check abuse arising under any heading without having to make it a political issue.

In a situation where unemployment is on a rising trend more people may rely in the short term on what is now called jobseeker's benefit. The minimum wage in Ireland has given far more people a real incentive to work. I disapprove of attempts by the Irish Hotels Federation to dispute JLC awards just above this level. To the credit of hoteliers, it must be stated that good accommodation, like the cost of air travel, has become far more affordable instead of being the near-luxury product it was in the past. As against that, anecdotal evidence exists of employees not being paid the minimum wage or being rotated rapidly as "trainees" who do not have to be paid the minimum wage. A loophole is being abused and it should be more closely scrutinized.

I am aware ferries find it difficult to compete with cheap airfares, but how many more people will be reluctant to use a service when they know the crew is not being paid even half the minimum wage? Ruthless new management-style employers should realise that the bad publicity they generate by their antics costs more goodwill and custom than they realise. Irish firms



[Deputy Martin Mansergh.]

which relocate production to cheaper locations abroad, leaving a loyal workforce in the lurch need not be surprised if their home sales diminish considerably, and they should bear this in mind before making such decisions.

The Government has kept faith with older people. Credible targets for pension increases over a five-year term have been set and more than met, as will the target of €300 per week by 2012. The process of having the qualified adult up to par, or what is sometimes called social welfare individualisation, is almost complete. A welcome innovation of recent years has been to allow even those on non-contributory pensions to supplement them by up to €100 a week, enabling those who wish to work part-time to do so and usefully contribute to the community. An anomaly worth examining is the different treatment of increases for those in receipt of contributory and non-contributory payments.

One of the more disappointing aspects of the social welfare system is the realisation of many applicants that they left paid employment too early when rules were different or that they were not well-advised in terms of the amount of contributions, voluntary or otherwise, they needed to make and they are left with only a partial State payment. It is difficult to deal with these anomalies without creating precedents or upsetting a sense of equity *vis-à-vis* fully paid-up contributors. Properly, the situation of farmers' wives was raised by Deputy Bannon. Whatever margin of manoeuvre or discretion the Minister and the Department have in such cases should be used in favour of applicants who find themselves unexpectedly disadvantaged.

Perhaps these issues could be examined in the context of the review of pensions. We all know that even with good increases the standard of living provided by the State pension will always be limited and that every encouragement should be given to people to enhance their pensions, as has been done. I have two comments or caveats. The State should not subsidise beyond a certain point private Rolls Royce-style pensions and limits were introduced in last year's Finance Bill. Further compulsion should be avoided which would in effect cause a rise in PRSI contributions and the cost of employment. Everything short of compulsion by way of encouragement should be used.

Support for older citizens has been supplemented by a number of free schemes, most of them originally at the initiative of Charles Haughey, when he was Minister for Finance and later Minister for Social Welfare. The present Minister has extended the national fuel scheme to 30 weeks recognising, as reluctantly do all householders, that heating is required in our climate, notwithstanding global warming, for rather more than half the year. Health and quality of life, particularly for older people, depend on staying warm. Given the increase in energy prices, some of which may be induced by environmental policy considerations, much attention will need to be paid to ensure these payments hold their value in real terms and ideally increase somewhat. I agree with my Tipperary colleague, Deputy Tom Hayes, that fuel poverty is a real problem, particularly in older damp and cold houses. Last December, the Public Health Policy Centre published a good all-Ireland policy paper on fuel poverty and health.

As a regular user of the bus when in Dublin for sittings of the Dáil, I can observe that the comfort and value of the free travel pass for older people is inestimable. The Minister for Social and Family Affairs, Deputy Cullen, was Minister for Transport and he was right to put the emphasis on public service rather than private competition, about which a lot of ideological nonsense is talked by economists and others who rarely, if ever, avail of the services in question.

However, in large parts of the country, including substantial towns, the only services available are the school bus and longer distance, mainly Bus Éireann, services, which cater for a different age and income group. In some areas, pilot local links services are ably championed by, among

others, my constituency colleague, Deputy Mattie McGrath. Many towns could do with a bus service, particularly for the benefit of older people, who would use their pass if they got the opportunity.

I am glad that time-use restrictions have been lifted, as most older people will avoid rush hour, if they are free to do so. Getting out and about is very important to the health and quality of life of older people. The system of housing aids for the elderly, as Deputy Tom Hayes has said, is also a valuable scheme.

All public representatives in south Tipperary recognise the value of the FÁS community employment and related schemes, whatever Department administers them. They are valuable not only to older individuals and those who need employment, but community organisations would not survive without them. I and my colleagues have been working for several years to avoid disruption either at a personal or organisational level with the help of the Minister for Social and Family Affairs. We are doing so again, so as to avoid artificial restrictions, caps and limits that unintentionally work in an anti-social way, thereby causing such disruption.

I welcome the €900 million package presented in the Social Welfare and Pensions Bill 2008. I congratulate the Minister and the Government on the continuing priority given to an area of social policy that is functioning well but will always be capable of further improvement.

**Deputy Joanna Tuffy:** I wish to share time with Deputy Morgan.

**Acting Chairman (Deputy Brian O'Shea):** Is that agreed? Agreed.

**Deputy Joanna Tuffy:** The main difficulty the Labour Party has with the Social Welfare and Pensions Bill 2008 is what is absent from it. When it comes to protecting the incomes and living standard of pensioners, lone parents, home carers and those seeking work, the omissions from this Bill are a catalogue of missed opportunities.

A functioning social welfare system should protect the most vulnerable in society, supporting their search for employment where appropriate and ensuring a decent standard of living. Our social welfare system, even after a decade of phenomenal growth, fails on both counts. Among our European peers, we have one of the lowest rates of social investment. As a consequence, we have one of the highest at-risk-of-poverty rates in Europe. Our social welfare system is dysfunctional.

Another dysfunctional element of our social welfare system is the treatment of unmarried, cohabiting couples with children. The system seems designed to encourage them to live apart. Deputy Shortall cited the example of a mother whose income is taken into account in determining the social welfare entitlement of her partner. If he decides to stay at home to look after their child, he is not entitled to use his tax credits because they are not married. They are treated like a married couple for social welfare purposes and as single people for taxation purposes, but not as single people when it comes to claiming single-parent credit.

This anomaly is grossly unfair and the Bill does not address it. Our system, as Deputy Shortall pointed out, penalises lone parents who decide to work while also penalising cohabiting couples for living together and rearing their children. Individualisation in the tax code sits uneasily with our social welfare system, to the detriment of families and children. These issues need to be addressed with the utmost urgency.

For the past decade, employment has been at tremendous levels by historical standards. Many economists would describe it as a decade of full employment. Full employment is a myth, however; unemployment is concentrated in pockets of deep deprivation. Even at the height of our booming economy, many were left behind, caught in the poverty trap and unable to move from welfare to work. These for the most part were people who wanted desperately to work,

[Deputy Joanna Tuffy.]

to take up a job that was on offer, but who were prevented from doing so because of how the system was designed.

This problem has not gone away. Deputy Shortall cited one of her constituents as an example, but it is a case that is played out in many forms across the country. What is the point in taking a job if an individual and his family are going to end up worse off?

Moving from welfare to work is important for financial independence. This, however, does not hold true if taking up employment means rent allowances are slashed or medical cards withdrawn. This is the crux of our social welfare crisis. Small increases in benefits may be welcome for a time, but a new, imaginative approach to designing the system is really needed. Until we see a paradigm shift, the poverty trap will remain the cold, hard reality for thousands of people who want to work towards a better standard of living for themselves and their families.

With the housing crisis, I have encountered many people on rent supplement who are in the dilemma that if they go to work, they lose most of the supplement and the rents become unaffordable. It is a catch-22 for them.

Under the new scheme for carers, one can keep certain social welfare payments and half the carer's allowance. The Minister claims up to 7,000 people have benefited from this arrangement. I am concerned that many people, particularly those not on the carer's payment but another, may not know of this new arrangement. Has the Minister figures for the number of people who may qualify for this new arrangement? As with other welfare payments, such as family income supplement, many people eligible for it do not claim it.

More needs to be done for carers because the majority of them are slipping through the net. Many have to struggle to make ends meet, working long hours both inside and outside the home with no recognition from the State.

There are small increases contained in the Bill for pensions with scant reward for all those years of work. Pensioners, and particularly retired women who statistically live longer and would have earned less than their male counterparts during their working lives, are particularly at risk from poverty.

The medical card income guidelines have not been raised since 2005 and are not in keeping with social welfare increases. I accept people on social welfare, with the discretion of the Health Service Executive, will qualify for a medical card. It is important, however, that each year the guidelines are increased in line with pension increases. Many people will believe they are over the income limit for a medical card and will not apply. Many social welfare increases are not in line with the medical card guidelines. The Minister for Health and Children, Deputy Harney, made announcements about the new GP cards in June 2006, but since 2005 she has not increased the income limits for the full medical card. It is important the Department of Social and Family Affairs makes this known to the Department of Health and Children.

While the Labour Party welcomes the improvements in social welfare payments in the Bill, our problem is with what is absent from it. Deputy Shortall will table amendments, some of which I hope the Minister will be open to accepting.

**Deputy Arthur Morgan:** Sinn Féin made several proposals in its pre-budget 2008 submission on social welfare, very few of which were taken on board. The amendments would have gone some way towards bringing about a more efficient and better social welfare system.

We support the Bill on the basis that any increases in areas such as child benefit and the one-parent family payment are sorely needed. We will not act as an impediment to their introduction. Only last week we saw publication of a report from the Vincentian Partnership for

Social Justice which revealed how low-income families are struggling to make ends meet. These families could not manage in 2007 despite far higher increases in the budget for that year, so they do not have a hope this year. Budget 2008 gave the Government the opportunity to take a decisive step towards meeting the national target of reducing consistent poverty to between 2% and 4% by 2012 and eliminating it completely by 2016. The Tánaiste and Minister for Finance, Deputy Cowen, may have described it as a responsible budget but it was not a sensible one.

Last year Sinn Féin called for the whole social welfare system to be overhauled. We called for the Minister to iron out the many anomalies that cause difficulties by preventing people from returning from welfare to work and even from applying for welfare. We argued for the abolition of the qualified adult payment, a payment which is both too low and discriminatory. We argued against situations such as the one that pertains currently in which the equal opportunities child care scheme is being replaced with a scheme which will deprive low-income families of a child care place. This flies in the face of the Minister's proposed reforms of the lone parent allowance, under which parents will be obliged to return to work when their children reach the age of eight regardless of whether the State has enough child care places to accommodate their children. We called for simplification of the social welfare system by doing away with 12-page application forms such as that for the one-parent family payment. We wanted flagging systems put in place, perhaps through the taxation system, to advise people automatically of their welfare rights. We wanted steps to ensure a smooth transition from welfare to work by, for example, not raising the income thresholds for rent supplement, which allows individuals to earn very little before losing their allowance and potentially their homes.

We saw a number of small increases in this year's budget, some of which are being implemented in the Bill. We welcome these, no matter how small, but as I have outlined, they do not go far enough. Last December in this Chamber I got into an argument with the Minister, Deputy Cullen, about the nature of these increases. I said that I accepted not everything could be delivered in view of the economic slowdown, and the Minister took umbrage. Despite all the evidence to the contrary, he retorted that the economy was not slowing down and had a go at me about how successful the economy actually was. If the economy is that successful, can he explain why this Bill only provides for €6 extra in child benefit? Why are we not increasing fuel allowance or introducing paid paternity leave this year?

I recognise that there are some improvements in the Bill — for example, in the area of payment methods. The transfer of the domiciliary care allowance from the Department of Health and Children to the Department of Social and Family Affairs, as other speakers have pointed out, may streamline and improve the system. I welcome the Government's commitment to the national carers strategy. Along with every other public representative, I have met many carers, and the work they do is essential to the running of our society, although it has been hugely undervalued and underpaid to date.

There are other omissions in the Bill. For example, what is the Minister doing to address the plight of elderly returned emigrants who are experiencing difficulties in accessing pension and other welfare payments due to the habitual residence requirement? The difficulties caused by the application of this requirement have been highlighted by the Crosscare Migrant Project, which has stated that the restrictions are often applied inconsistently and are a deterrent for Irish emigrants who are thinking of returning home. This issue was raised again just this afternoon during Priority Questions. Unfortunately, this Bill as it now stands will not ease the burden of the poor in society. It makes a number of changes to methods of payment but it does not go far enough in making the whole payment system more efficient. I call on the Minister to use this year to review a number of payments and the methods by which they are paid.

[Deputy Arthur Morgan.]

The present policy on pensions is neither equitable nor progressive. It is failing low-paid workers and women. Little attention is paid to the escalating costs of inequitable tax reliefs which are not succeeding in extending pension coverage among the lower paid. A wealthy minority has been able to take advantage of excessively generous tax incentives paid for by all workers, including low-paid workers, through the general taxation system. My party believes that the provision of a basic non-means-tested universal pension for all people of retirement age, funded from the general taxation system, is the only option in which the objective is to ensure independent pensions for all men and women. This would also be the most progressive and redistributive option. The amount of the pension would be based on what is necessary for a pensioner to achieve a certain, specified, decent standard of living. A second-tier pension related to social insurance contributions, under which homemaker disregards would be replaced with gender-neutral carer's credits for years spent on caring duties, should augment this basic pension. In conjunction with this, a significant and immediate curtailment of tax incentives for occupational pensions, PRSAs and approved retirement funds is required. The objective should be the elimination of these incentives and a redirection of this funding into basic non-means-tested pensions.

The state of the social insurance fund has not received sufficient attention. The main conclusion of the actuarial review of the social insurance fund, which was published last autumn but was available to the Government prior to that, was that while total income to the fund is projected to equal or exceed benefit outgoings up to 2010, the net cashflow position is projected to decline rapidly thereafter. On the basis of the central economic assumptions and benefits indexed in line with earnings, the surplus will be exhausted by 2016.

In advance of the election, Fianna Fáil put forward proposals to cut employee PRSI from 4% to 2% and to cut PRSI for the self-employed from 3% to 2%. Sinn Féin attempted to highlight the devastating impact the implementation of such proposals would have on the delivery of social protections. We highlighted the fact that there were already serious concerns about the adequacy of the social insurance fund based on the findings of the first actuarial review. The latest review has reinforced these concerns and found that, in fact, contribution rates will need to increase substantially if the fund's income is to be adequate to support the benefits being paid from the fund in the future. How much worse would this scenario be if the Fianna Fáil proposals to cut PRSI contributions were implemented?

My party believes there must be a focus on maintaining an adequate social insurance fund so that the State is in a position to improve social protections, raise social welfare rates, improve maternity benefit including length of leave, introduce payments in respect of parental leave, increase redundancy entitlements and introduce a reformed State pension. The sooner that happens, the better for all.

**Deputy Cyprian Brady:** I wish to share time with Deputy Niall Collins.

I welcome the opportunity to comment on this generous package of measures, which represents nearly half of all additional Government spending in the budget this year and brings spending on social welfare to nearly €17 billion. That is a long way from where we were ten or 15 years ago. The Government has again underlined its commitment to improving the position of those less well off in our society. This Bill introduces a number of key improvements in the area of social welfare, including increases in child benefit, early child care supplement and the respite care grant.

We are entering into a period of below-trend growth in which matters are unstable and not as clear as they were a couple of years ago, not just in Ireland but globally. Our first priority as a Government has to be to ensure the vulnerable within our society are protected. Budget

2008 provided significant resources to allow us to address the needs of those most disadvantaged, and a number of these increases are provided for in this Bill. The approach taken by the Government has enabled us, as a society, to deliver significant improvements for people on low incomes in recent years. This continues to be the best way for us to deliver nature social welfare enhancements in a sustainable way. The key to this is sustainability. We must ensure that, into the future, whatever measures we introduce work for the people who must access our welfare system. In line with this overall approach, the improvements in social welfare benefits and, in particular, child care payments provided for in budget 2008 amount to an additional €957 million in 2008 and €980 million in a full year.

The Government has significantly increased financial support for children in recent years. It intends to continue to do so by increasing child benefit by €6 for the first and second child to €166 per month and by €8 for the third and subsequent children, bringing it to €203 per month. These increases will benefit more than 570,000 families throughout the country and assist approximately 1.1 million children. Section 3 of the Bill provides for these increases. This Bill also goes some way towards reforming income support for children in order to reduce work disincentives by making income support less relevant to the employment status of the parent. This has been a significant issue, particularly for lone parents. Welfare increases should not act as a barrier or disincentive to any parent who wishes to take up any chance they have of employment, training or education. As we know, this policy has formed an important part of our social partnership agreements. We must maintain the balance between tackling child poverty and encouraging and assisting families to access education, training and employment opportunities.

Section 4 also provides for the increase in the early child care supplement, a programme which has proved to be extremely successful. This is payable in respect of all children under six and brings the payment to €1,100 per year, an increase of €100. These increases mean that families with two children under six will receive a tax-free payment of €6,148 in 2008. This increase will benefit up to 430,000 children by the end of the year. Supporting lone parents is once again a key priority of this legislation. Increasing the upper earning limits for the one-parent family payment will help those people to access work and training that fits in with their responsibility as parents and that is in the interest of the children as well as the parents.

It also offers the best way out of the very difficult position in which people sometimes find themselves. I see this on daily basis at advice centres, particularly in inner city areas, where young parents, predominantly though not exclusively women, have difficulty in accessing any kind of training or employment opportunities they come across solely because they will lose whatever benefits they have gained as part of the system for lone parents. That is a significant worry for young people who find themselves in that position. The changes made in this legislation will help to tackle this aspect. In order to do that, we need co-operation between a number of agencies and Departments for these measures to work and I look forward to the results of the pilot projects under way in Coolock in Dublin and Kilkenny, which were mentioned by the Minister.

Sections 6 and 7 relate to transfers. For many years, particularly in respect of the Department of Social and Family Affairs but also in other Departments, the issue always arose of whether people were getting their entitlements and if they would be entitled to an increase if they changed to a different payment. Under section 6, a person transferring back to illness benefit from invalidity pension will be entitled to a full personal rate of illness benefit, assuming he or she has the required number of contributions in the relevant tax year. Section 7 provides that a person moving from disability allowance to a State pension at age 66 will not receive a lower rate of payment. Again, the emphasis is put on providing the maximum amount of payment to which a person is entitled.

[Deputy Cyprian Brady.]

There has been much discussion of carers in this debate. The Government has recognised and continues to recognise the huge contribution to society made by carers and this is evident in the increase in carer's allowance and carer's benefit by €14 per week. The respite care grant was increased last year from €1,200 to €1,500. Section 9 of this Bill increases it by a further €200 to €1,700, as announced in the budget. This measure will benefit approximately 48,200 carers this summer and underpins our commitments under the partnership agreement, Towards 2016, and the programme for Government. A simple thing like a one or two-week holiday a few times a year makes a significant difference to those people who are caring for parents or children. In some cases, it can make the difference when it comes to making the choice to put their relation into some kind of supported medical facility or caring for them at home. The respite care grant has proven its worth over the years. The changes made last year to the carer's allowance whereby recipients can receive more than one payment have benefited more than 7,000 carers. Again, this is a very simple measure but it ensures that people can choose whether to continue caring for their relations.

There has been much discussion of pensions over the past few years. This legislation deals with a number of issues in respect of pensions in general. Part 3 and sections 26 to 31 provide for amendments to the Pensions Act 1990 and some consequential amendments to the family law Acts 1995 and 1996. There has been considerable discussion about pensions and their future administration. It is an issue for everybody, not just for young people. If a young person is only starting out in their career, the last thing on their mind is whether they will have a pension when they retire. As time goes by, they realise the importance of having a pension. There are changes in this Bill in respect of how pension schemes are administered and who administers them. The proper regulation of trustees and third party administrators is crucial in ensuring people's rights to their pensions when they reach that particular stage of their lives.

Overall, the Social Welfare and Pensions Bill 2008 provides for a number of substantial increases in social welfare. These increases are to be very much welcomed and I commend this Bill to the House.

**Deputy Niall Collins:** I acknowledge the level of improvement I have seen in customer-focused delivery of service by the Department of Social and Family Affairs, the Revenue Commissioners and certain sections of the HSE in the short number of years in which I have been a public representative. We are often critical of what is perceived to be non-joined thinking or overlapping between particular Departments. There has been a marked improvement in the service provided by the people in these Departments who deliver the frontline services, meet the public on a daily basis and assess and advise them on their entitlements. I acknowledge this and put it on the record.

The amount of funding provided to the Departments of Social and Family Affairs and Health and Children amounts to almost two thirds of the entire spending power of all Government agencies and Departments. This year, there has been a €900 million increase in the welfare support packages administered through the Social Welfare and Pensions Bill 2008. It will deliver significant benefits to approximately 1.5 million people, including citizens of the country and others.

In particular I welcome the supports for older people. There is a €336 million package of support for older people which will benefit almost 420,000 pensioners in the State. They include rates of increase of up to €14 per week to €223.30 and non-contributory pension rates will increase by €12 per week up to €212.

As we are experiencing a brief cold snap it is worth pointing out that the fuel allowance period is to be extended by one week. Many older members of society will welcome that.

Previous speakers commented favourably about the provisions pertaining to carers, which I welcome also. The introduction recently of the half rate carer's allowance was a positive move and there has been a significant uptake on it but more must be done. People who care for elderly relatives in their homes are taking a burden off the State and our institutions.

Despite the carer's allowance and the subvention arrangements that are in place, we could go further in the future. A person told me recently they would be willing to care for their relative in their own home but the carer's allowance would not provide enough support in that regard. The person pointed out if the relative went into a nursing home the subvention would cover that but they wanted to keep the person at home. They did not understand the reason they could not have a carer's allowance equivalent to the subvention amount. People prefer to care for their loved ones at home and we must push out the boat, so to speak, in terms of the carer's allowance. I hope to see that done in successive social welfare and pensions Bills.

The respite care grant will be up to €1,700 from June 2008 and the earnings threshold for the carer's benefit will increase by €12.50 to €332 per week. That is a positive move.

Regarding supports for families with children, lower and higher rates of child benefit are to increase to €166 and €203 respectively per month, benefiting 1.17 million children. That is a significant increase. The qualified child dependant allowance is to increase by €2 to €24 per week, which is welcome also. The additional €2 million funding for the school meals scheme is welcome also.

I want to comment on the services provided under the aegis of the Department of Social and Family Affairs and acknowledge in particular the good work done by the citizens information bureaux. An additional €1.8 million funding was made available to the citizens information bureaux, which is welcome because we are all aware of the good work they do at the coalface.

The Family Support Agency has got additional funding of €1.27 million. We are all aware of the good work it does in terms of marriage and family counselling, which is all to do with the social fabric of life, and also Foróige and the family resource centres.

I acknowledge also the work that has been done by the Money Advice and Budgeting Service. In my constituency of Limerick West, now known as Limerick, there is a need to roll out the service to the principal county town of Newcastle West. A comprehensive service is provided in Limerick city and MABS recently opened a new, modern facility in Charleville, County Cork, which is accessed frequently by constituents of mine. From a local point of view the town of Newcastle West is demanding that service.

I welcome the provisions in the Bill and congratulate all who were involved in it. It is a significant package and the measures in it are positive.

**Deputy Michael Noonan:** With the permission of the House I wish to share time with my colleagues, Deputies Sheahan, Naughten and Joe Carey.

**Acting Chairman (Deputy Charlie O'Connor):** Is that agreed? Agreed.

**Deputy Michael Noonan:** Five minutes is a short time in which to say anything illuminating about the Social Welfare and Pensions Bill. I thank the Minister and the Department of Social and Family Affairs for the excellent service they provide to me and I am sure to my colleague TDs when we raise queries on behalf of our constituents. When I entered the Dáil in the early 1980s it was a Department which occupied most of our time because it was very difficult to get information about claimants. I compliment the then Minister, Deputy Michael Woods, who brought in the reforms and put in place the unit which responds so readily and quickly to TDs.



[Deputy Michael Noonan.]

I want to raise three issues and I ask the Minister of State to bring them to the attention of the Minister, Deputy Cullen, when he is preparing amendments for Committee Stage of the Bill. The first concerns the companion pass for persons with free travel. The regulation states that if someone qualifies for a free travel pass and they are married or cohabiting, and cohabiting is defined as living with a man or woman as husband and wife, they get a free travel pass that allows their spouse or partner to join them for free when travelling. There are other regulations which allow people with medical conditions or incapacitation of various degrees get companion passes also but single people are discriminated against. I cannot understand the reason a single woman or man receiving an old age pension cannot get their friend to travel with them if they want to travel from Limerick to Dublin by train to spend a day shopping in Grafton Street whereas their neighbour can take their spouse who is under the pension age. If the neighbour has moved in with the neighbour next door and they are living as man and wife they can travel as a couple also because as they are cohabiting the companion pass applies. I do not know whether it has been tested but I do not understand how that regulation would stand up in any equality legislation.

The measure I propose would not be a major burden on the Exchequer. I am aware a settlement was paid to Iarnród Éireann, formerly CIE, for persons who travel but I ask the Minister to examine that aspect to determine if a companion pass can be awarded to a single person on the same basis as the travel pass is awarded to a married person to allow a single person travel with a companion.

Married couples often use the travel pass to go to see their grandchildren. That does not arise in the case of the single person. The single person in good health uses it to take a jaunt. They travel to another city to visit friends, go shopping or to a match but who goes anywhere on their own to enjoy themselves? This is discrimination. If it were tested in the courts it would not stand up and it is something that should be examined. The Minister of State, Deputy Hocht, knows exactly what I am talking about and I ask that an appropriate amendment be drafted or the regulations governing it altered to ensure single persons can be entitled to a companion pass.

The other two issues I want to raise arise from some of the constituency work I do. A gentleman came to see me recently about invalidity pension. He got the exemption from the Department to allow him work for 20 hours and was employed by a security firm. He was disqualified by the medical referee in Sligo on the grounds that the 20 hours had no rehabilitative effect. It cost the Department nothing. He is still getting his full rate invalidity pension. He is getting the dependant's allowance on it but he is no longer getting the 20 hours' work. He is back at home after spending five years recuperating. He will never work fulltime again. He is a stroke victim. He wanted to get out of the house and earn a few shillings. He was getting cabin fever at home, and anyone with a long-term illness will know what I am talking about, yet he is not allowed do the 20 hours work on the grounds it was not rehabilitative to work with a security firm in a pharmacy. He does not get paid for the 20 hours but he still receives the full invalidity pension.

**Acting Chairman:** Your five minutes has expired, Deputy.

**Deputy Michael Noonan:** The Chair should have prompted me when four minutes had elapsed.

**Acting Chairman:** I apologise. I did not want to upset your colleagues.

**Deputy Denis Naughten:** I acknowledge, as Deputy Noonan did, the service provided by the Department of Social and Family Affairs. The HSE and many others could take a leaf out of its book in terms of the excellent service the Department provides for Members of the Oireachtas.

I refer to Part 3 of the legislation and pensions, specifically the case of a good samaritan case in my constituency. On 26 January 1961 a number of articles were published. One referred to 100 postmen and almost 100 telephonists absent because of flu. A great number of nurses were also on sick leave. On Wednesday, 8 February 1961 the headlines stated that flu had caused 68 deaths and, on Friday, 27 January 1961, that the flu epidemic had closed 66 schools. What does this have to do with the Social Welfare and Pensions Bill 2008? It concerns a constituent of mine, John, who worked for a four-week period commencing on 31 January 1961 in St. Bridget's Psychiatric Hospital, Ballinasloe, County Galway. He worked for this period solely to help out with the staffing crisis in the hospital caused by the influenza outbreak that had left the hospital short-staffed. As a result, his PRSI record is averaged from that date rather than 1987, when he started paying PRSI in his own right. The only reason he worked for that period was that his sister, who was a nurse in the hospital, pleaded with him to help to take care of the patients because of the staffing crisis.

John had no qualification to work in this area and was a full-time farmer. He did a good deed to help out under difficult circumstances. He started paying PRSI in 1987 as a self-employed farmer. He had previously been on a community employment scheme. Some €2,600 per year is deducted from John for being a good samaritan and helping out those who are less able. It is a disgrace that he is being treated in this way. There is discretion under Part 2, Schedule 1 of the Social Welfare Consolidation Act 2005 to facilitate John and I hope that will happen.

The Minister referred recently to single parents and the effort to get them off the one-parent family allowance. A constituent of mine applied for the back to education allowance but is denied it even though it is a HETAC course because it is a part-time course. She has four young children and is living in County Roscommon. She has a primary degree and wants to follow a course to become a teacher. She must relocate to Galway or Limerick with her four young children if she cannot receive the back to education allowance. If the Department is serious about dealing with this issue it should address this anomaly.

Where women are not employed in the State sector, they receive the basic level of maternity leave. If they are on certified sick leave they receive the full salary, yet they will receive only part while on maternity leave. There is also a problem with parental leave, which parents must take *en bloc*.

The Minister of State, Deputy Hocht, is aware of the issue of women who have worked in the home but receive no recognition. A simple way to rectify this problem is to give pension credits to women who have provided care for families and the elderly in the home. That provision is included in legislation enacted in 1994 and it should be given retrospective effect to facilitate those women.

**Deputy Tom Sheahan:** I too compliment the Department of Social and Family Affairs on the prompt service it provides in respect of Deputies' questions. It is very much appreciated. However, there are a few anomalies and it would be appreciated if they could be addressed. A few principal issues which have an impact on the lives of ordinary people have been omitted. One is the means tested respite care grant, where one does not qualify if one works more than 15 hours per week. An example from my constituency concerns a bachelor in his late 50s, who is minding his 96 year old mother who has Alzheimer's disease. He claims nothing from the State but applied for the respite care grant.

**Deputy Máire Hctor:** Is it not the carer's allowance?

**Deputy Tom Sheahan:** No, he sought the respite care grant for three weeks to undertake necessary work on his 50-acre farm during the summer. There is a degree of danger on the farm, with tractors collecting silage. He has never claimed anything from the State and felt he was entitled to it. I made representations to the Department and the response was that he would have qualified if he was not working more than 15 hours per week. If he worked only 15 hours per week he could not keep himself, let alone his mother. If his mother was in a nursing home it would be a huge cost to the State. The Department should examine this matter.

I refer to the disability allowance for epileptics. I understand that the disease is lifelong and epileptics are advised not to be alone at any time. A lone parent is in a relationship and has given up social housing to move in with her partner but she has lost her disability allowance because of his means. Does she have a disability or not? Either one has a disability or not, regardless of means. If they were very well off, I would not make the case but in this instance it should be examined.

At the age of 70 one is entitled to the medical card, yet one will not receive it without applying for it. The position is the same with the pension as one must apply for it when they reach 66. People should automatically receive a pension. I have met people who are unable to fill out forms and must approach me or others. Over the new year period I met a man of 72, who had never been to a doctor and did not have a medical card. No doctor would take him on. When one reaches 70 years of age the medical card should automatically be sent out, as is the case in Scandinavian countries. Why is there all this paperwork? One does not receive children's allowance for the months after a child's 18th birthday. Some paperwork could be cut out.

The next matter concerns the Minister for Finance as well as the Department of Social and Family Affairs. I cannot understand why parents of children with Down's syndrome do not qualify for the primary care certificate. Children with Down's syndrome must be brought everywhere by their parents, yet they do not qualify for relief of VAT and VRT on their vehicle. The children will never drive, nor will they be independent. Addressing this would make life much easier for those with Down's syndrome and for the ordinary people who are getting by from day to day.

**Deputy Joe Carey:** I welcome the opportunity to discuss this Bill and related matters. This Bill will be remembered because of the lost opportunities to introduce real reform and changes in key social welfare areas such as lone parents and carers. Successive Fianna Fáil Governments have forgotten about carers and the new Minister has continued this trend. The Bill presented a wonderful opportunity to finally address many of the shortfalls in the support system for carers who provide a service the State would otherwise have to provide. Carers are the backbone of this country yet no serious effort is made in the Bill to give them the break they deserve.

I speak to carers on a daily basis and I recently met East Clare Caring for Carers. I pay tribute to the chairperson of that group, Mrs. Helen Kelly. The Bill has missed an opportunity to address the issue of carers in a comprehensive way. I urge the Minister to engage in direct discussions with carers' groups prior to the publication of the national carers strategy. It is important that officials engage directly with these groups because they are the people on the ground and they know the issues. It is vital that they have a direct input into the publication of the national carers strategy.

The new strategy must include a firm commitment from Government to recognise carers' health and well-being and to introduce a proper system of remuneration. The Minister should

take on board Fine Gael's proposals to assess each individual carer according to his or her means. It is the carer and not the carer's partner who provides care and, therefore, the carer's partner's income should be excluded from the means test.

The Bill could also have improved the lot of lone parents but, again, this was a missed opportunity. I welcome the pilot initiatives that are ongoing in Kilkenny and Coolock that examine the individual needs of lone parents on a case-by-case basis in terms of child care, literacy and education, prior to getting them on to various schemes or into part-time work. This approach is most welcome. I urge the Minister to extend the pilot project to the rest of the country.

The current rent supplement scheme is not working. The cap does not reflect the reality on the ground. Despite media reports indicating that rents are falling, that is not what I hear in my clinics. We need to examine this whole area and get an idea of what landlords are charging in rent. It is very difficult for lone parents to get suitable housing and to find a landlord who will accept rent allowance. A co-ordinated approach needs to be taken. Rent supplements must be realistic as the current provision makes life difficult for lone parents.

There is no encouragement for lone parents to go back into the workforce as to do so would result in them losing their rent allowance. This issue needs to be addressed.

**Deputy Mattie McGrath:** I wish to share time with my colleague, Deputy Byrne.

**Acting Chairman:** Is that agreed? Agreed.

**Deputy Mattie McGrath:** I compliment the Minister, Deputy Cullen, and his officials on the very comprehensive package introduced in the Bill. We are committed to building an inclusive society. We have delivered unprecedented increases in social welfare and now we want to go further and end consistent poverty in Ireland once and for all. In February we launched the National Action Plan for Social Inclusion 2007-2016: Building an Inclusive Society, with the aim of reducing the number of those experiencing consistent poverty to between 2% and 4% by 2012 and eliminating consistent poverty by 2016.

The investment of €50 billion in social inclusion over the years of the new national development plan will deliver a comprehensive assault on poverty and exclusion. This will fund pre-school education for children, provide greater support for lone parents and the long-term unemployed, help people with disabilities to secure access to employment and older people to access community care services, as well as helping communities to provide housing, health services and strategies to assist newcomers to integrate into Irish society.

We have significantly reduced poverty levels. Analysis suggests that 250,000 people, including 100,000 children, have been lifted out of deprivation and hardship since 1997 as a result of our targeted measures and supports. We have implemented the largest series of social welfare and child benefit increases in the history of social welfare in this country. This year we are providing supports and services which aim to benefit more than 1.5 million people.

Tax changes in 2008 mean that those on the minimum wage pay no income tax. The latest results from the EU survey on income and living conditions indicate that the rate of consistent poverty in the population in 2006 was 6.5%, having reduced from 8.2% in 2003. Most notably the rate of consistent poverty among older people has come down to 2.2 % in 2006.

The new Government has appointed a Minister of State with cross-departmental responsibility for older people. I am delighted my county colleague, Deputy Hctor, has that role. We have prioritised improved support for carers, expansion of community-based supports and improvements in the quality and availability of hospital and residential care. In budget 2008 we are providing €135 million for health services for older people. In the past two years, this

[Deputy Mattie McGrath.]

Government has funded the largest ever expansion in services for older people with the provision of over €400 million. This year, an additional €135 million is being provided for the introduction in 2008 of the new long-term residential care scheme, a Fair Deal, costing €110 million, and the provision of €25 million for complementary community support services for older people and for palliative care.

I am concerned about two issues in particular, which I am aware the Minister is examining. I refer to monitoring fees for socially monitored alarms, for which the fees vary from €60 to €90 per person, and personal information packs, PIPs. Currently, approximately 60,000 persons are supplied with socially monitored alarm systems which are funded by the community supports for older people programme through the Department of Community, Rural and Gaeltacht Affairs. The annual cost to the Exchequer would be approximately €4.5 million. That would be money well spent as some of the systems that are provided to households become dormant because people, for whatever reason, do not or cannot make the payment for the monitoring fee, which is only between €50 and €80.

The personal information pack, PIP, is based on the English “bottle in the fridge” programme. This is a system whereby an elderly or vulnerable person’s medical history, medication etc. is recorded and safely stored within the home, usually in the fridge. It is available to the emergency services in the event of them being called to a person’s home. The cost of this measure, which is a nominal €2, could be included on a person’s medical card.

I am a board member of Muintir na Tíre which runs the community alert programme and I am very enthusiastic about this measure as it would cut down hugely on the critical time after paramedics are called to a house where somebody was found in a comatose state. In some cases a person can be in hospital for up to 24 hours before important medical documents are sourced.

All such documentation, with the assistance and co-operation of the nursing sector and the general practitioners, could be safely available on this legible package that is stored in the fridge and the medics would know where to look for it. I ask the Minister to consider that. I compliment him on the excellent reforms in the package and wish him well with their implementation.

**Deputy Thomas Byrne:** I am glad to be here to welcome the Social Welfare and Pensions Bill. When one considers the figure of €17 billion involved in social welfare, it amounts to approximately €50 million per day including Saturdays, Sundays and bank holidays. By any standards, that is a significant redistribution of wealth from the haves to the have nots. That is to be welcomed and I call on everybody here to welcome the progress that has been made in social welfare as one part of the process of removing people from poverty. While we all have difficulties with aspects of the social welfare code which we would make clear to the Minister either here or at the Joint Committee on Social and Family Affairs of which both I and Deputy Mattie McGrath are members, we must praise and acknowledge the significant scale by any standards of what this Government is doing for social welfare.

I am glad to hear the Minister, Deputy Cullen, refer to the Government’s discussion paper, Proposals for Supporting Lone Parents, and I will speak generally about the issues arising. It is not just a question of handouts to remove people from poverty. Social welfare is provided to allow people live at a certain standard so that they do not fall behind, go without food or be without shelter. It is to give them what they need to survive and what their children need for school, and to give them an acceptable standard of living.

Eliminating poverty is about much more than that. It really has a great deal to do with education, training, the Government's economic development programme and the national infrastructure programme. All of these issues must be tied in together to eliminate poverty and to remove people from the poverty net.

The Minister specifically mentioned lone parents. In my experience it is lone parents, particularly those with more than one child, who are bearing the brunt of poverty. I pay tribute to the lone parents I meet. They do a fantastic job. Many of them are in substantially straitened circumstances. They have complaints and they need more, and we try to get them as much as they are entitled to, but they still manage to get by and give their children the best opportunities. Such children almost have a greater sense of responsibility to society in many cases because of the difficulties they face and the challenges their parents face. I pay tribute to them and I admire them because they face a tough road.

We acknowledge it is not only about money. We hear complaints here about the carer's allowance. The commitment to carer's allowance over the past ten years has been one of the hallmarks of this Government. It was a fantastic innovation and I am glad to see progress being made on that. Of course we would like to see more progress being made on that and on the fuel allowance, but we must acknowledge that people, particularly pensioners, are being looked after.

The programme for Government contains a commitment to increase the pension to €300 by the end of its term and I am convinced the Government will exceed its target, as did the previous Government. Many pensioners almost expect that at this stage, but they know we have delivered on it previously and they are happy that will happen again. Approaching the election they were happy to trust that we could deliver on that commitment as we had delivered on the previous one.

In general terms on social exclusion, there will be investment of €50 billion over the term of the new national development plan. The national development plan is obviously a lengthy document which contains many programmes and plans. I suppose the ordinary person's perception is that it is about roads, trains and transport infrastructure, but it contains much more and social inclusion is a significant aspect of it. It is good to see the Government's commitment in that regard.

I welcome the increases in child benefit. We all would like to see a much greater increase. We always would. There is never enough. As a father of four months, we recently obtained it for the first time. It is a fantastic benefit. It is not means tested, it is available to everybody and it is paid directly to the mother as well — it has not come into my hands.

One aspect of the social welfare code which has caused me concern, and on which the Government has taken action, is the position of qualified adults of pension age who really were confused and upset that they seem to be treated much differently because of circumstances which in many cases were beyond their control or were the cause of society in that women in general could not go out to work and could not raise the stamps necessary. There are changes being made to bring the qualified adult allowance up to the level of the non-contributory pension and further progress has been made this year.

Drogheda, part of which is in my constituency of Meath East, is where the Department of Social and Family Affairs proposes to decentralise. I take the opportunity afforded by this debate to welcome that and encourage the Department to move as quickly as possible, and to let the Minister know that the people I represent in County Meath and the people I know in County Louth are much looking forward to it. The communities on both sides of the county divide are making best preparations to welcome the Department and whoever the Minister will be at that time.

[Deputy Thomas Byrne.]

We also welcome what has happened in the budget. We welcome continuing progress. I particularly welcome the Minister's commitment to a broad strategy — education, training and getting people into the workforce as best we can. That is not always easy, particularly for lone parents.

At the same time, we must have the toughest possible sanctions for people who abuse the social welfare system and should not have any sympathy for them. On occasion we all meet people at our clinics who for whatever reason have claimed benefits to which they were not entitled. I suppose it is not our role to give out to them — that is for somebody else. We must be conscious that benefits are for those who are entitled to them. We should not give succour to those abusing that entitlement and we should tell them the full letter of the law will be applied to them. It is an important system involving a considerable amount of money. As I stated, it amounts to almost €50 million every day which the taxpayers redistribute to those less well off. By any standards, it is a fantastic achievement. I welcome the Bill and look forward to continued progress over the next few years.

**Deputy Paul Connaughton:** I propose to share time with Deputies Kieran O'Donnell, Terence Flanagan and Olivia Mitchell. If they are not all here I might continue for a few minutes afterwards.

**Deputy Finian McGrath:** Until he runs out of words.

**An Ceann Comhairle:** Deputy Connaughton might leave us with a bar of a song.

**Deputy Paul Connaughton:** It has been known to happen.

As with all such Bills, there are good parts to this Social Welfare and Pensions Bill. I certainly welcome it. It is consistent with the thriving economy we had. It is reasonable to believe that if we live in an economy such as that to which we were used up until now, it is only right and proper that we redistribute that wealth. Unfortunately, it is not getting back all the time to the people to whom we would like.

In the few minutes at my disposal I want to speak about pensions and the anomalies that must be rectified by the Pensions Board, which is taking representations from various groups around the country. Now is the time to put right some of the problems which will arise in any social welfare code and which affect important minorities who have been left out of the loop altogether. There are approximately five or six categories and I will run through them quickly. A number of my colleagues on both sides of the House raised the structure for dealing with the self-employed introduced in 1988 by the then Minister, Deputy Michael Woods, which was as good a scheme as ever introduced. However, there had to be starting and cut-off points. As a result, when a number of people reached the age of 66, they did not have enough stamps and did not get a contributory pension.

I have spoken many times about the thousands of women who worked when they were young, then stayed home to rear their families and only went back to work in the past ten years when we had a good economy and who, consequently, have a bad contribution record. I suggest to the Pensions Board and the Government that we should put some mechanism in place whereby the years they did not work are removed from the equation and their contributions are then divided by the number of years they did work, which would give them a higher yearly average. Such a system would not involve significant extra costs.

The third group, a small one, comprises widows whose husbands worked in the Office of Public Works. By some strange anomaly, in the 1960s and 1970s there was confusion over a

pension scheme. Now a group of widows is denied a pension they should have. I intend to document this issue and send the documentation on the matter to the Pensions Board.

One other group to which I wish to refer is a group involving members of the Garda Síochána, who, for whatever reason, were either dismissed or retired prior to October 1976. I understand some 82 people were concerned at the last count. No provision was made for the preservation of superannuation benefits in the case of members who resigned or were dismissed prior to October 1976, except in certain circumstances where they subsequently took up another appointment in the public service. This is a matter that needs to be considered.

Given what happened in this House some months ago with regard to retrospection of payment of pension, when a change was made for one of our colleagues in the House, we should consider the significant number of people who did not, for genuine reasons, apply in time for their pension and were penalised. That is unfortunate and unfair.

The stipulation that carers may only be employed for up to 15 hours a week in order to qualify for carer's allowance is unfair on the farming community in situations where a son looks after his parents at home. While he might not even have 15 hours work to do on the farm, he is considered to be full-time farming. This is an anomaly that should be looked at. There is not 15 hours continuous sustainable work to be done on these small farms. The issue is a matter of presence and availability to carry out the role of carer. If such farmers are not able to look after their parents, it will cost hundreds and thousands for someone else to do it.

**Deputy Kieran O'Donnell:** I want to take a general view of the provisions of this Bill. While there have been increases under the budget, groups such as the old age pensioners have only received an increase of approximately 6%, with contributory pensioners getting €14 extra a week and non-contributory pensioners getting €12 extra a week. However, inflation as it affects them, in terms of food and heating, is probably approximately 14% or 15%. The increased fuel allowance of €18 is only from 29 to 30 weeks, which is just 3% of an increase. The Government puts forward the line that it is a caring Government, but when we look at the increases provided to our most vulnerable sectors, this is not borne out.

Lone parents are a cause of concern for all of us. The most recent poverty figures showed us that a one parent family with one child was at risk of poverty in 2007 if its income was below €282 a week. Before the budget such families were on an income of €258, which was under the threshold in terms of poverty. Many of us meet members of this group in our clinics and know it is very tough rearing a child alone. This is an issue we as a Parliament must consider. We must decide how to get procedures in place to allow them to get an education, work and rear their children so they can have a sustainable future. I feel strongly about this issue.

On the issue of child care costs, the Government has given an increase via child benefit of €1.38 per week and an increase in early child care support of €1.92 per week. This amounts to just over €3 per week extra. The early child care support is €1,100 a year, which is approximately €21 a week. The average cost of child care is about €215 a week. Therefore, there is a shortfall of approximately €200. People with children are aware that child care costs are very expensive.

We all feel strongly about carers, who do an invaluable job. The Government talks regularly about the primary care model and getting people back into the community. However, fewer than one in six of our 150,000 family carers is in receipt of the carer's allowance. Fine Gael put forward a practical proposal in this regard, namely, that a carer should only be assessed on his or her own income, not on both incomes in a household. This is a fair and practical proposal that I hope the Government will take on board.



[Deputy Kieran O'Donnell.]

The issue of old age pensions is another concern. Currently people must apply for their old age pension, but many of them are not aware of this. Neither are they aware that it may take up to five months for their application to be processed. I hope the Minister will take on board a proposal I have made previously. The Government should implement a process whereby everyone approaching retirement age is informed a year in advance that it will take up to five months to process their application. At least then they could get their pension from the time they reach pension age. Currently people who apply late for a non-contributory pension will only get paid from the date they apply. We live in a computer age, but Government expenditure in the area of e-government has borne little fruit. The Government has a PPS number for almost everyone entitled to a pension on file. It should use that information and send letters to them informing them of the requirements for receiving their pensions.

We also need to spend money in the disability area. The disability allowance only increased by €12. Our Private Members' business tonight is on the issue of autism. The Government's behaviour towards the area of disability is a disgrace.

**Deputy Terence Flanagan:** I too welcome the opportunity to speak on this issue and wish to refer in particular to the carer's payment, child poverty and rent supplement. Budget 2008 saw an increase in the rate of payments for carers, an increase of a paltry €14 per week. The carer's allowance for those under 66 years of age is €214, and for those older than 66 years it is €232, which is a small amount for people to have to live on.

The respite care grant has been increased by €200 to €1,700, which I welcome, but it is a small increase. It is estimated that 3.5 million hours are worked by 150,000 family carers, yet less than one in six of them qualify for carer's allowance. The Carers Association estimates that the work of Ireland's family carers saves the State more than €2.1 billion per annum, a sizeable amount of money, yet carer's allowance was increased by only €14. As Deputy O'Donnell said, carers should have their means individually assessed, not their partner's. There should be no means test for this payment. Many carers find it difficult to take up part-time employment as the rules on working and receiving carer's allowance are restrictive. The 2008 budget gave the Government the opportunity to ease this restriction by raising the working limit to 20 hours per week, enabling more carers to take up part-time employment, but unfortunately this did not happen. We want carers to be allowed to work 20 hours per week and the employer to confirm that the employee would be permitted to leave the workplace without penalty to assist the care recipient in an emergency.

One quarter of families in Ireland are one-parent families, among whom there is a high level of poverty, estimated at 17% in 2006. Some 41% of lone parent households experience debt problems. They are vulnerable and need to be looked after. They receive an income of less than €282 per week, which is not enough to live on, considering the costs for their children in school, of fuel and other items. The Minister needs to do more to ease their plight.

The rent supplement is the only housing support available to many on low incomes. More than 60,000 people in the private rented sector are dependent on this payment. Preliminary findings indicate the reason landlords do not like the payment is it is paid in arrears rather than in advance. The Minister needs to investigate this issue further. The payment amount is insufficient and the processing of applications takes too long. With the increase in rent costs for households in Dublin in particular, the Minister needs to investigate the issue again. Rent caps need to be put in place to reflect this. The payment is not responsive to local rental changes and does not reflect the changes in the rental market. Perhaps the Minister could respond to this.

**Deputy Olivia Mitchell:** I support my colleagues' comments on carer's allowance which has been a festering sore for so long, not so much in the amount paid which is never enough, but in terms of the people who qualify. We must turn to individual assessment. The double income assessment is an insult to carers, many of whom are women who are assessed on their husband's salary for extra work they take on, in many cases on behalf of the State. It is an insult for that reason alone. The amount involved is not large.

Deputy Enright raised the issue of the early child care supplement which was introduced to help parents with the high cost of child care. It was linked to child benefit. It was not envisaged that it would be payable to children not resident in the State. It was an honest mistake but we must admit it is not acceptable to pay this money to children not resident in Ireland. It was not designed to deal with that problem. It is reasonable that children of parents who work and pay tax here should receive child benefit no matter where they live, but not the child care supplement which is specifically paid in respect of child care in Ireland. It was all right to pay it during the years of plenty but those days are gone. Child care costs are extremely high and there is still a need for two parents to work if they are to pay the high cost of mortgages. Those costs may become even more crippling in the months and years to come as the value of houses may drop. I hope that does not happen but it may. This is a significant issue which we should examine.

I raise the anomaly of pensioners who seek to remortgage their house or avail of equity release schemes. I have raised this issue with the Minister through a parliamentary question. These are recipients of non-contributory pensions, often elderly widows or widowers. If they sell their house to downsize to a smaller premises, they are allowed to keep up to €190,000 of the difference between what they paid for the house and what they sold it for. However, some cannot sell their house, or they decide not to for good social or family reasons, or for economic reasons such as where it is difficult for people to sell their house without making a significant loss. If such persons remortgage their house or avail of a partial equity release scheme, it is regarded as means and they lose their pension rights.

This issue was raised by an elderly constituent of mine who tried to sell her house but could not get anything near its value and in response to the advertising of equity release and remortgaging schemes decided to try to get money in that way. Many elderly people live in a house they may have been able to afford when they were working. Now they may be widows or widowers and not have the same income. They may need to upgrade the house by installing central heating, improving the heating system, rewiring or doing basic, essential repairs, and it is not possible to do that work on a non-contributory pension. It is an anomaly.

I can understand if people have a huge house that the Government does not want to pay them a non-contributory pension. However, these schemes are not being engaged in by persons who are wealthy or have lots of houses. It is the family home and it runs contrary to practice in other areas where the family home is always excluded from many other assessments. In the new nursing homes Bill the home is protected even when it is no longer needed. It runs contrary to what we are doing in other welfare and health areas. I ask the Minister to do something about this anomaly. I do not expect the whole value of the house to be disregarded, but at least as much as is disregarded in a case of downsizing.

**Deputy Finian McGrath:** I thank the Ceann Comhairle for giving me this opportunity to speak to this important legislation, the Social Welfare and Pensions Bill 2008. It gives us the opportunity to examine in detail our social welfare and pensions system. It is also a chance to ensure we support the weakest sections of society and ensure they will always receive their maximum entitlements and be treated with respect and dignity. As Members of the Oireachtas, we all have a duty to ensure all those on social welfare payments and pensioners are treated

[Deputy Finian McGrath.]

with respect and dignity. To prevent poverty and disadvantage we must put education, jobs and quality housing at the top of the agenda. If we do not focus on those three issues, we are going nowhere. It is very important that we include this in today's debate on social welfare. That is why we must invest in education, make sensible investments plans and develop quality planning in our communities. I will revert to these issues later, which are all linked to the issue of social welfare and pensions.

The Bill provides for the implementation of certain social welfare improvements announced in budget 2008. These include increases in child benefit, early child care supplement and the respite care grant. Provision is also made for an increase in the income limit for the one-parent family payment and changes in the assessment of income for the purposes of qualification for the payment.

Part 3 of the Bill provides for the necessary legislative changes to the Pensions Act 1990, to allow for the implementation of the recommendations in the report of the Pensions Board to the Minister for Social and Family Affairs on trusteeship.

Sections 12 to 17, inclusive, set out the necessary legislative provisions for the payment of blind welfare allowance and domiciliary care allowance by the Department of Social and Family Affairs, with effect from early 2009. These schemes are currently administered by the Department of Health and Children.

It is important to note that in the introduction to this legislation, one sees the emphasis on child care, child benefit, respite care grants and supporting one-parent families. I commend the Minister, Deputy Martin Cullen, on his work during the build up to the budget. There was much talk about the downturn in the economy and many people were expecting cuts in these areas. I commend the Minister and his staff on their work in pushing this agenda and including the weaker sections of society in their plans.

Section 3 provides for an increase of €6 in the lower monthly rate of child benefit and €8 in the higher rate, bringing them to €166 and €203 per month, respectively. The increase in child benefit will be effective from April 2008. Families who receive the monthly payment via their bank accounts will receive the budget increase from April 2008, while those who receive payment via personalised payable order books, encashable at post offices, will be paid in the first week in May 2008, backdated to April 2008. This is very important.

Section 4 provides for an increase of €100 in the annual rate of early child care supplement bringing the annual rate to €1,100 and the quarterly rate to €275. The increases will apply from the first quarter of 2008. Again, one sees the emphasis on child benefit and child care. It is very difficult for families with young children. Child care costs have gone through the roof over the past five or six years. This is an attempt to increase support for families in that situation.

Section 6 provides that a person transferring back to illness benefit from invalidity pension will be entitled to a full personal rate of illness benefit where they have the required number of contributions in the relevant tax year.

Section 7 provides that a person moving from disability allowance to the non-contributory State pension at age 66 will not receive a lower rate of payment due to a less favourable capital disregard on the non-contributory State pension scheme.

Section 8 raises the earnings limit for receipt of one-parent family payment to €425, as announced in budget 2008. It also makes provision for the income to be assessed in a manner to be prescribed by regulations. The regulations will provide for the disregard of social insurance contributions, health contributions, superannuation contributions and trade union subscriptions for the purposes of assessment of earnings for one-parent family payment.

Section 9 increases the respite care grant to €1,700 as announced in budget 2008. The increase will apply from 5 June 2008. It is important to focus on this issue as well as to commend and thank the many people involved in caring for people with disabilities and the elderly. We have a responsibility and a duty towards them. Before the budget, I heard rumours that the respite care grant would be cut, which concerned me greatly at the time. However, we can see that it has been delivered on and we will push for more in the future. It is important to ensure that we look after and support carers of the elderly and those with disabilities. I will return to the issue of disabilities later and respond to queries raised by my colleagues earlier in the debate.

Section 10 provides for the deletion of the out-dated term “penal servitude”. It also provides that a person shall not be considered to be detained in legal custody for the purposes of entitlement to disability allowance when he or she is detained for treatment under an admission order or renewal order made under the Mental Health Act 2001. I welcome this section, which is important. When one is referring to social welfare and disadvantage, it is important to ensure that those in the prison system are given proper training. I am concerned about recent events where a number of prisoners who were due to be released within months and who had a record of good behaviour could not participate in some pre-release programmes. I ask the Minister for Justice, Equality and Law Reform to examine this issue. There are some excellent pre-release programmes in our Prison Service but some constituents of mine were turned down when they applied for them. Their families were very disappointed. We must ensure that when people do something wrong, they serve their time but if they have a serious change in attitude and wish to reintegrate into society, we must do something progressive for them.

Section 11 provides that a “homemaker” may include a person who is resident in the State or who is, or is the spouse of, a member of the Defence Forces or a civil servant in the Civil Service of the Government or the State, is in the service, outside the State, of the Government, the State or an international organisation, or is a volunteer development worker. The section also provides that a deciding officer may decide the question as to whether a person is to be deemed a homemaker at any time. I welcome this section.

Sections 12 to 14, inclusive, set out the conditions for entitlement to blind welfare allowance, the rates of payment, the provisions for the calculation of means, the consequential amendments and the transitional provisions to allow for the transfer of the administration of the scheme from the Department of Health and Children to the Department of Social and Family Affairs, with effect from early 2009. Again, these are progressive and sensible provisions.

Sections 15 to 17, inclusive, set out the conditions for eligibility for receipt of domiciliary care allowance, the rates of payment, the consequential amendments and the transitional provisions to allow for the transfer of the administration of the payment of an allowance for the domiciliary care of children from the Department of Health and Children to the Department of Social and Family Affairs, with effect from early 2009. It is very important that we focus on these issues. The blind welfare allowance is very important and I commend the Minister on the major grant he gave recently to Irish Guide Dogs for the Blind as a contribution towards the development of services for blind people. The domiciliary care allowance is also important and must be kept under review. These issues should never been on any list when it comes to planning the finances of the future.

Section 24 provides for the disregard for the purposes of rent and mortgage interest supplement of any amount of carer’s benefit in excess of the basic rate of supplementary welfare allowance, in line with current arrangements for carer’s allowance. It also provides for changes in the rules for the calculation of the income disregard. The legislation is being amended to clearly state that the disregard applies to all income and to clarify that additional income includes earnings, family income supplement and all maintenance.

[Deputy Finian McGrath.]

The overall theme of the legislation is to support those on welfare and to support the weaker sections of society. This is very important. We should not take our eye off the ball when it comes to this type of expenditure. I know there are battles for different issues at Cabinet, but I am sure all Members of the Oireachtas support these kinds of progressive provisions.

When discussing the issue of the elderly and other matters, we must consider the overview of the budget. Spending on health services for the elderly accounted for more than one third of the extra health spending announced on budget day, a story that is not told anywhere in the media. Of the €396 million in additional spending, €135 million has been earmarked for the elderly, but not many have stated this in the House. The bulk of 81%, or €110 million, of the additional funding for the elderly will be spent on the introduction of the planned nursing home scheme, A Fair Deal. In contrast, just €25 million will be invested in expanding community care initiatives.

Among the key areas to benefit from increased spending include €10 million to provide an extra 350 home care packages aimed at helping 1,000 people to remain at home or to return home from hospital. During 2007, more than 4,000 packages were provided to assist 10,500 people. Some €5 million will be spent to provide 216,000 more home help hours than last year's figure of 11.8 million home help hours. These background figures are not heard about. Some €3.6 million will be spent on 1,100 more day or respite places than last year's amount of 21,000.

The €135 million package includes €3 million to improve the service provision of palliative care and €2 million to support voluntary groups working on delivering services in partnership with the HSE. These are progressive and sensible measures in respect of the elderly. We must focus on this matter and make no apologies when delivering the services, which should be highlighted. I commend the fact that an extra €2 million is being given to voluntary and community groups, particularly those working with the elderly and the disadvantaged. In my agreement with the Taoiseach, I pushed this issue strongly and I welcome that these types of projects are being rolled out in the budget.

It is important that we challenge those who claim that nothing is being done or Deputies who state that something is not worth the paper it is written on. Everyone welcomes the sensible investment of €2.5 million in cystic fibrosis services at Beaumont Hospital. Over the next 18 months, a project will be rolled out to deliver cystic fibrosis services at St. Vincent's Hospital. We should rally around and support this project. I welcome the €108,000 being invested in northside schools and the €88,000 in ICT grants for 18 schools in my constituency. With the €200,000 paid to the Stardust victims' committee, these are sensible and important measures. People discuss cuts in services, yet I see 117 new employees in frontline services in Dublin North-Central since 5 September, 110 staff being appointed to frontline services in Beaumont Hospital and, recently, €183,422 for the Donnycarney community youth centre and €102,386 for the women's refuge in Coolock. There is nothing wrong with these sensible, progressive and welcome measures.

I challenge those who state that nothing has occurred in respect of broader, national issues. I tell them to read the budget — €50 million extra in disability services, €25 million extra for care of the elderly and €35 million for cancer services. Another figure relevant to this debate is the additional €18 million for special educational needs. An additional €124 million and €50 million will be invested in social housing and affordable housing, respectively. I referred to carer's benefit and the carer's allowance. Despite the downturn in the economy and negative whinging from some Deputies, many have fought hard to introduce, defend and develop these services. It is a difficult battle at times, but good things should be recognised for what they are. This debate on social welfare is concerned with looking after the weaker sections of society,

such as the elderly, and doing something practical. Our sleeves are rolled up and the work is ongoing.

If one wishes to end poverty and disadvantage, one needs three key elements — education, jobs and quality housing. I welcome the developments in the Cromcastle area in Dublin North-Central, such as the beautifully planned northside town centre. I challenge those who whinge about this issue, some of whom are from my constituency and stated it is not enough. The development comprises a sport and recreation centre of 2,600 sq. m., a community centre of 400 sq. m., a library of 1,400 sq. m. and leisure buildings of 2,000 sq. m. These proposed facilities are approximately 6,400 sq. m. in area and for the use of all communities. The community centre south of Oscar Traynor Road will be ideally situated to facilitate general community use in Kilmore West while the sport and recreation centre will be situated north of the road to facilitate Kilmore West's sporting community and other communities in the vicinity of the Northside Shopping Centre. The quoted figure of 140 sq. m. is important. The new facilities will be considerably larger than those currently provided and will be ideally situated for existing user groups and the increasing population.

The sensible Cromcastle and northside town centre plan is important in terms of tackling disadvantage because the area in question needs an economic lift. I commend Céline Reilly and the staff of the Dublin North-Central sector in Dublin City Council for their magnificent work in putting this project together. I urge the Government to stick with the plan because it relates to housing and sport, community and recreation facilities. It will clean up the northside. As anyone who knows the parts of Coolock and Kilmore in question is aware, the people need a break and to get on with this investment. I look forward to these developments occurring in the next two or three years. To the cynics, I am confident it will be before the next election.

We should examine expenditure. The budget will strengthen the drugs task force by €12.5 million, which is important given that some communities are riddled by disadvantage, as shown recently. We must support communities and we need the Garda and Operation Anvil, but we must tackle social exclusion and isolation and challenge those who block such measures. Drugs comprise so large an industry and there is such a large market because many people take drugs, cocaine in particular in recent years. I challenge the people in question to cop on to themselves and to stop this nonsense because it destroys communities, blocks our accident and emergency units, causes assaults on nightclub bouncers and leads to the slaughter of people like Donna Cleary in Coolock in my constituency. It is important that we highlight these effects of cocaine and other drugs, but it is up to people to be responsible.

I welcome the main provisions and sensible proposals in the Bill, which is progressive legislation. I look forward to ensuring a fairer society. I urge all Members, regardless of politics, to build on the ethos of the legislation. We must defend our pensioners and people on social welfare payments. However, I welcome the plan of other Departments to get as many people off social welfare payments as possible and to get people into jobs. With jobs and decent houses and communities, people will grow up and have healthy and happy environments. They will make a considerable contribution to the State, as occurred in previous projects. I welcome the Bill's ethos and I will support it.

**Deputy Jack Wall:** I wish to share time with Deputies Perry and Sherlock.

**An Ceann Comhairle:** Is that agreed? Agreed. Deputy Wall has ten minutes and Deputies Sherlock and Perry have five minutes each.

**Deputy Jack Wall:** I did not speak on the previous social welfare Bill but when we speak in the House, we rarely give credit to those who help us in our work. Through the Minister, I thank all of the officials of the Department of Social and Family Affairs, especially those who

[Deputy Jack Wall.]

deal with parliamentary questions and Deputies' inquiries because they make our lives easier. They are always helpful and available to us. I ask the Minister to pass on these sentiments.

I am not privy to the inner workings of preparing a budget but presume in his discussions with the Minister for Finance, Deputy Cowen, the Minister for Social and Family Affairs either sets out the funding his Department requires for individual items or requests an overall amount. When the budget was announced on 5 December 2007, it was evident that the Minister for Social and Family Affairs was satisfied he would meet the demands made of him by various Members on both sides of the House and interest groups. We could argue over many aspects of the budget as, from a political perspective, everyone has pet projects and payments they wish to see made. These wishes may differ from those of the Minister but there was a general sense of satisfaction with the allocations made in the budget. Those in receipt of social welfare payments were able to plan ahead because of the changes made. This is where the matter of value for money enters the equation and why I sought a time allocation on this issue from the Labour Party Whip, Deputy Stagg. He was also involved in what I am about to raise.

When the Minister examined various payments, be it lone parent allowance or the non-contributory pension, I am sure a mechanism was put in place to determine the percentage increase that should be granted. This was thought to represent value for money as welfare recipients would benefit. However, in County Kildare one swipe of a pen saw every penny of the increases erased. The local authority there responded to the budget by raising the rent payable for all householders in local authority accommodation, including those on social welfare, by up to €17. The effort and time spent by the Minister in trying to ensure people would receive as much as possible in the budget were eradicated with one swipe of a pen. The extra money he allocated ended up back in the system. I disagree with some of his budget allocations but that is not my point. Is there a mechanism to ensure local authorities cannot eradicate the Minister's work for recipients of social welfare payments?

Some time ago I followed up on this issue with another local authority and was informed that it had received a letter, circular HRT 3/2002, from the Department of the Environment, Heritage and Local Government. Section 4 referred to rents for local authority dwellings and stated:

It is important that authorities should ensure that rent increases do not absorb an excessive amount of increase of income of tenants on low incomes dependent on social welfare payments and in particular on old age pensions. As a general guideline it is considered that no more than a 15% increase in such pension income should be absorbed by an increase in rent.

This seems logical to me as the Minister made an effort to get as big a slice of the budget cake as possible for recipients of social welfare payments — they could then plan ahead in using the money. It was never the Minister's intention that one sweep of a pen would see local authorities take back increases in payments and more besides.

This evening I was in my office when an old age pensioner from Newbridge telephoned. She is 77 years of age and lives on her own. She called to tell me that she was unable to get by on what she had as her rent had gone up by €17. My colleague, Deputy Stagg, who discussed this matter also, and I are to ask the Labour Party spokesperson, Deputy Shortall, to table an amendment to the Bill to see how the Minister can protect increases in social welfare payments in order that they cannot be eradicated with the swipe of a pen. I do not know how it will be framed but she will try. If local authorities believe the only way they can raise money is to wait for an increase in social welfare payments in the budget and then increase rents for local authority accommodation, an amendment to the Bill is necessary. It is a crying shame that public representatives in County Kildare have received such calls on this matter. Can the circu-

lar from which I quoted be applied to the circumstances I have raised? Can we ensure a certain percentage of increases in social welfare payments will be protected for the good of the recipient, rather than the financial upkeep of the local authority?

On a similar point, the Minister granted an increase in fuel allowance in the budget but, because local authorities take into account a household's total income, this allowance is included as a factor in deciding the rent a person should pay. The same goes for the living alone allowance. The increases in these payments were granted for specific purposes. For example, a person telephoned me today seeking to have the fuel allowance apply throughout the year but the allowance is for fuel and should not end up with a local authority. I ask the Minister and his officials to consider how increases in social welfare payments can be ring-fenced to be used only the purpose for which they were originally made. I understand people must pay rent to local authorities but it should never be the case that a Minister's efforts to secure a slice of the budget cake for social welfare recipients can be eradicated in one blow.

There is an anomaly that relates to the lone parent allowance. A person who had lived with his partner for 28 years came to me when his partner died and it emerged he was not entitled to lone parent's allowance for his two foster children. Had this individual a child of his own with his partner he would have been entitled to the allowance for his foster children but because he does not have a child of his own he now lives on the funding he receives from the community welfare officer. He must find extra funding to care for his two foster children. When he sought mortgage relief, he was told he would only receive 50% owing to his situation.

I cannot understand either decision and will write to the Minister outlining the details of the case in the hope that a solution can be found. A protective mechanism is needed to ensure the fruits of his battles for increased funding are not eroded in one fell swoop by local authorities taking money from senior citizens in receipt of social welfare payments.

**Deputy John Perry:** I thank Deputy Wall for sharing time.

This is an important debate as it relates to expenditure of €17 billion. Deputy Wall made a relevant point on local authorities neutering the positive effects of increases in social welfare payments by taking liberties and imposing higher charges. It is essential that we secure value for money from those who receive large allocations from the Department. I compliment departmental officials on the outstanding and efficient work they do on behalf of the Minister.

I ask the Minister to note an anomaly I propose to highlight. Last month the Taoiseach opened the new Irish Aid volunteering and information centre on O'Connell Street. The centre is designed to promote public awareness and understanding of development issues and the role of Irish Aid. I endorse the Taoiseach's comments at the opening on the positive impact Irish Aid and our missionaries and volunteers are making in crucial areas such as health care, housing, education and the fight against HIV and AIDS in developing countries. Many such volunteers come from my constituency of Sligo-Leitrim and do excellent work in developing countries, often in complex and trying circumstances.

One recently returned volunteer worker lost three years of her PRSI contributions through no fault of her own. This was due to a scheme operated by the Department of Social and Family Affairs under which those classified as volunteer development workers, VDWs, may qualify for credited contributions or VDW credits in respect of a period spent working in a developing country and any preparatory period beforehand. The relevant rules covering this circumstance are set out in the Social Welfare (Special Provisions for Volunteer Workers) Regulations 1985. Clause 6, subsection 2, states contributions "shall only be credited to an



[Deputy John Perry.]

insured person under the provisions of these regulations for such period or aggregate of periods as does not exceed 5 years”.

Some volunteer development workers work abroad on Irish Aid projects for an aggregate period greater than five years. The five year limit means that experienced volunteer development workers who continue their valuable work beyond a five year period are penalised by loss of credited contributions. Volunteer workers who have experienced this loss of PRSI credits regard it as unjust and unethical that Irish Aid would recruit people for volunteer work in developing countries and fail to value them sufficiently to cover their PRSI for the full duration of their work abroad.

Irish Aid is the overseas development arm of the Department of Foreign Affairs. With a budget approaching €1 billion this year, it is entirely reasonable that volunteer development workers who spend more than five years working on Irish Aid projects should be covered for the full period of their work in developing countries. I understand some other European Union countries which operate a scheme to provide social insurance cover for their volunteers working abroad do not have any such time limit.

In addition, volunteers should be formally advised at the start of their assignment about any term limits for PRSI contributions. They must also be formally and specifically advised of the term limits leading to the expiry of their PRSI contribution coverage. It is not acceptable that volunteers may return home to discover they have lost valuable PRSI contributions. This leads them to feel abandoned, forgotten and unrecognised.

I call on the Ministers for Family and Social Affairs and Foreign Affairs to solve the problem of the loss of PRSI credits for volunteer workers who spend a period greater than five years in developing countries. I ask the Minister to accept that the cost to Irish Aid of paying the PRSI of volunteers working in developing countries would be minimal in the context of an overall budget of nearly €1 billion. More important, it would demonstrate that we value the work our volunteer workers do in the developing world.

A small number, probably less than 100, have already lost their PRSI credits. I am also advised of one case in which a volunteer lost 11 years' credits, a significant loss for the individual concerned. As part of an initiative to remove the five year limit, I ask the Minister to deal sympathetically with the issue of arrears, as the number of individuals involved is small. These are genuine cases.

**Deputy Martin Cullen:** I am aware of the issue.

**Deputy John Perry:** Will the Minister make a commitment to address it?

**Acting Chairman (Deputy Seamus Kirk):** Deputy Perry is eroding Deputy Sherlock's time.

**Deputy Seán Sherlock:** I am always willing to allow Deputy Perry some latitude.

**Acting Chairman:** The Deputy has limited latitude as he has only three minutes' speaking time.

**Deputy Seán Sherlock:** I will address my remarks specifically to domiciliary care allowance. The timeframe for dealing with applications for the allowance is too lengthy and causes undue hardship for those applying in respect of minors. I ask the Minister to address this issue.

In the HSE south area expenditure on supplementary welfare allowance which forms part of the rent supplement scheme amounted to €43.56 million in 2005, €46.30 million in 2006 and €49.21 million in 2007. Annual increases in expenditure in this area would be unwarranted if

the Government was doing its job and delivering an adequate social housing programme. Every year the number on the social housing waiting list who contact me grows exponentially. Rent supplement is directly linked to the increase in the number on the social housing waiting list and continues to cost the State exorbitant amounts every year. The moneys expended under the scheme are pocketed by landlords. If an adequate programme for dealing with social housing was in place, the expenditure allocated to rent supplement could be redirected to more needy sections of society.

The rental accommodation scheme is one way of supplanting the rent supplement scheme. My party advocates a “begin to buy” approach which would allow more people to move from social housing onto the housing ladder. We need more joined-up thinking on this issue. While the supplementary welfare scheme may be a necessary mechanism in the short term, we must examine the reasons expenditure on it is increasing every year. More and more people are being forced onto social housing waiting lists. I ask the Minister to address this issue.

**Deputy Michael Finneran:** I welcome the Minister to the House and I compliment him and the staff at all levels of his Department for the courtesy and help they provide to us as public representatives in our regular contacts on behalf of our constituents. One always feels one’s representations have been received in the best possible way. The ongoing contact to follow through on cases is to be commended as is the manner in which staff make themselves available to discuss individual cases, not only with us but also with our staff. The Minister for Social and Family Affairs and his Department are open, fair and available and long may it be so. It is a pleasure to deal with the many members of staff at local, regional and national level.

I am delighted to speak on this Bill which affects the lives of so many people around the country. Budget 2008 provides approximately €900 million in welfare payments. This includes support for 420,000 pensioners, more than 1 million children and 48,000 carers.

In Roscommon alone, more than 4,000 pensioners will be better off with the passing of this Bill. Older people represent a core priority for Fianna Fáil in Government. In 1997 and 2002, we set ambitious targets for substantially increasing what we have renamed the State pension. We not only met those targets, we have exceeded them. We increased pensions by 70% above inflation during the past ten years.

No one doubts the enormous contribution carers make to those they care for and their families. Many older people and those with disabilities depend on carers to ensure they can live at home for as long as possible. In recognition of the vital work which carers perform, the carer’s allowance, carer’s benefit and the respite grant were introduced by Fianna Fáil in Government.

Since 1997, weekly payment rates to carers have been greatly increased, qualifying conditions for payments have been significantly eased, coverage of schemes has been extended and new schemes such as carer’s benefit and the respite care grant have been introduced. Of these, more than 32,400 are in receipt of carer’s allowance and more than 1,980 are in receipt of carer’s benefit. More than 8,000 carers also received a respite care grant in 2007.

The introduction last year of an entitlement allowing carers to retain a full social welfare payment and to receive in addition up to half rate carer’s allowance was an extremely welcome development and of real significance. These new arrangements, which came into force in September 2007, apply to almost all weekly social welfare payments including State pensions and widow and widowers pensions as well as those in receipt of qualified adult allowances. Since these changes were introduced last September more than 7,000 carers have benefited.

Ireland’s economic success has been accompanied by a dramatic change in the number of women at work. Since 1997, the number of working women has increased by more than 45%

[Deputy Michael Finneran.]

and the majority of mothers now go out to work. In recognition of this, and of the growing need for child care, the Government has not only provided 35,000 child care places but also dramatically increased supports for more than 1 million children and approximately 600,000 families.

Under Fianna Fáil, child benefit has quadrupled and the early child care supplement of €1,100 per year for all children under the age of six was introduced. Taken together, these payments mean a family with two children under six receive direct financial support of €6,148 every year, an increase of approximately €4,978 since 1997. Maternity leave has also increased and mothers of new-born children can now take a full six months paid, and four and a half months unpaid, leave. This is in the best interests of mothers and babies.

I mentioned a few of the groups I feel will greatly benefit from the enactment of this Bill, which will provide approximately €17 billion on social welfare expenditure this year. This is a real commitment by the Government to those in our communities who most need support. It has always been the policy and principled position of Fianna Fáil in Government that those who are most in need should be supported, in particular when the country in which we are so fortunate to live has the economic success which allows the Government to do so.

**Deputy Bernard J. Durkan:** I concur with the previous speaker's remarks on the manner in which the Department of Social and Family Affairs manages its business in a humane and caring fashion. Prior to the Minister blushing with excitement I must state previous Ministers would claim some responsibility for the creation of this beauty which was born a considerable time ago. I wish to give credit to all on this matter. It is a lesson to other Departments whereby contact can be made with people in a position to progress matters. In the bureaucratic and less caring world in which we live it is nice to see personal attention and I compliment the Minister, his staff and their predecessors for it.

The Social Welfare and Pensions Bill is always interesting to discuss. A series of areas could do with examination apart from those covered and anticipated in the context of the Bill. A number of people should and could qualify for what is now known as the State pension by virtue of their contributions to the State over a period of time. I speak of people who are carers and who, through no fault of their own, have never been able to enter employment. People who have left employment are credited with their contributions.

A strong case can be made for those who never had an opportunity to obtain contributions for insurable employment outside the home. They are aggrieved their work is not recognised. People may have spent 20 or 25 years caring for a relative, perhaps in a serious case involving special needs or disability, giving of their full time and attention. They should be recognised and given credit through providing them with a minimum pension and minimum credits. They have saved the State major amounts of money as they care for somebody at home, thereby providing a service which would otherwise have to be provided by the State. In many of these cases they receive no recognition or income. When the person being cared for passes on, they receive nothing, which is the sad part. I would like the Minister to examine this issue. There are many who would benefit from a change and it would not cost the Exchequer a huge amount. One of my last proposals in the Department related to pensions. I was correct in my assessment that it would not have cost the Exchequer a great deal of money when everyone else claimed it would.

The means tests for benefits are beginning to pinch again. It is a sign of the times with the various economic twinges being experienced. The means test as a cut-off point for qualification for certain payments needs to be examined with a view to easing and improving it. The Minister is aware I tabled numerous parliamentary questions on the subject. It needs to be examined

regularly, particularly in times of food inflation. The cost of food has gone up, a contradiction of what we were told would happen when the minimum prices order was abolished. Some of us knew this at the time but that is the way it is. The Minister must review the means test.

The respite care grants scheme is an excellent one, whereby recognition is given to the carer and the person being cared for in many cases. There is some small financial recompense and recognition given for the hours, days and months of caring and a break in the tedium is allowed. I am always one to bow to professionals but I also like to know I can question them. In several cases relating to qualifying for the respite grant I did not believe decisions had been made in accordance with what I remembered to be the rules, by which I mean the announcement by the Minister in the House of a scheme and the application of the rules thereafter.

In a particular case I encountered, a person was caring for two others. I found it difficult to understand how one could have scrubbed out a person caring for two people as being ineligible for a respite grant. It could have been argued that one or both of the persons being cared for was not 100% incapacitated but that should not have meant the person concerned would be disqualified from receiving the grant; in fact the reverse can often be the case. I reject the notion that in such cases a person should not qualify for at least one grant. I will be pursuing this issue until such time it is decided to review it. It is a sensitive issue. I am sure, as lightning does not strike once, there have been similar cases.

Bilateral social welfare agreements have caused me as a public representative much frustration. Our next door neighbours are not the most adept at responding to queries concerning welfare entitlements. There should be no delay whatsoever. Modern technology has improved communications to such an extent that information should be retrievable instantly. If one has a particularly sensitive case, one will be told it may be subject to calculations based on Irish and UK social contributions or requires a response from the UK authorities, taking some considerable time. It should not take so much time. The people we need to serve are those in need of the reply. A week may be a short time to some of us. An ill or incapacitated person waiting on a payment sees the cause of the blockage or embargo as a major issue because he or she is vulnerable.

It would be a good approach to examine all social welfare bilateral agreements, to find out how satisfactorily they are working. Those not working efficiently can be dealt with. By virtue of their name, bilateral agreements work in both directions. While there may be language problems with EU countries with which we have arrangements, modern technology can assist in dealing with the matter.

These are the particular issues that most annoy me as a public representative. I am sure the Minister receives the same queries, as do Members on all sides of the House. The means test for carer's allowance is an old chestnut, raised many times before. There are far more people involved in caring for others than the number who receive carer's allowance. That the means test can deprive a carer of a payment does not mean it is saving the State a great deal of money. A person who is not being cared for will have to be institutionalised. It is demeaning to the person providing the care if it transpires he or she does not qualify for the allowance on financial and income grounds. It usually means the husband or wife of the carer is earning outside the household. As a result, the family is deemed capable of providing care at its own expense.

I know the Minister is familiar with this subject but I ask him to review the arrangements. I accept improvements have been made in several recent budgets but it bears examination again. The extent to which carers are relieving the State of responsibility is much greater than the payment that would be made to them. Some may ask how that can be. It is simply because they are nursing on a one-to-one basis, a very difficult task in other circumstances, based in

[Deputy Bernard J. Durkan.]

the community, and are available to run messages and care for the person concerned. The need question should not arise in such cases. It is because of the contribution they are making to society that we should consider their plight and recognise their effort.

I accept the Minister must work within budgetary constraints, but there are less deserving cases that receive as much recognition from other Departments. If I were the Minister I would put it high on my agenda, although I am sure he does already. I know also that when budget time approaches there is usually a scramble in the back yard to load up the wagon as it proceeds in the direction of the budget. Some things fall off the wagon altogether, never to be found again. Issues such as these require special consideration simply because the people whom they affect are vulnerable and dependent on people outside their immediate family circles.

These are a few of the things I wanted to say on this subject. I congratulate the Minister on the successes we have had to date but I strongly urge he consider the points I raised, not necessarily because I raised them but because they are important. There is no Dáil Deputy who has not come across these issues and does not come across them on a regular basis.

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I thank Deputies from all sides of the House for their contributions to this debate. I am also heartened by the fact there was generally a warm welcome for the improvements in budget 2008. The social welfare package was larger than many had anticipated and its share of the available resources was considerable. In this regard I acknowledge the support of the Minister for Finance and his commitment to this area of budget strategy. This has worked out reasonably well and has allowed a continuation of the benefits that have been accrued in recent years in many different areas.

Equally, I understand the points made by individual Deputies about specific areas in which they would like to see more done. As Deputy Durkan said, like every other Minister for social welfare, I have not had unlimited resources. We must work within reasonable constraints and try to target the resources in the best manner, particularly, as I said earlier today and in previous discussions, towards the less well off in society. I am proud of our achievements over the last number of years, particularly in the areas of pensions, resources for children, and carer's benefit — the latter of which has improved greatly in recent years — and we will continue to work on these areas in the years ahead. We said in the previous Government that we would raise the old-age pension to more than €200 per week, and we exceeded that figure. It is certainly our intention to bring the State pension to over €300 per week in the lifetime of this Government.

Many Deputies raised similar issues, so I will refer here to the principal points that were made. Deputy Olwyn Enright expressed concern that the provisions of section 6 might disadvantage a person transferring from invalidity pension to illness benefit. I assure the Deputy that this provision would be of benefit to such persons. The current position is that where a person in receipt of invalidity pension claims illness benefit, the personal rate of payment is determined in part by the average weekly earnings in the relevant tax year, which in these cases is likely to be the lowest graduated rate, as the customer would not have had earnings in the relevant tax year. The amendment will ensure the rate of illness benefit paid to those who transfer back from invalidity pension will be based on the person's earnings in the relevant tax year when they last qualified for illness benefit or the most recent tax year, whichever is more beneficial.

Deputy Enright also sought clarification on the assessment of capital for those on disability allowance *vis-à-vis* those on other social welfare assistance, particularly, in this case, non-contributory State pension. The relevant amendment provides that a person moving from disability allowance to State pension at the age of 66 will not receive a lower rate of payment due to the

less favourable capital disregard on the non-contributory State pension scheme. Under current legislative proposals, the capital disregard applied to eligibility for disability allowance is more favourable than that applied to eligibility for non-contributory State pension. This amendment is intended to ensure that a person will not lose out if he or she moves from disability allowance to non-contributory State pension. In recognition of the particular circumstances of those on disability allowance, as part of budget 2007 a higher threshold of €50,000 capital disregard for disability allowance was introduced. This will facilitate customers to hold this amount of capital or allow a provision of up to this amount to be made for a customer without affecting the rate of payment. This measure goes some way towards addressing the issue of financial provision for vulnerable clients, particularly by way of bequests from parents.

Many Deputies spoke about proposals for supporting lone parents. There was also much discussion on this issue between myself and Deputies Enright and Róisín Shortall during today's Question Time. I will not rehash all the details as it was a comprehensive debate and we had a good discussion. However, the issue was raised again by many Deputies this afternoon. Deputy Shortall also raised concerns about activation measures and particularly the role of FÁS during this debate and also during Question Time. We had a detailed discussion on this and I provided all the figures and information requested during Question Time so I will not go over that ground again. It has been put on the record numerous times. The issue of habitual residence and child benefit was also raised by Deputies Shortall and Enright during the course of this Second Stage debate. Again, many parliamentary questions were asked on this issue today and it was discussed in some detail.

I welcome the support of Deputies for the transfer of both the domiciliary care allowance, DCA, and the blind welfare allowance to the Department of Social and Family Affairs. These schemes are being transferred on an as-is basis. We will be reviewing the operation of the schemes on an ongoing basis to ensure they best meet the needs of the recipients. Any changes required will be made in future social welfare legislation. The conditions for receipt of the payments, including the age of the qualified child in the case of DCA, will be examined in this context, as will the possibility of merging the payments with existing social welfare payments. That has been welcomed by all.

Deputy Shortall expressed concerns arising from the frequent changes to the social welfare legislation and the need for regular consolidation Acts. The Law Reform Commission has published a consultation paper on statute law restatement. The Department participated in the public consultation process leading to the paper and will continue to participate in the statute law restatement programme with a view to enhancing the accessibility of social welfare legislation. Annual consolidation of primary legislation is a matter for the Office of the Attorney General in the context of the proposals for restatement. As part of our ongoing commitment to customer service the Department publishes all Social Welfare and Pensions Acts since 2001 on its website, and will publish all similar future Acts. It would not, however, be appropriate for the Department's website to contain an informal consolidation of the social welfare Acts. I am sure the Deputy will understand that.

Deputy Shortall also raised the difficulties experienced by people moving from welfare to work in relation to the payment of rent supplement and their interaction with the rental accommodation scheme, RAS. Overall, I consider that the current eligibility thresholds and income disregards ensure that people have a financial incentive to take up employment opportunities. Those on rent supplement who are accepted as eligible for RAS must continue the qualifying conditions of the rent supplement scheme in common with other rent supplement recipients. However, once such claimants transfer to RAS, they may avail of the differential rent assessment where appropriate. I note the issues raised by Deputy Shortall and I intend to keep the rent supplement scheme under review. The Department will be working closely with the

[Deputy Martin Cullen.]

Department of the Environment, Heritage and Local Government in ensuring that RAS meets its objective of catering for those on long-term rent supplementation while enabling rent supplement to return to its original role as a short-term income support.

Deputy Shortall queried the proposed amendment applying the habitual residence condition to the half-rate carer's allowance, stating it was a new development. I assure the Deputy this is not the case. Section 186A(2) of the Social Welfare Consolidation Act already provides that a person must be habitually resident in order to receive a half-rate carer's allowance. The amendment suggested by the Office of the Parliamentary Counsel is designed to ensure that those schemes covered by the habitual residence clause are contained in one area for the purpose of clarity. This amendment does not change practice or intent in this regard and has no impact on any claims already processed. I hope that clarifies the position for Deputy Shortall.

Deputy Enright sought clarification on the provisions relating to the transfer of contributions between the social insurance fund and the pension scheme of the European Communities Institution, and also on the mobility of social insurance contributions generally. The EU rules on social security contained in EC regulations 1408/71574/72 and 859/2003 are intended to ensure that people moving within the EU or EEA are protected in matters of social security. For the purposes of EU rules, the State pension transition and the State pension contributory are classified as old age pensions. If a person does not satisfy the PRSI contribution conditions for the State pension transition or the State pension contributory on his or her social insurance record, he or she may still be entitled to a reduced rate of pension if he or she has worked in another member state. This is made possible by combining the social insurance record in that country with the Irish insurance record. Along with the Irish pension, that person may get a pension from the other country or countries in which he or she worked. Each member state will also look at any insurance a person has in another member state. This can help him or her to get a pension or a higher pension under its own scheme. To this end, each country sends details of that person's insurance records to others.

Deputy Shortall raised concerns about barriers faced by people making the transition to work. I am sure the Deputy accepts that in providing vital income support to the unemployed and other disadvantaged people, there is a constant balance to be maintained in ensuring that programmes are developed in ways that are sufficiently responsive to various contingencies while simultaneously providing opportunities to assist people to become less welfare-dependent.

I am conscious of the need to facilitate persons in receipt of social welfare payments in taking up employment opportunities. This matter was discussed again this afternoon. Clearly, I am anxious to ensure that we end up with as smooth a transition as possible from social welfare to part-time or full-time employment in respect of people's benefits. It has been acknowledged by a number of groups that good work has been done in the past few years. It has been my wish that when we move to the new payment and deal with cohabitation issues, we can have as good a system as possible. My intention is to try to achieve this for budget 2009. That is a big ask but it is possible to achieve it and it is certainly my intention to go down that route. We discussed that issue at some length this afternoon during Question Time so I will not rehearse the debate.

Deputy Enright raised a number of questions relating to the provision of trustee training and I welcome her positive response to this initiative. Trustee training is considered important for pension scheme governance as it helps trustees to develop the skillsets necessary to perform their duties and functions effectively. Ongoing training ensures trustees are kept up to date with regulatory developments and changes in the pension landscape. The Pensions Board has also drawn up a register of approved trustee training courses, which is available on its website.

Some of these courses offer the trustee a formal qualification. Overall costs of training may rise as more trustees will be trained more often. It should be noted that the Pensions Board is examining the introduction of a system of e-learning to fulfil obligations in this area. This examination will also explore certification options. This approach has the potential to significantly reduce the cost of trustee training. The new provision in respect of trustee training will commence as soon as the board has completed this examination.

In addition to the proposed amendment, the report on trusteeship also made a number of other recommendations which do not require amendments to the Pensions Act and which are and will be progressed on an ongoing basis. This training initiative will be monitored on an ongoing basis by the Department and the Pensions Board.

Deputies Enright and Shortall also argued that changes to the Pensions Act are long overdue and are seemingly being rushed through the House. I point out to Deputy Enright that since the passing of the Pensions Act 1990, a number of subsequent Bills have been enacted to amend it. These amendments have been carried out in consultation with the Pensions Board and all the key stakeholders in the pensions area. In line with the Government's policy on better regulation, the Department conducted a regulatory impact analysis in respect of the key amendments to the Pensions Act in this Bill.

On a point of clarity, I wish to point out to the Deputy that this Bill is not deleting a provision in respect of on-the-spot fines for pension scheme administrators. Such administrators are only now being brought under the remit of the Pensions Act. The new on-the-spot fine regime introduced last year will not apply to administrators. Any breaches of the Act by administrators will be considered serious and dealt with by way of a prosecution.

We are aware the Green Paper on pensions is up for discussion currently. We have already indicated publicly the number of regional meetings that are now taking place at the end of March and the beginning of April, culminating in May. I have kept to my timeframe, with the final conference on this issue in Dublin. I am glad there have been so many submissions even through the website. Many people sent in individual submissions. The time will come after that to make decisions.

Deputy Deasy raised the issue of community employment. I was not in the House as I was at a meeting but I heard some of the discourse in my office on the monitor. The Deputy spoke about the €20 increase in the community employment payment and the PRSI implications of this increase. The community employment scheme, which is administered by FÁS, is designed to assist long-term unemployed people and others who are distant from the labour force by offering them part-time and temporary work positions in jobs in local communities. Following the placement, participants are actively encouraged to capitalise on the skills and experience they have obtained through the scheme. Participants on community employment schemes are provided with an average of 39 hours per week. Earnings from this work are liable to PRSI contributions at class A. Participants with reckonable weekly pay of €352 or less are insured at PRSI subclass A8 and are exempt from paying PRSI, while participants with earnings exceeding that amount are insured under PRSI subclass A9, which has an employee social insurance liability of 4% of earnings after the first €127. In each case, the employer pays a reduced PRSI contribution of 0.5%. Participants on community employment schemes can accrue entitlement for all social insurance benefits and pensions on that basis. The requirement to pay PRSI class A contributions was introduced in the Social Welfare Act 1996 in a bid to enhance the working status of community employment scheme participants and to afford them the same level of social protection as that afforded to fully insured workers.

The point I make to Deputy Deasy is that this provision was asked for. It was requested that people on community employment schemes pay full PRSI in the same way as a normal person



[Deputy Martin Cullen.]

because the benefits that would accrue accumulatively in terms of matters like pensions or other social welfare benefits would be available to them. While the Deputy highlighted a case, and I am sure he will come back to me if I misinterpreted the point he made, the point is that by triggering over the income level, that person got themselves on to class A in terms of their PRSI contributions, which have a substantial benefit when it comes to contributory pension numbers down the road. That was the reason for it. While there might be an immediate feeling of being hard done by in respect of the contribution, it was asked for and done to enhance the approach of community employment schemes.

I think I have covered all the issues. I again thank all the Deputies and my officials for their efforts on Second Stage and look forward to Committee Stage.

Question put and agreed to.

### **Social Welfare and Pensions Bill 2008: Referral to Select Committee.**

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I move:

That the Bill be referred to the Select Committee on Social and Family Affairs, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

### **Immigration, Residence and Protection Bill 2008: Order for Second Stage.**

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I move: "That Second Stage be taken now".

Question put and agreed to.

### **Immigration, Residence and Protection Bill 2008: Second Stage.**

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I move: "That the Bill be now read a Second Time".

The Immigration, Residence and Protection Bill is a crucial part of the legislative architecture of modern Ireland. More than any other legislation, it epitomises the enormous change that has taken place in our country in the past 15 years. The latest census figures show that immigrants account for over 10% of our population. It is not the figure in itself that is most striking so much as the short time in which we have reached that figure. Other countries with a long tradition of immigration have taken decades to reach that figure. We achieved it in one decade.

The success of our economy, which is the product of the hard work of our people and the enlightened policies of Governments since the late 1980s, has made us a country of net inward migration. Our economy needs migrant workers. Our health services, for example, could not function but for the nurses, doctors and carers who come here to work. There is a ready supply of migrant workers because Ireland is now an attractive destination for those who want to share in a burgeoning economy, whether they come to settle here or simply to experience our way of life for a short time. We have a right to be proud of this turn of events but we also have a duty to meet the challenges it presents. Those challenges should not be seen as problems to be solved so much as opportunities to be grasped and it behoves us all to approach this relatively new phenomenon of net inward migration with a combination of common sense and vision.

It has been abundantly clear for some time that the foundation of immigration law in the State, the Aliens Act 1935, is no longer capable of providing the Government with the tools it needs for the job of managing modern migration. The changes to immigration law that have been made in the past ten years have been acknowledged by my predecessors as interim in character. Even as those adjustments to existing statutes were being put in place, considerable work was being undertaken on the development of a new legislative basis that would give a framework within which policies to suit Ireland's evolving needs could be developed and implemented. We need efficiency, consistency and transparency in the management of our immigration policy and the legislative basis to manage migration in the best interests of the Irish economy while treating those who come here fairly and reasonably.

A basic tenet of any immigration policy is that it is about choices made by or on behalf of the State. The State must choose who should or should not be allowed to enter and stay within its sovereign borders. This choice is not unfettered. For example, our membership of the European Union brings with it freedom of movement for our citizens and the citizens of every other member state throughout the territory of all member states.

Ireland is a party to the Refugee Convention of 1951 and its associated Protocol of 1967. The parties to that convention commit themselves to offering protection to anyone who has a well-founded fear of persecution in their home country in accordance with the convention. Ireland's commitment to the principles of refugee protection were set out in statutory form in the Refugee Act 1996, and this Bill restates those principles and integrates the protection process into the main channel of immigration law in a way that will be more efficient and effective.

Apart from these and similar exceptions, there is in principle no generalised right for foreign nationals to enter or be in Ireland. The State can decide, just like all other independent states, which foreign nationals to admit, for what purpose to admit them and the duration of their stay. The State also decides when and in what circumstances a foreign national must leave. That is the position at its principled starkest.

The power of the Executive to control the entry, residency and exit of foreign nationals was confirmed by the Supreme Court last December in the Bode case. The significance of this judgment is that it allows me, on behalf of the State, to introduce schemes under which certain categories of migrants can have their case considered even where they may not have any statutory entitlement, but the case goes further than that. It confirms the fundamental functions of the Executive in this area. My view, in the light of the Bode case, is that it would be constitutionally questionable to divest the Minister or the Government of the powers they must necessarily exercise in this area.

I am aware of calls to deal with immigration entirely in primarily legislation. That cannot be done. We need flexibility to deal with immigration and it is the right and duty of the Government to make policy in the national interest in this area. That policy can be given effect through secondary legislation on foot of this Bill and also on foot of administrative schemes. The position has been made crystal clear in the decision of the Supreme Court and I recommend that Deputies participating in this debate examine the judgment of the Supreme Court with care. It delineates clearly the responsibilities and duties of the Government in this area.

It is important that we remind ourselves that Ireland does not owe a duty to the world to admit all comers. We must make choices to protect the interests of our own citizens and in the interests of our migrant population. The making of those choices is a function of the Government, exercised through the Minister for Justice, Equality and Law Reform of the day. There is nothing unusual about that. Irish people who have emigrated for generations know well the

[Deputy Brian Lenihan.]

limitations on the freedom of movement that exist in other states. All states control entry to their territory: that is a feature of the sovereign power of states.

We are proud of our humanitarian traditions. There must be compassion but we cannot allow those considerations to outweigh the primary responsibility of any Government to care for the welfare of those who reside here. That is not to say the two are mutually exclusive. It is possible to devise immigration policies which achieve a balance between these considerations, and that is what I intend to do.

The agreed programme for Government contains detailed commitments relating to immigration and asylum matters. This Bill, when implemented, will meet many of those commitments and will lay the foundation for meeting the remainder.

One of the programme's commitments is the development of a single procedure for those who apply for protection. This Bill proposes a streamlined process which will ensure the present high quality of protection decisions, a quality recognised internationally, will be maintained while at the same time providing a more speedy determination to those seeking asylum.

There has been a suggestion that the Bill allows for the detention of asylum seekers. That is not the case but there is a provision which allows a person who turns up in any part of the State seeking asylum to be held until he or she can be issued with a temporary resident's permit. The detention is for the minimum amount of time needed to issue the card, in most cases no more than a matter of hours. That arrangement does not amount to the introduction of detention. I want to state clearly that detention could only be introduced on foot of a Government decision and primary legislation.

Another commitment in the agreed programme for Government is for an independent appeals process. I wish to signal my intention to introduce an appeals mechanism along the lines of the system used in the Department of Social and Family Affairs. This will operate on an administrative basis at first and, once developed, may be put on a statutory footing.

**Deputy Denis Naughten:** The Minister should get the Parliamentary Counsel to examine it before Committee Stage.

**Deputy Brian Lenihan:** I will not be examining that before Committee Stage. I will do nothing in this Bill to undermine the rights of the Government or the Irish people. I will be extremely careful in introducing appeals procedures that ensure that the interests of the Irish Government and the Irish people are carefully safeguarded and that we are not left in the position we were left in under the refugee regime with an appeals procedure based on statute which broke down over a number of years. This matter requires very careful consideration.

I will deal with the provisions of the Bill. Part 1 deals with preliminary matters and contains a number of standard provisions dealing with matters such as commencement, expenses and interpretation. One of the terms defined in the interpretation section is "foreign national". It is used in the Bill generally to mean a person who is not Irish, not an EU national, not a national of a member state of the European Economic Area that includes Norway, Iceland and Liechtenstein and not a Swiss national. The term "foreign national" will be used in my contribution in the same sense as it is used in the Bill.

I remind Deputies that nationals of EU states are entitled to exercise treaty rights of free movement into and out of Ireland, and that EEA and Swiss nationals have analogous rights by virtue of agreements entered into by those states with the EU and its member states. The Bill does nothing to impinge on those rights, which are governed by other legislation.

Fundamental to this legislation is a distinction that will now be drawn between lawful and unlawful presence in the State. Part 2 of the Bill sets out general provisions dealing with lawful and unlawful presence in the State and with the restricted entitlement to State services of foreign nationals unlawfully present in the State. This Part lays down core principles that guide the remaining provisions of the Bill. One of those principles is that a foreign national will be lawfully present in the State only if he or she has a current valid permission to be in the State. There will be no lack of clarity. In the absence of a permission to enter or be present in the State, a foreign national's presence in the State will be unlawful. Consequences flow from such unlawful presence.

The principal consequence, and a major innovation, is that a foreign national who is unlawfully in the State will, under section 4 of the Bill, be under an obligation to leave. A failure to leave may result in removal of the foreign national from the State, if necessary against his or her will and if necessary with arrest and detention for that purpose. Under current law, a foreign national who is unlawfully in the State, notwithstanding that unlawfulness and irrespective of the circumstances in which that unlawfulness arose, cannot be removed until the lengthy process under section 3 of the Immigration Act 1999 is undertaken, leading to the making of a deportation order.

The second major consequence of unlawful presence in the State is contained in section 6, which provides that a foreign national unlawfully present in the State will not be entitled to enter into employment, engage in other economic activity or, as a general rule, avail of any State-funded benefits or services. There are a number of exceptions to this general rule in respect of certain essential services, including medical services and other emergency provisions that may be prescribed by the Minister. The essence of this provision, however, is that foreign nationals here illegally should receive no encouragement from the State to remain here unlawfully. The remedy for illegal presence will be to remove oneself from the jurisdiction.

There are those who will argue, and indeed have argued, that this is a hard-line approach and will operate somehow unfairly to foreign nationals who are unlawfully present. I assure them that will not be the case under this Bill. In general, a foreign national cannot be unlawfully present except in one of two ways. The first is to put oneself knowingly in that position by either evading immigration controls altogether or staying on after the entry or residence permit has expired. The second way is by going through a fair process leading to the revocation or non-renewal of residence permission.

Debate adjourned.

### **Private Members' Business.**

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### **Special Educational Needs: Motion (Resumed).**

The following motion was moved by Deputy Brian Hayes on Tuesday, 12 February 2008:

That Dáil Éireann:

- accepting that the current system of assessment for children with autism is inadequate;
- noting the co-author of the report of the Government taskforce on autism has suggested the Department of Education and Science policy on education for autistic children is misguided;

- considering that the lack of a suitable appeals process leaves parents with no option other than to pursue education services for their children through the courts;
- acknowledging the Government's delay in implementing the Education for Persons with Special Educational Needs Act 2004 — EPSEN — to provide appropriate education services for children with special needs;
- noting the Government's refusal to change its policy to consider funding for new applied behavioural analysis, ABA, centres despite a clear demand for ABA services countrywide; and
- considering the Government's failure to improve co-ordination between education and health services in supporting children with special needs despite promises in the programme for Government 2007 to do so;

calls on the Government to:

- lay any evidence before the House which supports the suggestion that the current system of education provision for autistic children is suitable for all children, even those with moderate to severe autism who have been recommended one-to-one attention;
- make specific education services available to autistic children where it has been recommended by psychologists, without delay;
- introduce the outstanding provisions of the EPSEN Act 2004 according to the NCSE's proposed timescale for implementation;
- commit to funding the existing 12 ABA centres in their current format;
- expand the current ABA pilot scheme of 12 centres to accommodate other projects of a similar nature where they are needed;
- recognise the qualifications of psychologists currently working in ABA centres;
- honour its programme for Government commitment and institute an appeals system without further delay;
- ensure speech and language therapy and behavioural therapy is made available to all schools with autistic children in attendance; and
- immediately move to enhance co-operation between the Department of Education and Science and the Department of Health and Children to ensure children with special needs receive adequate support in all aspects of their lives from an early age.

Debate resumed on amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

recognising that:

- major improvements have been made in special education in recent years, underpinned by a doubling of investment since 2004 to €900 million this year and the provision of approximately 19,000 teachers and SNAs to work solely with children with special needs;
- the number of special classes for children with autism has increased by 40% in the past year alone, with 277 classes now in place in mainstream and special schools around the country;

- applied behavioural analysis is one of the interventions used in such classes, along with others that focus on the development of children’s speech and communication skills;
- the taskforce on autism recommended that a range of resources and approaches be made available to meet the unique needs of each student with an autistic spectrum disorder in all school settings;
- the Education for Persons with Special Educational Needs Act 2004 is being implemented on the phased basis provided for in the legislation so that teachers and schools will be well-prepared for the major developments that it encompasses;
- the first Special Education Appeals Board has already been appointed in advance of the full implementation of the Act; and
- improved co-ordination between the education and health sectors has been prioritised, with the appointment of a Minister of State with that specific responsibility and the establishment of a cross-sectoral team to co-ordinate the implementation of Part 2 of the Disability Act 2005 and the relevant sections of the EPSEN Act 2004;

appreciates that in any area of historic under-provision it takes time to bring services up to the optimum level and supports the Government’s determination to:

- improve access to assessments for children with special needs, as per the commitments in the Disability Act 2005 and the programme for Government;
- expand preschool provision around the country to ensure early intervention;
- continue to increase the number of special classes for children with autism;
- continue to provide schools with the necessary supports so that each child with special needs can have an education that is tailored to their unique individual needs and abilities, with provision for a range of interventions — including PECS, ABA and TEACCH — for children with autism;
- deliver on the commitment in the programme for Government to “commit to long-term funding for the 12 centres that are currently in the ABA pilot scheme subject to agreement with the Department of Education and Science on standards that will enable the Department to support them as primary schools for children with autism”;
- continue the work of putting in place the necessary processes to enable the full implementation of the Education for Persons with Special Educational Needs Act 2004 by October 2010 as set out in the legislation;
- develop special schools as centres of excellence and outreach facilities and allow for dual enrolment so that children can attend both a special school and a mainstream school as appropriate;
- continue to improve second level provision for children with special needs;
- improve access to speech and language and occupational therapy; and
- provide parents, through the Special Education Appeals Board, with a right of recourse to an independent appeals process.

—(Minister for Education and Science).

**Deputy Liz McManus:** I wish to share time with Deputies Joan Burton and Ciarán Lynch.

I make a special plea for Barnacoyle school in my constituency. Interim measures were urgently needed for that school, in terms of sanction for primary, preschool and post-primary classes and training grants for special needs assistants. I urge the Minister to ensure this school

[Deputy Liz McManus.]

is provided with the interim measures needed. It also needs to be included in negotiations between the Irish Autism Action and the 12 pilot schools.

This issue goes to the core of the values of our society. It is about cherishing children equally, giving the family special status and the universal right to education and the protection of the most vulnerable. Government Members in Fianna Fáil and the Green Party have tried to imply that this debate is a publicity stunt. It received publicity, and rightly so, but the debate is much more important. It is about changing public policy. This motion is a challenge to the reality faced by many parents waiting months or years for assessments for their children, and forced to go to the courts because no appeals system is up and running.

I pay tribute to Yvonne and Cian Ó Cuanacháin, who were hammered over and over by the State, using our money, to stop a little boy getting the schooling his parents know is best for him. It is about a Fianna Fáil Minister who is ignorant to the point of pigheadedness. It is about promises made by the Green Party that it betrayed as soon as the election was over.

I have met the families of children in County Wicklow, brave honourable people who deserve every support we can give. They know that applied behavioural analysis, ABA, is suitable for their children and that, for some, ABA will enable the child to make it to a mainstream school. Yet, the Minister for Education and Science has not even visited an ABA school. She is “grossly misguided” on applied behavioural analysis policy, she has failed to educate herself on educational interventions and she “makes very basic errors when referring to Applied Behavioural Analysis”. These are the words of the co-author of the taskforce report on autism, Dr. Rita Honan.

Interestingly, neither the Minister nor the Department has published evidence against ABA. The Government’s resistance to ABA appears to arise from vindictiveness and penny pinching. If there is evidence, let us have it. At the moment, there is a contradictory policy whereby 12 schools are sanctioned and those outside will not be.

Parents are trying to cope with many problems in their family setting. Children with autism are locked in to their world and have a range of difficulties. In many cases, ABA can unlock them from the prison. We must ensure that the possibilities are available to parents and children. Instead the Government has slammed the door on these children.

Many Members were e-mailed by a parent. She asked us what we would do if it was one of our children. The answer is very simple and we know what we would do. In a country as rich as Ireland, children should be given the best chance in their childhood.

**Deputy Joan Burton:** I hope the debate and coverage of the past 24 hours has opened the hearts and minds of the Deputies of various parties on the Government benches. Sympathy for parents coping with children with various levels of autism spectrum difficulties is not enough. Government Deputies must mark their concern by forcing action and a response from the Minister for Education and Science.

It is obvious that for some children the most appropriate education is the ABA method. The Minister has stuck her head in the sand and is in denial, possibly for financial reasons or possibly out of blind pride and a refusal to acknowledge that she and her Department are wrong. She must face up to the reality that the special insights offered by the ABA method are particularly appropriate to a significant number of children with autism. Every parent knows what is best and what works for his or her child. I hope this debate will enable parents to access targeted and enhanced services for the specific needs of their children.

In Castleknock, Dublin 15, there is a magnificent wing lying idle for the past year and a half to support children with autism in Castleknock Educate Together. The school and the com-

munity are anxious for this to open but it cannot because of an ongoing dispute between the Minister for Education and Science and the Minister for Health and Children on how resources should be allocated to provide the range of services required by the children. It is absolutely appalling to find that the school at Beechpark will not participate because the HSE and the Department of Health and Children cannot mediate with the Department of Education and Science.

Like many people during the last general election, I met parents and grandparents who were concerned about the future of their children and grandchildren. In Dublin West, there is no dedicated facility for ABA. Instead, children are ferried and taxied long distances to services. In the context of traffic in the Dublin region, very young children are faced with two and a half hour to four and a half hour commutes. One child travels from Clonsilla, Dublin 15, to the Croke Park area and on to the special school service in Tallaght. Even an adult would find that trip difficult and although reports refer to how well Ireland has done, we are unable to address this situation. I congratulate Fine Gael on this motion and hope it will open hearts and minds — not just sympathy — so that Government Members do the right thing by supporting it.

**Deputy Ciarán Lynch:** I congratulate Deputy Hayes on this motion. Sometimes one must revert to the origin in examining a problem. The day a parent learns that a child is autistic is a day the parent learns that life will be full of challenges. These challenges should not be met by obstacles placed by Government, as seen in recent court cases. How much money has the Minister spent on legal fees challenging parents when that money could resolve the ABA issue and other matters?

**Deputy Brian Hayes:** Hear, hear.

**Deputy Ciarán Lynch:** Last night, the Minister referred to a complete transformation in the area. She referred to catching up over the past decade because we started from such a low base. The reason is not because of Government policy or initiative, but because parents have taken the Government to court. As a result of positive action and rulings by judges, we have seen measures forced upon the Government.

The Minister must ask a number of questions. I invite the Minister to answer my question in her conclusion to this debate. How does she intend to deal with post-primary education for autistic children? There is a difficulty in the primary sector but no provision is made for secondary schools. I wrote to the Minister about an individual in my constituency of Cork South-Central last September where, in effect, the young boy in question was sent from Billy to Jack. He was sent to three different schools in the city but the Minister would not intervene because she did not have a solution.

The Minister should examine and recognise staff who work in the system who are not mainstream school teachers but who have developed significant expertise in recent years where no professional recognition has been given by her Department. Otherwise, massive slippage will occur. These people need job security and proper, professional recognition for the job they do so well.

Dr. Fitzgerald is an extremely gifted man who has worldwide recognition for his diagnoses but he is not recognised by the Department of Education and Science. A child of two years for whom Dr. Fitzgerald made an extensive diagnosis was not seen until he was six years of age by the State when he was already two years in the mainstream primary education system. That is unacceptable. We should set out a targeted needs-based programmed approach for children.

Reference has been made to CABAS in Cork and my colleagues spoke about the ABA model. When will these approaches be mainstreamed?



[Deputy Ciarán Lynch.]

My party colleague, Deputy Quinn, stated last night that the Minister is taking a one-size-fits-all approach to this issue. We know that is not working. If it was working we would not have people taking court cases and a packed Gallery. It is time we stopped taking the legal route to redress the problem. What we need is for this House to take responsibility for the area, not the courts.

**Minister of State at the Department of Education and Science (Deputy Jimmy Devins):** I wish to share time with Deputies Margaret Conlon, Peter Power, Paul Gogarty, Áine Brady, Finian McGrath and Mary O'Rourke.

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

**Deputy Jimmy Devins:** I welcome the opportunity that this debate provides for me and my colleagues in the Department of Education and Science to put on the record the efforts that have been and are being made to improve the situation of children with special needs, including those with autism. I wish to outline for the House the changes to co-ordination and strengthening of existing measures that have been put in place since the formation of the new Government.

I was honoured to be appointed by the Taoiseach to the position of Minister of State at four Departments and to be given the assignment and responsibility for disability services. I have responsibility for the oversight of the Government's national disability strategy, including the six departmental sectoral plans and the co-ordination of the implementation of the Disability Act and the Education for Persons with Special Educational Needs Act 2004. This cross-departmental assignment reflects the Government's commitment to the mainstreaming agenda. There are issues that are of particular relevance to people with disabilities which require a cross-departmental response. I agree with what Deputy Barrett said last night in the debate in this regard.

The designation of a Minister of State with responsibility for disabilities and the recent establishment of an office for disability, which I will deal with later, will facilitate cross-departmental working in areas of mutual responsibility and concern. The overall vision is to put in place structures which will provide for a greater cohesion than currently exists in the supporting disability structures across the public service.

The Government's overall objective is to put in place the most effective combination of legislation, policies, institutional arrangements and services to support and reinforce equal participation for people with disabilities, including those with autism. The national disability strategy was launched in 2004. Since then, a number of major strategic developments have been introduced, the first of which was the publication of the Disability Act 2005 and the Education for Persons with Special Educational Needs Act 2004. The Disability Act 2005 provides for a comprehensive framework for the delivery of services to people with disabilities. It provides, for the first time, a statutory right to an assessment of individual need.

**Deputy Ulick Burke:** Which is not being given.

**Deputy Jimmy Devins:** It is being given. Second was the publication of the six sectoral plans that outline how Departments are to provide for the implementation of the provisions of the Disability Act. Third is the multi-annual investment programme that provides €900 million from 2006 to 2009, which was announced in the budget in 2005. The Act is underpinned by this multi-annual investment programme. It is building the additional capacity required to put in place the framework set out in the Disability Act. As part of the multi-annual investment

programme under the disability strategy, the Government provided the Health Service Executive with an additional €75 million in both 2006 and 2007. This funding included moneys to provide new and enhanced services for people with disabilities, including those with autism, and to implement Part 2 of the Disability Act 2005, which came into effect on June 1 2007 for children aged under five.

The Government is also honouring its promise on the multi-annual investment programme for people with disabilities, with a further €50 million investment which was announced in the 2008 budget. It is estimated that over €1.7 billion is spent on health and personal social services for people with disabilities.

I wish to give some information to the House on some of the services that this huge investment is providing. Currently, 8,800 people with a disability receive care in residential places. The national intellectual disability database annual report for 2007 stated that more people live in group homes within their communities than in residential centres. A total of 7,200 residential places provide respite care for people with a disability and approximately 30,000 people attend day services. The national intellectual disability database annual report for 2007 states that 97% of the people registered with the database are in receipt of a service.

**Deputy Terence Flanagan:** How many are left off it?

**Deputy Jimmy Devins:** The report goes on to say that there has been significant growth in the level of provision of services to people with an intellectual disability, which reflects the investment programme.

The additional investment in the health services in recent years has resulted in an increase in the number of physiotherapists, speech and language therapists and occupational therapists, by 1,988 since 1997, which is an increase of 171%. The number of psychologists working in the health service has increased by 392, which represents an increase of 131% in numbers employed.

Recognition by the Government of the importance of implementing the national disability strategy is highlighted by the commitments outlined in the social partnership agreement Towards 2016 and in the programme for Government. Despite the substantial increase in services for people with a disability, including residential and day places and multidisciplinary support services, the Government acknowledges the significant demand for new services and a growing requirement to enhance existing services. We are committed to continuing the significant financial investment in supports for people with disabilities.

The health sectoral plan outlines proposals for the implementation of the Disability Act. A review of that plan has just been completed in my Department. In particular, it provides for the implementation of Part 2 of the Disability Act and the cross-departmental and cross-sectoral issues concerning people with disabilities and mental health, such as housing, income support and vocational training and employment are also addressed. Part 2 of the Disability Act provides people with a disability with an entitlement to an independent assessment of needs; a statement of the services which it is proposed to provide; to pursue a complaint and, if necessary; to make an appeal to the independent disability appeals officer.

In particular, Part 2 of the Disability Act 2005 was commenced for children under five years on 1 June 2007. I understand that, to date, over 1,200 applications for assessment have been received by the Health Service Executive and approximately 100 assessments have been successfully completed.

Children in the age category of five to 18 years will be catered for with the implementation of EPSEN in tandem with the Disability Act by no later than 2011. A critical element of the

[Deputy Jimmy Devins.]

co-ordination structure has been the establishment of a cross-sectoral team which helped to ensure that arrangements for the implementation of Part 2 of the Act were progressed. I am pleased to inform the House that I attended a meeting of this team and I assure Members of the commitment of all involved. This team which consists of officials from the Department of Health and Children, the Department of Education and Science, the Health Service Executive and the National Council for Special Education has responsibility for the co-ordinated implementation of Part 2 of the Disability Act 2005 and the relevant sections of the Education for Persons with Special Educational Needs Act 2004, when it commences.

I assure the House that we are committed to the full implementation of the Disability Act 2005 and I am determined to ensure that the necessary resources to allow this happen are provided.

I will refer briefly to the Office for Disability and Mental Health. The fundamental idea of this new office is to get all Departments working together in a structured approach to the delivery of services. My key goal is to work hard to improve the life of anyone in Ireland with a disability. I can do this by actively driving measures to ensure effective co-operation across the relevant Departments and agencies.

This office will be built around the existing units dealing with disability. The administrative head of the new office is a senior manager in the Department of Health and Children. She will attend senior management meetings in other Departments, including the Department of Education and Science, where issues relating to disability are on the agenda.

In addition, I will hold quarterly meetings with the four Secretaries General of the Departments to which I have been appointed and the director of the new office. Formal arrangements will be developed to improve linkages between the new office and the Departments of Justice, Equality and Law Reform, Education and Science, and Enterprise, Trade and Employment.

The office for disability will also focus on supporting the implementation of the health sectoral plan under the Disability Act 2005. It will, in particular, facilitate the delivery of integrated health and education support services for children with special needs.

The existing co-ordination arrangements between the Departments of Health and Children and Education and Science on interaction between Part 2 of the Disability Act 2005 and the Education for Persons with Special Education Needs Act 2004 will continue to operate to the benefit of people with disabilities, including those with autism. Through these formal inter-departmental links, the office for disability will ensure and oversee an integrated whole-of-government approach and implementation of joined-up policy. The establishment of the office is another step in this process. The ultimate aim is to provide people with a disability with an opportunity to live a full life and to participate full in society. I support the amendment.

**Deputy Ulick Burke:** What about the motion?

**Deputy Margaret Conlon:** I thank the Leas-Ceann Comhairle for the opportunity to address this motion. For many years I was a teacher and during that period I witnessed and worked through years of neglect of students with special needs. In many cases, students who were unique but different were ignored. Thankfully, in 2008, vast improvements have taken place and more are coming. We have transformed the provision of educational opportunities for children with special needs.

As a member of the Oireachtas Joint Committee on Education and Science, I visited two schools last month where I witnessed first-hand how the Government is laying the foundations throughout the country for improving education for children with special needs. It was unfortu-

nate that no member of the Opposition visited the schools with us for what was for me a valuable learning experience.

**Deputy Brian Hayes:** We were there ahead of Deputy Conlon.

**Deputy Margaret Conlon:** The children in these classes have access to a programme of work that is geared to their individual needs and adapted if necessary if it is found not to be best suited to their needs. They are able to attend mainstream classes when it is in line with their abilities. These schools enable and foster social integration, and the pupils integrated well with their peers. The staff were supportive and enthusiastic about the variety of methodologies used and I firmly believe and will argue with anyone that all children have a right to be taught by qualified teachers. Having information and numerous skills are vitally important, but one must possess the ability to impart knowledge to be the most effective teacher one can be.

From my visit it was obvious that these children were being given the opportunity to be the best they could possibly be. Their education was nurtured in an environment conducive to learning and they were able to develop a sense of independence, which was evident when they played their tin whistles as a group and individually.

In my parish, we received sanction for an autistic unit alongside a mainstream school last year. Two boys are attending the pre-school and accessing a range of methods so that their needs can be met. TEACCH, PECS, and ABA are used — the Department supports the use of ABA. However, based on research, evidence and best practice, ABA should not be the only method used.

The reality is that children with autism suffer on the whole spectrum of needs. Some children are capable of being fully integrated into mainstream classes, while some need additional teaching or assistance and others need a special class specifically for autistic children. Early intervention is vital and they deserve to be taught by qualified teachers.

It is insensitive and shameful for the integration of children with special needs into mainstream schools to be termed a “social experiment”. Most parents prefer their children to attend mainstream or special classes in local schools and the Government has worked hard to support this choice. We are developing special schools as centres of excellence and outreach facilities and allowing for dual enrolment so that children can attend a special school and a mainstream school, as appropriate.

Inclusion is not unique to Ireland. The Individuals with Disabilities Act in the USA requires that, to the maximum extent, students with disabilities be placed in the least restrictive environment where they are educated alongside their peers. Who are we to disagree with the UN Convention on the Rights of Persons with Disabilities? It requests states to ensure that persons with disabilities are not excluded from the general education system on the basis of their disabilities and in 2008 people with disabilities can access an inclusive, quality and free primary and secondary education on an equal basis with others in the communities in which they live. Surely all our children deserve that.

**Deputy Terence Flanagan:** Perhaps Deputy Conlon will vote with us tonight.

**An Leas-Cheann Comhairle:** There is a long list of speakers and if one eats into anybody's time, somebody will be knocked out at the end.

**Deputy Peter Power:** I thank my colleagues for sharing the limited time.

Any discussion involving the educational needs of children can be emotive and any debate involving the education of children with special educational needs, especially those with autism, is particularly emotive. As a public representative and as a parent, I recognise and acknowledge

[Deputy Peter Power.]

the determination of all parents to do what is best by their children, many of whom are represented here tonight in the Gallery.

In this debate there should be no absolutes. Nobody is absolutely right and nobody is absolutely wrong—

**Deputy Brian Hayes:** Hear, hear.

**Deputy Peter Power:** —especially in the face of complex, often conflicting, expert opinion. I am not an expert in this area. Most Members of the House are not experts. I have heard experts differ significantly on what is the appropriate response of Government and the Department on this issue, and we should recognise that nobody has a monopoly of wisdom on this issue.

The experts agree, however, that the demarcation lines between educational services for those with special educational needs and those with a varying degree of autistic spectrum disorder are blurred. It follows, therefore, that improvements in the services available for children with autism can only be looked at in the context of the enormous improvements that have been made in services available to children with special educational needs over the past ten years. It would be churlish not to acknowledge that fact. Unfortunately, that was not acknowledged last night.

The essential question in this debate should be whether we have a framework throughout the education and health services which can accommodate flexibly the changing developmental needs of children on the one hand with the diverse and emerging scientific and expert research developments on the other, coupled — most importantly — with an ongoing commitment to additional resources.

Notwithstanding that, most Members of this House support the conclusions of the taskforce on autism, which reviewed all the available evidence and concluded that there is no definitive evidence that supported one approach as better than all others or which supports a single approach for all aspects of development.

**Deputy Simon Coveney:** We are not saying that.

**Deputy Joan Burton:** Nobody said that.

**Deputy Simon Coveney:** Stop distorting the motion.

**Deputy Peter Power:** In this regard, I am delighted with the announcement this week that Rehab in Limerick has received special recognition from the Department of Education and Science to proceed with the development of a new pre-school and primary school for children with autism. The new school in Limerick will adopt a range of innovative methodologies and interventions used to promote the maximum learning potential of each child, including TEACCH, PECS, ABA, NEBS and positive behaviour supports.

For me, the future in this area is ensuring a holistic approach by not only concentrating on the education of the child, but also on other areas such as independent living, social and leisure skills, play skills, communication skills and self care. It is not all about one issue here. Last night, I found the rather crude attempt by some speakers to characterise anybody who came to this debate in good faith as somehow being anti-children if their view differed regrettable. Some people hold opposing views. It does not mean they are absolutely right or that they are absolutely wrong.

**Deputy Paul Gogarty:** I welcome the opportunity to contribute to this debate. Given the limited time available, I would like to focus on just a couple of issues. It is important to reiterate that since 2004, investment in special education has doubled to €900 million, 6,000 additional special education staff have been put in place and training for teachers has been dramatically improved. As the Minister for Education and Science has stated, the provisions of the Education for People with Special Educational Needs Act are being phased in and will, hopefully, be fully implemented by 2010.

This is a significant achievement, notwithstanding valid concerns expressed in recent years about the exact wording of the legislation and the timeframe for implementation. It is also important to point out that in managing the roll-out of special education provision in the field of autism, the Minister and her predecessors have been advised by the findings and recommendations of the task force on autism as well as other reports. That report states that there is no definitive evidence supporting one approach as being better than others for all children with ASDs or supporting a single approach for all aspects of development; nor is there evidence by which children can be matched to particular approaches.

This is what has led to the current policy favouring the eclectic approach over ABA, for example. However, there continues to be a clear disagreement about the benefits of ABA versus the eclectic model. ABA proponents cite many international studies which point to this methodology working far better for certain types of children with autism spectrum disorders. However, the task force report, the Northern Ireland task force report and the Magiati, Charman and Howlin report, referred to by the Minister, would say otherwise and that it is not good to focus on one particular intervention.

The Oireachtas Joint Committee on Education and Science has visited a number of facilities, ABA and State facilities, and both approaches seem to have their success stories. From the admittedly limited visit of the committee, it found the State-run units in primary schools were working successfully as integrated units. We also found much of merit within the ABA school in Drogheda. It was telling that when I asked where children who were not deemed suitable for the unit in the State school were sent, one of the places a child was referred to was an ABA school. That was, therefore, a sort of unofficial recognition that ABA suits children with specific requirements.

I am delighted that the programme for Government has negotiated long-term funding for 12 ABA schools. More needs to be done over the next few years and these schools will have to fit into the system. They can do that as centres of excellence focusing on ABA as part of an overall multifaceted approach. I hope the ongoing negotiations succeed in that regard.

There is a need to have a closer look at where we are going. It is now seven years since the task force on autism reported. International studies have been carried out since and they need to be reviewed and analysed. There is also an urgent requirement to look at the outcomes for the various methodologies and to compare them with children with various degrees of autism.

In summary, while Government policy follows a particular path on the basis of best information available, new information is always evolving. I look forward, as Chair of the Oireachtas Joint Committee on Education and Science, to taking some of this new information on board and reviewing the autism report in due course.

**Deputy Áine Brady:** I welcome the opportunity to contribute this evening to the debate on services for children with special needs, in particular educational services for children diagnosed with autism. I acknowledge the work of all those involved to date and outline some ideas for further development and improvement in services for children with autism. As a former special needs teacher in Celbridge, I have witnessed at first hand the dramatic improvements that have

[Deputy Áine Brady.]

taken place in the area of special needs. Parents of children with autism have, rightly, more choices now. Their children can attend special classes in mainstream schools, attend a mainstream class with additional support or attend a special school.

This progress would not have been achieved without the commitment of Government to funding and, more significantly, the huge dedication and commitment of parents of children with autism. I fully appreciate the sacrifices many parents make, of which I am aware not only from my teaching career but also from meeting parents in my constituency, particularly those involved in the Saplings school in Kill. They must take some comfort that all their hard work has led to significant policy changes, bringing improvements to the lives of their children.

It is recognised that early intervention is critical to ensuring that children with autism get the most appropriate services. I welcome the opening last year of a pre-school autistic unit attached to the Derrinturn primary school, one of 23 autism specific pre-schools established nationally. I welcome the Minister's commitment in her speech last night to the expansion of the pre-school network for autism. Services for school-age children with autism have moved from a very limited provision a few years ago to a position now where there are 3,600 children in special classes in mainstream or in special schools.

As with many other challenges we face, a partnership approach offers the best opportunity to develop a set of policies which will maximise the benefit for children with autism. We have already seen the benefits of this approach with the achievements to date, in particular with ABA schools. For instance, I am aware from my contact with the Saplings ABA school in Kill that, where appropriate, children are eased into mainstream schools. The co-operation, back-up and follow-up is comprehensive between educators in both schools.

I believe that teachers should be appointed to ABA schools. Working in tandem with ABA tutors, teachers and tutors will bring the necessary set of skills to enable a smooth transition between special schools and mainstream schools. Likewise, ABA tutors are in an ideal position to give practical support to teachers in mainstream schools. This sharing of knowledge and expertise is a key enabler to ensure that we offer the best level of service to our special children. While it is now recognised that ABA is not the only teaching method for children with autism, it is an important method of intervention and should be available to children with autism in all settings.

**Deputy Finian McGrath:** I welcome this important debate on special needs education, particularly for children with autism. I commend the parents and families of these children on their work, commitment and courage in this regard. As a parent of a daughter with an intellectual disability, I will continue to push and fight for the development of educational services and will do my best, both in the Dáil with the Minister and in the broader community, to ensure delivery of a top-class quality service for all children with special needs and all children with a disability.

All good teachers and parents know that from the start each child is unique. Each child is special and individual. We must recognise uniqueness. This, for me, must be the anchor of our education system. I speak as a parent and as a former primary school teacher. When I looked at ABA, talked to parents, looked at particular schools and listened to objective professionals, I found ABA to be child-centred, inclusive, multi-element intervention and a great option. Let us remember, we are all learning on this issue and we must be open to new ideas that work.

This is not to say that other methods, strategies and classroom situations do not work. They do. All we need to do is open our minds and develop the 12 existing ABA centres and fund further ABA projects. I will work on this strategy both publicly and privately with the Minister for Education and Science. In fairness to the Minister, she has made great efforts at pushing

special education in the past six years. She has always given priority to special education and disadvantage and I commend her for that.

The recent budget, which was part of my agreement with the Taoiseach, gave an extra €15 million to disability services and an extra €18 million for special educational needs, despite the downturn in the economy and the clamour for more restrictions on public spending. This is the battle many of us fight each day and tonight's debate is part of that battle. We must all take a serious look at the real issues. We need to do our best to support families and their special needs children. We must also be straight with them.

With regard to autism, I support a broad range of methods, including ABA. I commend all those working in the area, particularly in my constituency. Scoil na mBráthar in Fairview has two autism classes. Scoil Chiaráin, Collins Avenue, Donnycarney, also has two autism classes, as does Our Lady of Consolation, Collins Avenue. At second level, St. David's in Artane has one autism class. These services exist in my constituency and I will continue to fight for their development. We must also support families who want to send or are sending their children to ABA schools. I support that right and that choice.

I said earlier that special education was part of my deal with the Taoiseach. Some of that deal has been rolled out and I welcome that. We all need to do our best to push and develop services for all children with special needs.

**Deputy Mary O'Rourke:** I am glad to have the opportunity to contribute to this debate and to explain what I know about ABA. I am a patron of Saplings school in Mullingar, having opened that school with the co-founders three years ago. ABA works for young people, but it is part of a total range of provision for children with special needs. I have seen ABA at first hand and I know it enables children to learn because it is a behavioural system that works on a one-to-one basis. That child learns how to learn, behave, have social skills and become a child with potential and a future. I thank my colleagues for allowing me to speak for one or two minutes. Whatever lingering animosity there is within the Department of Education and Science should be removed forthwith and the provision of ABA should become an essential feature of the spectrum of provisions for children with special needs, as it is already becoming.

**Deputies:** Hear, hear.

**Deputy Mary O'Rourke:** Every mother and father wants the best for their child and if there is any way that can be given it can be done through ABA beginning at a young age, between the ages of two and three in the preschools Deputy Áine Brady mentioned. There is a lingering animosity and blockage at some level in the Department of Education and Science against the full provision of ABA.

**Deputies:** Hear, hear.

**Deputy Emmet Stagg:** Deputy O'Rourke should tell the Minister.

**An Leas-Cheann Comhairle:** As there is limited time for this debate I ask those in the Visitors Gallery to allow the views of the House to be expressed without interruption.

**Deputy Mary O'Rourke:** As Deputy McGrath said, we learn daily about the new developments and how children respond in difficult situations. I wish we could have an open approach to more provision of ABA.

**Deputy Michael Ring:** I would like to share my time with Deputies Bannon, Neville, McHugh, Terence Flanagan, Coveney, Deenihan, Sheahan and O'Donnell. We will win this



[Deputy Michael Ring.]

motion because we have the support of all the Fianna Fáil backbenchers, the Green Party and Deputy Finian McGrath.

**Deputy Paul Gogarty:** On a point of order——

**Deputy Michael Ring:** Deputy Gogarty should sit down. When the Government did not have enough Ministries, it created new ones. When it could not satisfy the backbenchers it created new committees, Chairmen and convenors. The people in the Visitors Gallery do not want to be here tonight but they are here for their children. The Government should resolve these people's problem. They do not want to be here. They want to be at home with their children and they want their children taught in proper schools. They want ABA and we want it for them.

**Deputies:** Hear, hear.

**Deputy Michael Ring:** I am sorry I have a sore throat because I get angry when parents from my constituency have to go to court to get rights for their children. We have enough tribunals in this country and parents should not have to put their homes, families and livelihoods at stake to have their children educated. It is a disgrace. When the Government wants to change policy it can do it.

Deputy Devins said he is a Minister of State at four or five Departments. How can he have responsibility for disability when he works across every Department? There should be one Minister to deal with disability and he or she should have total responsibility and not be dependent on his colleagues.

I call on Fianna Fáil backbenchers and Green Party and Independent Deputies to support this motion. By doing so they will support the parents in the Visitors Gallery and their children, and will do a good job for the country. These people deserve to be supported. All they ask is a small amount of help and a right for their children for the future. That is not too much to ask of Fianna Fáil, the Green Party or the Progressive Democrats.

**An Leas-Cheann Comhairle:** People in the Visitors Gallery have strong views on this but this is a House of Parliament and I ask them to allow Members to make their contributions without interruption.

**Deputy James Bannon:** I compliment Deputy Brian Hayes on tabling this motion and on his efforts in bringing this Government to account for the dreadful way it is treating the weakest members of our society, particularly children with autism. The last time we debated this issue I expressed my concerns on what is happening in the midlands and today we debate the tragedy of what is happening between several Departments and the courts where parents, who give so much of their time to improving the lot of their children, have to go to court to fight for their children's rights. Despite what has happened it is important we keep the pressure on the Government to improve services for those with autism. Everyone on this side of the House feels this arrogant Government has let down the nation on services and facilities to help families who have a child suffering from autism. It is important the Ministers for Education and Science and Health and Children put proper facilities in place. It is unfortunate that parents have to take cases to court, protest outside this House and lose their homes to keep simple respite services and demand the help they need.

Several reports have been published containing many recommendations, but few of these recommendations that would improve provisions for children with autism and their parents have been implemented. Under the Minister's watch there have been great weaknesses in the delivery of special education services. There are limited ABA centres throughout the country

and it is the Minister's policy to restrict the funding available for these centres despite demands for this type of tuition. Parents are frustrated continually by the service delays in assessment of autistic children, which further restrict such children from progressing. There are significant waiting lists for occupational, speech and language therapy and there is little co-ordination between the Minister's Department and the Department of Health and Children in providing such services.

It is evident from recent statements from the Minister, Deputy Hanafin, and the Taoiseach that neither has a full understanding of the debate. Their attitudes, inaccuracies and mistakes are outrageous. If such ignorance of the issue is displayed by them it raises the suspicion that most Members of this woefully corrupt dictatorship are equally misinformed, including the withering Greens. Parents must be provided with suitable services and choices for their children.

We regret the manner in which the Minister, Deputy Hanafin, has bullied parents and children with autism. There is no system of appeal for parents other than seeking their children's rights to educational services through the courts, as the recent case proved. The Minister prefers dragging parents through the courts to providing the necessary services. It is interesting to note that the author of a Government task force report on autism described the Government's policy on autism as grossly misguided and out of touch with reality. This is a dreadful indictment of this Government.

I plead with the Government at this late stage to abandon the dreadful cold heart of stone of the Minister, Deputy Hanafin, and show some solidarity with parents and children with autism. Nothing is permanent but change and I urge the Minister to show respect and a thought for children with autism by supporting the Fine Gael motion so that we might all begin to improve the lives of all children suffering from autism.

**An Leas-Cheann Comhairle:** I remind Deputies that if they exceed their time somebody's speaking time at the end will be squeezed.

**Deputy Dan Neville:** I welcome the opportunity to speak to Deputy Hayes's motion and congratulate him on bringing it forward. Childhood and adolescent psychiatric services account for 5% to 10% of spending on mental health services while serving 23% of the population. This underinvestment has resulted in a child and adolescent service which is at best sporadic and at worst non-existent. Autism is not a mental illness but a condition, but I want to raise an issue on mental illness. People with autism or Asperger's syndrome are especially vulnerable to secondary mental health problems, particularly anxiety and depression, especially in late adolescence and early adult life.

However, problems with communicating feelings and impairment of non-verbal expression can mean that mental illness in people with autism spectrum disorders is often well developed before it is recognised, with possible consequences such as total withdrawal, obsessive behaviour, aggression and threatened, attempted or actual suicide. Any suicide prevention strategy for people with autism spectrum disorders must focus on the promotion of mental health well being rather than seeking simply to restrict potentially suicidal behaviour. Experts in the field have highlighted the striking lack of systematic, scientific research on suicide, suicide rates and the prediction of suicide in those with autism and Asperger's syndrome.

In 2001, the National Autistic Society of the UK published a major report on the life experiences of adults with autism spectrum disorders. Of the report's sample, 32% had experienced mental health problems and of these, 56% had suffered with depression while 8% had felt suicidal or had attempted suicide. Evidence from practitioners supports this pattern of suicidal impulses in people with autism spectrum disorders. A sample of 27 patients assessed at the

[Deputy Dan Neville.]

autism research centre in Cambridge University found that 14 had felt suicidal and four had either planned or attempted suicide, which is way above the national average.

For people with autism spectrum disorders, a first step to mental well being is prompt and accurate diagnosis. It is recognised that the stage from birth to five years of age is critical in the promotion of mental health well being. This is greatly assisted for people with autism spectrum disorders if correct diagnosis is made early. However, to prevent the development of secondary mental illness in people with autism spectrum disorder, practitioners must address the issues of prevention and early intervention. Prevention means dealing with bullying and social isolation, while early intervention means recognising mental health problems in the context of autism spectrum disorder. The lack within our mental health services and the almost complete absence of mental health services for children and young adults is an absolute disgrace. The fact that some children are waiting for mental health assessment and intervention for four years in certain parts of this country contributes to people with autism developing serious mental disorders. According to the UK study, up to 32% could develop such problems.

**Deputy Joe McHugh:** This motion is about choice. Some people with autism are allowed access to ABA and some are not. At a time when we are talking about career pathways, education continuance and using buzz words like “cradle to the grave”, there are people included and others excluded. Tonight we stand at a very important juncture in terms of educational inclusivity.

I thank my colleague, Deputy Brian Hayes, Fine Gael’s spokesperson on education, for tabling this motion because there are a number of very serious questions to be answered. There are questions from a mother whose son is No. 59 on a waiting list for an ABA place in Drogheda. There are questions from a mother whose son had funding removed when he was aged six and who now has to provide home tuition for him from her own funds. That particular child, who is now seven years old, has never been to school. We talk about continuance and inclusivity and yet here is a child who has never been to school and whose mother is funding private tuition at home.

What of the parents who are living with the daily fear that their child will end up in an institution at 12 years of age? Where is the career pathway, the career progression, the ambition and the vision for that 12 year old child? That is the fear of parents at the moment. What of the continuum of education for children with mild Asperger’s syndrome, when they reach the age of 18 and are still with their parents, who must rear them as if they were still 14 years old? Where is the ambition, support, inclusivity and the continuum?

What of early intervention and second-chance education for everybody? The Minister for Education and Science, Deputy Hanafin, at every official function, will talk about second-chance education but what we are talking about here is first-chance education. People are being precluded from first-chance education. I leave the House with one lasting thought — for the seven year old boy who has never been to school, where is the first chance?

**Deputy Terence Flanagan:** I thank my colleague, Deputy Brian Hayes, for raising this serious matter in the Dáil and thank our visitors in the Public Gallery for attending tonight’s debate.

Last week, the Minister for Education and Science destroyed the hopes of 70 families of autistic children by withdrawing the funding for their special needs education. These families, attached to four schools set up by parents of autistic children, received funding on a monthly basis for one-to-one tuition. A payment was due last week but instead, they received a letter from the Department telling them that their home tuition is ending next month and they must prepare to enrol their children in school, where they will be taught at a ratio of at least six to

one. Each of these children has individual needs and the one-to-one tuition which they are currently receiving should continue.

Achieve ABA school in Donaghmede is in my Dublin North-East constituency. It was established to provide education for autistic children and was founded by a group of parents whose children's needs were not being catered for by the Department of Education and Science. The Minister, Deputy Hanafin, was providing a home tuition allowance, which covered half of the costs to the parents of the children attending this school. The parents have now been told by the Minister, "My way, or no way". Only four of the six children have received notification of a school place. I now call on the Minister to tell the House what schools have been allocated to the other two children.

I have many questions arising from the Minister's speech last night and am disappointed she is not here to answer them.

**Deputy Ulick Burke:** Where is the Minister?

**Deputy Terence Flanagan:** Perhaps she will write to me personally, with her responses. How many ABA schools has the Minister visited since her appointment?

**Deputy Ulick Burke:** None.

**Deputy Terence Flanagan:** I believe the answer is none. How then can she, as the Minister, formulate policy without seeing the issue first-hand? Does the Minister not acknowledge that parents must have some input into deciding the most appropriate form of education for their child? Does she not agree that parents must be listened to, as they know what is working best for their child? Surely when parents have received a recommendation from a professionally qualified person that ABA is the most effective education method for their child, this advice should be listened to and acted upon.

The Minister referred extensively in her speech last night to the fact that the number of special needs assistants has increased from 300 to 10,000. However, she failed to point out that her own Department's website explicitly states that special needs assistants are not educators but have a caring and support role. Parents want to have their children educated, not simply cared for in the classroom.

The Minister also referred to experts brought in by her Department from both Norway and the United States of America but failed to provide their names or qualifications, which would be useful, given that this was her first ever mention of these experts. I would be grateful if the Minister would provide full details about these people.

The Minister further stated that one-to-one teaching is not appropriate for all children. While I agree with her on that point, what of the children for whom it is appropriate? It is the minority of lower-functioning children who need the one-to-one tuition. Can the Minister explain how the new units her Department has set up are suitable for lower-functioning children?

The Minister used a nice sound bite regarding her approach as being "child-centred rather than method-centred". While it is a pleasant sound bite, it means nothing. What is child-centred about, ignoring the needs of lower-functioning children?

I hope the Government Members will support the motion before the House.

**Deputy Simon Coveney:** I welcome the parents in the Public Gallery who chose to travel to the House for this motion and thank Deputy Brian Hayes for tabling it. The Fine Gael motion is straightforward and I believe that but for party loyalty, many Fianna Fáil, Progressive Democrats and Green Party Deputies would support it and I appeal to them to do so. Listening to

[Deputy Simon Coveney.]

experienced and influential Deputies like Deputy O'Rourke speaking to support the motion, but who disappear and return later to vote against the motion, does not inspire the type of confidence we, as politicians, should inspire among our visitors.

**Deputy Brian Hayes:** Hear, hear.

**Deputy Simon Coveney:** I and others have only a few minutes each because many Fine Gael speakers wanted to contribute. I wish to concentrate on the essence of the motion, which is summed up in the second line of our calls on the Government, namely, to make specific education services available to autistic children where it has been recommended by psychologists, without delay. Ironically, the Government's commitment in its programme for Government is exactly what we and the parents in the Visitors Gallery want. The Government's promise in the programme states:

Provide each child with special needs with the right to an Individual Education Plan. This will ensure that each child has a tailored programme to meet their unique individual needs. In the case of children with autism, the Plan will enable them to benefit from a range of teaching approaches, including PECS, ABA and TEACCH, as appropriate.

I wonder what the Ó Cuanacháin family thinks of this commitment.

Instead of outlining how the Minister, Deputy Hanafin, would deliver on those promises, she decided last night to embark on political attacks against Fine Gael in the House. She attacked Deputy Kenny for the terminology he apparently used at some stage in recent weeks and Deputy Brian Hayes for not turning up for a school visit organised by the education committee despite the fact that she has not visited an ABA school since becoming Minister.

**Deputies:** Hear, hear.

**Deputy Simon Coveney:** This is the type of sniping by which parents who have travelled to listen to this debate will be disgusted. We want and they deserve solutions. It is the job of Government to provide hope that solutions are on the way for their children.

I want to challenge the Minister on her suggestion that those who support ABA schools want ABA to the exclusion of all other types of education. That is nonsense; we and parents are not asking for it. We are asking for choice.

**Deputies:** Hear, hear.

**Deputy Simon Coveney:** It is devious and misleading to try to warp the motion to represent that opinion. People are looking for the right to access to the appropriate education for their children, which is not too much to ask. I welcome that funding for 12 ABA pilot projects will continue. I know one of them, the CABAS project, well. It was the first ABA pilot project in Cork.

**Deputy Jimmy Deenihan:** I thank Deputy Brian Hayes for tabling this important motion. It is estimated that there are more than 250 families affected by autism in County Kerry. Some of the parents affected are in the Gallery. The 400-mile round trip from Kerry they will make shows their commitment to and concern for their children.

There is a national need for planned services, including early diagnosis, suitable interventions and a full range of family supports. While the services available to families are improving, the professionals working in the field are under-resourced and many posts are not filled. Many services are fragmented, with parents witnessing little evidence of the development of a coher-

ent plan involving the Department of Education and Science, the HSE and other service providers. The net result is that many professionals work in isolation and many families lose valuable time in addressing the developmental needs of their children.

For a good prognosis, children with autism need early intervention to modify their autistic characteristics. Unfortunately, they cannot receive any services until they have received diagnoses identifying their needs. In Kerry, children may experience delays of up to four years in getting a diagnosis of autism. To help overcome this issue, Kerry Autism Action has recently helped to fund assessments in the Solas Centre where children can receive a complete autism diagnostic service. An assessment is taken with input from a psychologist, occupational therapist, child psychiatrist and speech and language therapist.

While the Department has allocated extra resources to special autism classes in schools like the Nano Nagle special school, Listowel, Scoil Eoin, Balloonagh, Tralee, and Killahan Primary School, children requiring applied behavioural analysis education are neglected in Kerry. Since there are ABA schools in other parts of the country, including the Minister's constituency, Kerry Autism Action applied to the Department to fund such a school in Kerry. Despite repeated requests, the Department failed to respond to the application. As a result and with strong local support, the parents were forced to set up and fund their own school at Lixnaw. Since opening for a limited number of children, parents have witnessed dramatic improvements in some of their children's development, which I have seen personally.

I will make an appeal to the Minister in the Chamber and in person. If she does nothing else for parents in Kerry, she should fund the school. The parents needed to do it themselves, fund-raise for it and pay for it out of their own resources. Surely, she could add this school to the current 12 and replicate them elsewhere.

**Deputy Tom Sheahan:** I want to speak, not on behalf of my constituents, but on behalf of friends. I will make an observation before proceeding. It sickens me that only six Members of the Government parties are present during this debate on a national issue.

**Deputies:** Hear, hear.

**Deputy Tom Sheahan:** When I discuss autism, I would like to use some adjectives — disillusionment, distress and frustration. This is what the parents of autistic children go through every day of the week. Not only should the Minister for Education and Science be present, but also the Minister for Health and Children. If autism is not dealt with, it will fall on the latter's lap in years to come.

I will be parochial after my colleague, Deputy Deenihan. In County Kerry, children travel in excess of 50 miles from west of Dingle to Beaufort to attend a school. When I consider autism and my friends with autistic children, it brings to mind the television advertisement in which parents of a son or daughter involved in a car accident ask who will take care of their children after they are gone. This question hits the parents of autistic children every day of the week. They are fighting to get the basic rights their children deserve and to which they are entitled.

It is a highly emotive issue about which I feel strongly. I call on the Minister to put the facilities and supports in place for the parents who deal with this matter day in, day out. As my colleague, Deputy Deenihan, stated, they pay for it out of their own pockets because the State does not provide the help their children need and to which they are entitled as a basic human right.

**Deputy Kieran O'Donnell:** I want to speak on this motion about which I feel strongly. One after the other, Government Members preach that they are in favour of ABA and lecture us to the effect that, if we promote ABA, we are not recognising the other methods, but we do recognise them. TEACCH, PECS and others are great methods in their own right.

The matter arising is that parents whose children have been assessed and who state that ABA is the best method are entitled to ABA for their children. I am a parent and all that parents want is for children to achieve their optimum. Nothing more, nothing less, but this is being denied to parents of children with autism. It is as simple as that. An Act has been in place for more than three and a half years. It was enacted by the President on 26 July 2004, but nothing has occurred other than the putting in place of the appeals board. Despite their urgency, no assessments or educational plans have been put in place. The Government needs to act in respect of these simple measures.

Tonight is a defining moment for the Government. There are areas in which funding should not be an issue and disability is one. I agree with my colleague, Deputy Sheahan, as six Government Deputies are on the benches to debate something fundamental to how our nation is perceived. We must look after the disabled and return to a child-centred approach. The Government should ask parents what their children need rather than the Minister lecturing parents as parents know what is best for their children. If parents have had an assessment that shows applied behavioural analysis, ABA, is the best method of education for their child then they should be allowed use a school that offers it. Parents were forced to go to court to get the best for their child and this should not have been the case. The funding should have been provided to allow that child be taught using the ABA method.

In my constituency of Limerick East a school called ABA Bluebell has functioned and done fantastic work since 2004 by raising funds privately. This school should be funded as the issue relates to choice and how our society will be looked upon. I put this to all of the Government TDs here. Deputy Mary O'Rourke made an impassioned plea relating to ABA and if she feels so strongly she should vote with us tonight because the only way we will get the message to the Minister for Education and Science, Deputy Mary Hanafin, is if Government backbenchers and Ministers vote with us to put children first. Children who need ABA education should be allowed receive it in an environment with which parents are happy.

**An Leas-Cheann Comhairle:** The Minister for Enterprise, Trade and Employment, Deputy Micheál Martin, has three minutes.

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** I thought I was entitled to at least five minutes.

I welcome the opportunity to discuss this motion and the proposed amendment. We have come a long way in terms of how we teach and provide education for children with autism and special needs.

**Deputy Pádraic McCormack:** Why stop?

**Deputy Micheál Martin:** In 1997, when I was appointed Minister for Education and Science, though it is hard to believe, there was no official recognition by the State of autism as a specific condition that demanded a specific education response. It is incredible but true that before this the special education review did not recognise autism. There was no pupil-teacher ratio for children with autism in mainstream schools, there were no special needs assistants in primary schools and very few resource teachers.

At that stage there were court cases involving parents anxious to secure places in American schools, particularly the Higashi school in Boston, which I visited. Many people involved in

special education at the time were sceptical of that approach, yet the courts adjudicated that the Department should fund people to go to Boston. There was a dearth of research in the Department of Education and Science regarding what methodology represented the best approach to autism — the TEACCH methodology was popular at the time, though PECS was also prominent.

In this context the first ABA pilot scheme began and the term “pilot” was applied to ensure it would be properly evaluated and that lessons would be learned regarding its broader applicability. We have come a long way since then in terms of the thousands of resource teachers and special needs assistants, SNAs, that have since been appointed. The integration of special needs into mainstream education was successful and was not a social experiment, as Deputy Kenny called it last week, but a valid approach to educating children.

I believe that court is not the best place to decide the best methodology of teaching. I do not believe “one size fits all” education can work as the autistic spectrum is a continuum with different manifestations in different children in terms of severity, dependency and so forth. I set up the first ABA pilot and parents responded positively to it but some I spoke to felt other aspects of education could be enhanced more in the methodology, such as communication skills, speech therapy and so forth. As the Minister noted yesterday, the idea of a broad range of methodologies is not a ludicrous suggestion and through proper engagement and dialogue with all concerned we can try to work out the best resolution to this issue.

**Deputy Ulick Burke:** Not in the courts.

**Deputy Micheál Martin:** We have learned a lot over the past ten years; our teacher training colleges now have modules on autism and teachers now have access to autism-specific training. The logistical issues relating to training teachers to properly understand autism are significant but proper integration with the wide range of supports that exists can help in a multidisciplinary approach to a child’s development and education.

**Deputy Pádraic McCormack:** So that is another vote for the motion.

**Deputy Andrew Doyle:** I wish to share time with Deputies Pat Breen and Brian Hayes.

I speak as a member of the board of management of St. Catherine’s Special National School, the umbrella school of which Barnacoyle in Wicklow is part. The Department insists that all autistic children can be educated in mainstream schools, though some children are better served in one to one classes that local schools cannot provide.

Despite the Minister’s comments in the Dáil on choice for parents the special school for autistic children in Barnacoyle is under threat of closure because the Department of Education will no longer pay for the support and education of autistic children not yet ready for mainstream education. Parents see the benefits of special schools that use the ABA approach in the behaviour of their children as these schools teach them in a less intensive learning environment than mainstream schools. No parents want their child to be in an ABA school because it is fashionable; every parent’s aspiration is to send his or her child to a mainstream school. Some parents believe so strongly in the value of ABA education that they are willing to take on the Department of Education and Science in court and stake their time and home on the outcome.

Despite an award of €61,000 from the HSE for delays in diagnosis and the lack of appropriate therapies to assist their autistic child, the Ó Cuanacháins now face a possible bill of €2 million for their efforts to get an appropriate education for their son. The total legal costs of the case are estimated at between €5 million and €7 million and, ironically, this is the same amount of money that is estimated to be necessary to provide the 12 special schools that are no longer being funded by the Department with funding. Barnacoyle is one of these schools.



[Deputy Andrew Doyle.]

The four primary schools in Wicklow that have been earmarked to take the children from the Barnacoyle class are not equipped to support them. The children are doing very well at Barnacoyle using the ABA approach. These children need a one to one pupil-teacher ratio rather than a one to six ratio and 240 days of schooling rather than the 168 days provided in mainstream schools. The children in Barnacoyle are guaranteed the professional support needed to progress them to possible participation in a mainstream school. I find it puzzling that the Minister sees fit to acknowledge that 12 ABA schools provide a good, workable system but does not make the methodology available all over Ireland. It is recognised as a successful technique for some autistic children but it has been erroneously suggested that Fine Gael seeks the use of this methodology with all autistic children.

Why is it deemed necessary to close the additional 12 ABA schools, including Barnacoyle, when a great deal of voluntary effort and local funding from devoted parents and friends goes into them? Considerable expertise has been built up in these schools by all concerned and there have been tangible results for all of the children who have gone through the system. Why add the nightmarish burden of court proceedings as the only option open to parents when there should be an appeals mechanism? I heard last night that the Education for Persons with Special Educational Needs Act 2004, EPSEN, will not be rolled out until the end of 2010. This is some time away for the 150 parents to follow the Ó Cuanacháins.

The Minister has made the issue of integration and education for all a matter of principle. We agree with this and feel it to be worthy, as do all parents. The crux of the matter is that a perception has been created that since no single method can meet every child's need no single method can meet any child's need. This is the only effective method of education for the Ó Cuanacháins' son and other children until they are taught how to learn. The Department of Education and Science maintains it is providing adequate curriculum supports for autistic children who are not yet ready for primary school. If, however, children cannot be supported in their local primary school, as Deputy McHugh pointed out, the only education choice available to parents is home tuition and this option deprives children with autism of an opportunity to mix with other children.

The Government's amendment notes its determination to "develop special schools as centres of excellence and outreach facilities". Barnacoyle school and the other ABA schools are centres of excellence. It also refers to allowing "for dual enrolment so that children can attend both a special school and a mainstream school as appropriate". This is news to the House. It is critical that the Government act on its commitment to improve access to assessment because children are waiting for two years for assessments.

I commend the Fine Gael Party motion to the House. It should be accepted by the Government.

**Deputy Pat Breen:** I welcome members of the Clare autism action group who have travelled to Dublin to listen to the debate. Many people will remember the film "Rain Man", which was made in 1988 and depicted to the wider world the difficulties with social interaction and communications faced by children born with autism. As a spectrum disease, however, children diagnosed with autism may act completely differently and have varying skills.

Despite her remark last night that "all children are different and children with autism are different", the Minister has decided not to approve further ABA centres. She will decide what is best for children with autism. Surely the parents of children with autism know what is best for their children. Following the failure of the recent Ó Cuanacháin case, a spokesperson for the Irish Autism Action Group stated that litigation was the last desperate resort for parents.

Unfortunately, following the Minister's refusal to fund new ABA centres, I fear that more and more parents will be forced to go before the courts.

Parents of autistic children face a daily struggle, one which all parents of children with special needs must undertake to secure proper educational facilities for their children. The Minister stated last night that 3,600 children were attending special classes in mainstream and special schools. In June 2005, I was pleased to learn that an autism unit for Kilrush national school in County Clare had been given the green light. The decision ended a 70 mile journey for parents in Ennis. However, three years later the children in question are still using a prefabricated building.

The west Clare voices for autism group is frustrated at the lack of services available. The shortage of funding means the group has been waiting for three years to meet a psychologist to obtain advice for the parent of a ten year old girl, one of many children on the waiting list. Long waiting lists for psychologists and speech therapists are commonplace. One mother recently told me that while children aged up to six years can secure some level of service, those aged between six and 18 years are left behind. She pleaded with me to highlight the fact that every child is an individual with individual needs and urged the provision of adequate facilities and respite houses to stimulate the imagination of the children.

This morning, I received an e-mail from a father who calls himself a "luck" parent. His son attends the ABA school in Galway. His wife gave up work and drives almost 1,000 miles each week to ensure her son receives the education recommended for him. Is that a luck parent?

In June 2006, the Clare autism action group submitted a business case to establish an ABA school. In January this year, it was advised by the Department that funding would not be made available for the project. Members of the group are devastated. Of the 12 ABA schools, only two of them are located in the west, namely, in Cork and Galway. The Minister's decision to refuse funding for the proposed school in County Clare is short-sighted. She should be present to listen to the agonising plea for help from a man on the west Clare peninsula whom I know well. He is the father of an 11 year old girl with autism. This morning he asked me what would happen to his beautiful daughter in two years' time when she leaves national school. Why, he asked, has west Clare been overlooked? He said he was worn out from fighting and asked whether he would have to start fighting again.

I urge the Minister to rethink her strategy. Parents of children with autism must shape their future. The issue cannot be left to chance. Every child can learn, just not on the same day or in the same way. Perhaps the Minister will learn something from these words.

**Deputy Brian Hayes:** I recognise the presence of many people in the Public Gallery and rooms all over the House. Many could not get into the Gallery to listen to Members' contributions. If this debate continued until 1 a.m., we still would not have sufficient time. As one speaker pointed out, we are all learning from the discussion. There is no great font of wisdom on one side or the other.

As citizens of a republic, we have a written constitution under which the House cannot pass laws or motions which are repugnant to the Constitution. Bunreacht na hÉireann contains specific commitments to the parents of children. I refer specifically to Article 42, which states:

1. The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.

[Deputy Brian Hayes.]

2. Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State.

Let us get back to the Constitution and its clearly expressed rights and duties. The Fine Gael Party motion was framed in the context of Article 42. We do not suggest a single or one-size-fits-all approach for autistic children, we ask the Government to show flexibility and recognise the range of options available. Specifically, when a psychological assessment concludes that the ABA model is preferable, the child must be given this option.

**Deputies:** Hear, hear.

**Deputy Brian Hayes:** That is the demand in the motion, which is clearly framed in accordance with Article 42 of the Constitution. We want parental choice. As the parent of a child in senior infant class, it is wonderful to see my child coming home every day full of excitement and information. Parents in this position are blessed. How much more difficult is it for parents who do not have this experience? Do they not have more rights than others? Do we not have a greater duty of care to them than to the parents of children attending mainstream school? The State has an obligation to the parents of children with autism who are not helped by the belligerent, authoritarian attitude of the Minister for Education and Science.

**Deputies:** Hear, hear.

**Deputy Brian Hayes:** She takes an approach of “It is my way or no way.” She will not listen and has not attended any of the ABA schools in a ministerial capacity. As I discovered today, she has not even formally launched the task force report of 2001. Last week, one of the co-authors of the report, Dr. Honan of Trinity College, stated clearly and unequivocally that the Minister is misguided in her view.

We need political leadership on this issue. We need to give people hope and, above all, choice. This can only be brought about by political action. The Minister for Enterprise, Trade and Employment, Deputy Micheál Martin, when he was Minister for Education and Science, showed flexibility when he established pilot schools, but no further schools have been established. In fairness to the Minister for Transport, Deputy Noel Dempsey, as Minister for Education and Science he was prepared to listen and asked his officials to try to solve the problem. However, he did not remain in the post for long enough. Backbench Fianna Fáil Deputies should be aware that the lady is not for turning. They should not bother wasting their time with the Minister. I want them to go to the head of the Government, to the man who is on television a great deal these days for all kinds of reasons. I want them to put pressure on him because I know a small ginger group of people exists within the Fianna Fáil Parliamentary Party who are unconvinced by the authoritarian stance of the Minister.

I want them to put pressure on the leader of their party to meet people at the very least halfway, to give them hope and not to go through the scandal of young parents of a five year old child dragging their case through the courts and possibly facing the loss of their house. Is this a great edifice to the republican party? Is it a great edifice to our years of independence? More can be done. More should be done but it is time for politicians to listen to what is being demanded.

Amendment put.

## The Dáil divided: Tá, 75; Níl, 66.

## Tá

Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Aylward, Bobby.  
 Behan, Joe.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 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.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gogarty, Paul.  
 Grealish, Noel.  
 Harney, Mary.  
 Healy-Rae, Jackie.  
 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.  
 McDaid, James.  
 McEllistrim, Thomas.  
 McGrath, Finian.  
 McGrath, Mattie.  
 McGrath, Michael.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghail, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Hanlon, Rory.  
 O'Keefe, Batt.  
 O'Keefe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 White, Mary Alexandra.  
 Woods, Michael.

## Níl

Allen, Bernard.  
 Bannon, James.  
 Barrett, Seán.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Burton, Joan.  
 Byrne, Catherine.  
 Carey, Joe.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creighton, Lucinda.  
 D'Arcy, Michael.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 English, Damien.  
 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.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.

Níl—*continued*

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.  
 Tuffy, Joanna.  
 Varadkar, Leo.  
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Damien English and Emmet Stagg.

Amendment declared carried.

Question put: “That the motion, as amended, be agreed to.”

The Dáil divided by electronic means.

**Deputy Damien English:** As a teller, and in view of the importance of the issue, under Standing Orders I call for the vote to be taken by other than electronic means.

**An Ceann Comhairle:** The vote will proceed.

Question again put: “That the motion, as amended, be agreed to.”

The Dáil divided: Tá, 75; Níl, 66.

## Tá

Ahern, Michael.  
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 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gogarty, Paul.  
 Grealish, Noel.

Harney, Mary.  
 Healy-Rae, Jackie.  
 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.  
 McDaid, James.  
 McEllistram, Thomas.  
 McGrath, Finian.  
 McGrath, Mattie.  
 McGrath, Michael.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghail, Seán.  
 O’Brien, Darragh.  
 O’Connor, Charlie.  
 O’Hanlon, Rory.  
 O’Keeffe, Batt.  
 O’Keeffe, Edward.  
 O’Rourke, Mary.

Tá—*continued*

O'Sullivan, Christy.  
Power, Peter.  
Power, Seán.  
Roche, Dick.  
Ryan, Eamon.  
Sargent, Trevor.

Scanlon, Eamon.  
Smith, Brendan.  
Treacy, Noel.  
White, Mary Alexandra.  
Woods, Michael.

Níl

Allen, Bernard.  
Bannon, James.  
Barrett, Seán.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burke, Ulick.  
Burton, Joan.  
Byrne, Catherine.  
Carey, Joe.  
Connaughton, Paul.  
Coonan, Noel J.  
Costello, Joe.  
Coveney, Simon.  
Crawford, Seymour.  
Creighton, Lucinda.  
D'Arcy, Michael.  
Deenihan, Jimmy.  
Doyle, Andrew.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Feighan, Frank.  
Ferris, Martin.  
Flanagan, Charles.  
Flanagan, Terence.  
Gilmore, Eamon.  
Hayes, Brian.  
Hayes, Tom.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.

Kenny, Enda.  
Lynch, Ciarán.  
McCormack, Pádraic.  
McEntee, Shane.  
McGinley, Dinny.  
McHugh, Joe.  
McManus, Liz.  
Mitchell, Olivia.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Donnell, Kieran.  
O'Dowd, Fergus.  
O'Keefe, 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.  
Tuffy, Joanna.  
Varadkar, Leo.  
Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Damien English and Emmet Stagg.

Question declared carried.

### Adjournment Debate.

#### Health Services.

**Deputy Jimmy Deenihan:** The annual report of the HSE south orthodontic service for Cork and Kerry in 2007 makes very depressing reading. It reflects the totally inadequate service in respect of orthodontic treatment in the region. The report refers to serious structural and equipment deficiencies in HSE south and the lack of apparent will to do anything about it.

As of last December, 1,049 young people in Kerry are on the waiting list for orthodontic treatment, 42 of whom have been waiting since 2002. A total of 126 people have been waiting

[Deputy Jimmy Deenihan.]

since 2003 and 224 people have been waiting since 2007. There are 2,299 people on the waiting list in Cork-North Lee and Cork-South Lee, while in west Cork 2,002 are on the waiting list. In respect of those looked after by St. Finbarr's Hospital, a total of 3,555 people are involved. This is not the whole story because north Cork is now looked after by Cork University Hospital.

Overall, the waiting list for orthodontic treatment in the southern area has increased by 246 patients from December 2006 to December 2007. The waiting list for orthodontic assessment — an assessment to determine a child's eligibility for orthodontic treatment — was 3,071. However, owing to the fact that patients aged 12 years and over are the only patients officially placed on the waiting list, approximately 3,000 children have been referred for orthodontic assessment but have been excluded from the assessment waiting list by the protocols laid down by management.

In October 2006, two senior dental surgeons left the orthodontic service to further their education in orthodontics at the dental school and hospital in Cork. The decision by management to suppress these posts has led to a significant increase in the number of patients awaiting orthodontic treatment. It is reasonable to assume that the 246 patients, most of whom have been waiting since 2002 and 2003, failed to receive orthodontic treatment in 2007 as a direct result of the decision by management to suppress the two posts for senior orthodontists. Those waiting in Kerry since 2002 and 2003 would be treated at this stage.

In December 2006, the number of patients under orthodontic treatment was 3,400. However, this figure has not changed in the returns to the Department of Health and Children since 2003. This indicates that this figure was an arbitrary one. It is clear that the number of patients under orthodontic treatment has significantly diminished. The loss of the two senior dental surgeons has not only affected the number of patients under treatment but has seriously affected morale within the orthodontic unit. For example, the clinics in Tralee had to be reduced from three days to two days per week at the request of line management. In January 2007, the HSE directed that there should be no further treatment for any new patients in Kerry. It is clear that the decision of management to suppress the two senior dental posts and to interfere with access to the dental surgery in Tralee has had a devastating effect on the orthodontic unit's ability to reduce the number of patients currently awaiting orthodontic treatment in Kerry.

It is anticipated that the Cork and Kerry region will apply for the appointment of a second consultant and it is proposed that this consultant be placed in the new centre proposed for Cork-North Lee and Kerry. This new consultant should be housed in the new dental service that will be provided at St. Finian's Hospital in Killarney. This individual could cater for the needs of patients in Kerry and west Cork. If a second consultant orthodontist is appointed, which should happen, the appointment should be for the Kerry region. That consultant orthodontist should be assigned to the new unit at St. Finian's Hospital in Killarney.

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** On behalf of the Minister for Health and Children, I am happy to have the opportunity to address the issue raised by Deputy Deenihan.

As the House will be aware, the Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes the delivery of orthodontic services. The prioritising and resourcing of the development of orthodontic services is now a matter for the Health Service Executive.

It is important that I explain that the report referred to by Deputy Deenihan is an unofficial one, not an official Health Service Executive document. This report was not commissioned or requested by the HSE nor is it a requirement, operationally or legally, of any area of the public orthodontic service to produce such a publication. Furthermore, the author of this report did not make local HSE management aware of its existence or forward them a copy. They became aware of the existence of this unofficial report only when contacted by the local media.

The majority of the issues outlined in respect of the management and future development of the orthodontic services in Cork and Kerry in this unofficial document are under ongoing consideration. The HSE plan regarding the future model of orthodontic service delivery is clearly outlined in the strategy for the provision of orthodontic services in the HSE South, which has been produced by management in the HSE.

Most of the issues outlined in this unofficial report relating to the infrastructural deficits of the orthodontic unit in St. Finbarr's Hospital are documented in a health and safety audit commissioned by management and completed by the orthodontic department in late 2007. Local HSE management have noted that a small number of the issues relating to the infrastructure of the orthodontic unit were not previously brought to the attention of management at South Lee Local Health Office. These issues are now being examined.

The progress of local HSE management in dealing with these issues highlights the necessity and fundamental importance of staff, especially those at a consultant level, engaging openly and in a positive and constructive way with their local management to overcome difficulties and problems and achieve outcomes. Only through this process will we achieve high quality, reliable and sustainable services for patients.

I remind the House that the Joint Oireachtas Committee on Health and Children carried out a review of orthodontic services in Ireland and published two reports — one in 2002 and 2005. On foot of this, the HSE established an Orthodontics Review Group in 2006. The group was chaired by Hugh Kane of the HSE and was made up of consultant orthodontists, a specialist orthodontist working in the HSE, representatives from the two dental schools, Trinity College Dublin and University College Cork, and the Department of Health and Children.

The terms of reference for the group were to review the recommendations contained in the joint Oireachtas committee reports on the orthodontic service in Ireland — February 2002 and June 2005; to examine the recommendations within the operational remit of the HSE and establish their status; to conduct an analysis of the HSE's existing orthodontic delivery structure and capacity; and, based on that analysis, to make recommendations in that regard, the recommendations thus made to be costed and a timeframe for their implementation proposed.

The group made recommendations in four broad areas. These are guidelines and revised eligibility criteria, training, manpower planning and service provision. These recommendations reflect many of the issues raised in the joint Oireachtas committee report of June 2005. A range of measures to improve the orthodontic services on foot of the report of the joint Oireachtas committee and the Kane report is already under way.

In addition, my ministerial colleague, Deputy Mary Harney, announced in October 2007 the research and development of a new national oral health policy. This new oral health strategy, the first such strategy in 13 years, will be undertaken by the Department of Health and Children in conjunction with the HSE. The development of this new national strategy will allow a critical examination of the many challenges and issues currently facing the dental sector in Ireland. Some of the issues which will be examined include service delivery issues such as orthodontic services. Other issues which impact on orthodontic services such as specialisation and skills-



[Deputy Pat The Cope Gallagher.]

mix, including the recognition and future expansion of the role of auxiliary dental professions and the identification of appropriate training needs, will also be examined.

Orthodontics is unique in that the treatment period for a child is between 18 and 24 months and each year thousands of children, with varying degrees of need, are placed on assessment waiting lists. This undoubtedly presents challenges for services delivery and will continue to do so. Our aim is to continue to make progress and to develop a high quality, reliable and sustainable service in HSE South and all other areas of the executive for children and their parents.

### **Physical Education Facilities.**

**Deputy Tom Hayes:** I thank the Ceann Comhairle for allowing me to raise this important matter.

I refer to the Abbey School in Tipperary town, an excellent school with a great history. It is a great sporting school which has won many cups throughout its long history and contributed a great deal to the well-being of many pupils in the entire Tipperary area.

The school applied for funding for a physical education hall in 1989. Nineteen years later it is still waiting for that funding. I would like clarification on the band rating, which I understand was changed. In May 2007 the school had a band 4 rating but I understand in April of that year it had a band 2 rating. I would like clarification on that.

I welcome the recent announcement of the many school projects throughout the country, but there was no mention of any funding for PE halls. In 2001 the then Minister for Education and Science told us that the Department was preparing PE hall templates that would standardise the construction of PE halls at second level, that those templates were being piloted in four schools initially and that it was anticipated that the templates would be available for generic use later in the year. In May 2005, the current Minister stated that those designs will speed up the delivery of PE halls and significantly reduce design costs.

It emerged less than 12 months ago that Irish schools are ranked close to the bottom of a European Union league table for the provision of physical education classes. Senior cycle students often go without PE classes. Some schools must split PE classes, which is largely a waste of time. As we all are aware, the cost of that neglect on our health system is huge. The level of obesity in Ireland has doubled in the past decade. One in eight Irish people has been identified as being obese.

PE halls are needed throughout the country. My aim in raising this matter is to establish the current position regarding the Abbey School in Tipperary town. I hope the Minister of State will have good news.

**Deputy Pat The Cope Gallagher:** I thank Deputy Tom Hayes for raising this matter as it provides me with an opportunity to outline to the House, on behalf of the Minister for Education and Science, the Government's strategy for capital investment in education projects and the current position regarding the Abbey School, Tipperary town.

Modernising facilities in our 3,200 primary and 731 post-primary schools is not an easy task, given the legacy of decades of under-investment in this area as well as the need to respond to emerging needs in areas of rapid population growth. Nonetheless, the Government has shown a consistent determination to improve the condition of our school buildings and ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum.

The Government has dramatically increased investment in the school building programme from just over €90 million in 1997 to approximately €600 million this year. Within the timespan of the national development plan almost €4.5 billion will be invested in schools. This is an unprecedented level of capital investment which reflects the commitment of the Government to continue its programme of sustained investment in primary and post-primary schools.

At second level, it is the policy of the Department of Education and Science to provide a PE hall to a school that does not already have such a facility. This is considered as part of the design brief for new schools, and major renovation of existing schools, within available resources and overall published criteria for prioritising projects. The physical education curricula at primary and second level have been developed on the understanding that facilities available to schools vary. Consequently, they offer a level of flexibility that allows each school to tailor its programme to the facilities available. The number of schools with general purpose rooms and PE halls is increasing all the time, while practically all schools have outside exercise space. In addition, many schools use adjacent local facilities, including public parks, playing fields and swimming pools. The facilities schools have on site is just part of the picture as schools may also have access to excellent local sports facilities which have been greatly expanded and improved through funding from the Government's sports capital programme in recent years.

Turning to the specific matter of interest to Deputy Tom Hayes, Abbey School is a co-educational voluntary secondary school located in Tipperary town. The school had an enrolment of 439 students in September 2006 and enrolments in the school generally have been stable over the past five years.

The school originally submitted an application for major capital funding in 1998 for a PE hall and refurbishment of existing accommodation. Tenders for the refurbishment project were approved in 2002 totalling approximately €850,000 while the PE hall application was put on hold pending the delivery of the Department's template design for PE halls. The school looked to have the PE hall application re-activated in 2002, but the project did not proceed at that time owing to competing priorities within the capital programme. The school submitted a revised application in April of 2007 for a PE hall only. The application has been assigned a band 4 rating according to the published prioritisation criteria and will be considered in the context of the multi-annual school building and modernisation programme.

I thank the Deputy for affording me the opportunity to outline the current position on the provision of a PE hall at Abbey School, Tipperary town.

### **School Accommodation.**

**Deputy Michael McGrath:** I thank the Ceann Comhairle as this is an issue close to my heart. Star of the Sea primary school resulted from an amalgamation of Scoil Colmcille and St. Mary's national school some years ago. I am a past pupil of the school, with many happy memories of my years there.

In 1999 the then Minister for Education and Science sanctioned, in good faith, a new school building for Star of the Sea. At the time, provision of a new school building was central to securing the agreement of both schools to amalgamate and become Star of the Sea. Since 1999 the project has been bogged down in delays. Difficulties in securing a suitable site delayed the project for a number of years and it was not until 2005 that the Department of Education and Science purchased a greenfield site from Cork County Council with the agreement of Passage West soccer club, which had the use of the lands at the time. In November 2006 the school was included on the Department's building programme for the first time and was approved to

[Deputy Michael McGrath.]

proceed to the architectural planning stage. At that stage, we hoped the battle for a new school was coming to an end.

The following month, in December 2006, representatives of the school met officials from the planning and building unit of the Department and were advised that the generic design method would be used and that the architectural planning and design team would be in place by April 2007. For the following nine months nothing happened. The project went out to tender for a design team in autumn 2007 with a closing date for submission of tenders of 15 October.

For the past number of months I, and people at the school, have been trying to establish the position regarding the appointment of the design team. Every inquiry elicits the same response — that the appointment is at an advanced stage. It is now the middle of February 2008 and the design team has not been appointed. I cannot understand how it takes more than 14 months to appoint a design team for a straightforward project where a generic design is being used. Along with everyone associated with the project, I am frustrated by the lack of progress.

The school has 311 pupils enrolled, to increase to 450 in the next few years. Two junior infant classes are now being taken in every year and, within a few years, the school will expand to a 16-classroom school. The Department accepts these figures as correct.

The current site, comprising the residual building from the old St. Colmcille boys' school and a prefab complex, is woefully inadequate for the needs of Star of the Sea in 2008. The former playground is now a car park, the assembly area is now a classroom and the green area where we played football when I attended the school is now taken up by the prefab complex. At least three more prefabs are required in the next year. A learning support teacher is using a makeshift computer room to teach children with special needs. The classrooms and prefabs are cramped and overcrowded and do not have in-class toilet facilities. All children must leave the classroom for the toilet and many must leave the building, depending on the part of the site their class is in.

The Department of Education and Science is prioritising rapidly expanding areas where there are issues with school capacity. Passage West is one of those. It is experiencing major residential development and the current school site does not have the capacity to cater for the numbers coming through. For example, a single development now under way in Passage West will deliver more than 600 residential units in the coming years and planning has been secured from Cork County Council for a further 400 units. People want to come and live in Passage West and it is our duty to ensure there is a place available at a school where their children can learn in a safe, modern educational environment.

I plead with the Minister to appoint the design team without further delay and to ensure Star of the Sea is included in the next announcement of projects approved to go to construction. I acknowledge the immense efforts of the school principal, Mr. Brendan McCormack, the staff, the parents association, the board of management and the local parish as patron organisation. All of these have worked tirelessly to get the new school the children deserve and which was promised nine years ago. They have my continued support and I look forward to the reply of the Minister of State.

**Deputy Pat The Cope Gallagher:** I thank the Deputy for giving me the opportunity to outline the Department's position regarding the provision of a new primary school building for Passage West. It is proposed to build a new 16-classroom generic repeat design school, including a general purpose hall and ancillary accommodation, on a greenfield site. The process of appoint-

ing a design team to the school building project referred to by the Deputy is at an advanced stage. I note the Deputy's desire to have the team appointed as quickly as possible.

Under the national development plan, €4.5 billion is assigned to the capital requirements of the primary and post-primary schools. Approximately €600 million will be spent this year on school buildings. The progression of all large-scale building projects from initial design stage through to construction phase is considered on an ongoing basis in the context of the Department's multi-annual school building and modernisation programme in which the main focus is to deliver school places within rapidly developing areas.

I note the Deputy's comments about Passage West being a rapidly developing area and his reference to the number of residential units to be built there. The progression of a new primary school at Passage West, as with all large-scale projects, will be considered in this context. I assure Deputy McGrath that the Minister and the Department are committed to providing suitable high quality accommodation for the school in Passage West at the earliest possible date. I assure him I will bring his strong views to the attention of the Minister for Education and Science, Deputy Hanafin. I note Deputy McGrath's comments about the additional residential units, which will have a direct relationship with the enrolment projections.

### **Road Safety.**

**Deputy Thomas P. Broughan:** It was with amazement that I read media reports that the Government is considering abandoning plans for the roll-out of speed cameras because of the higher than anticipated cost of the programme. The road safety strategy is in a shambles and will be critically undermined by the Ministers for Justice, Equality and Law Reform and Transport if the roll-out of speed cameras does not proceed. The core excuse of excessive cost seems ludicrous, given that the administrative and monitoring cost of the 600 locations is approximately €25 million per year, well below the expected €70 million that would be generated in revenue. Given the significant speed factor in car collisions, fatalities and serious injuries, it must be asked how this cost of €25 million per annum can be regarded as more important than the approximately €700 million cost of tragic crash fatalities in 2007.

There are still just three fixed speed cameras on Irish roads, rotating between 20 locations, although the rollout of speed cameras has been part of national road safety strategies for the past ten years. The new road safety strategy of 2007 to 2012 had a commitment for the provision of 6,000 hours of speed camera detection per month by the second quarter of 2008, in other words, next month or the following month. The Minister of State, Deputy Gallagher, will remember that was action No. 26 of the Road Safety Authority programme. It would be astonishing if the Government were now to drop this key target altogether less than five months into the lifetime of the new road safety strategy.

Speed cameras are the norm in most of our European Union partner states, which have a much better traffic collision record than ours. Government-commissioned research has established that a five-fold increase in cameras could reduce serious crashes by more than 20%. The Government-commissioned report in 2002, *The Use of Speed Cameras in Ireland*, by researchers at Monash University in Melbourne stated, "The social and community benefits of a successful speed camera programme are high, with between 30% and 50% reduction in the costs of road trauma being saved by the implementation of a successful road safety strategy." I believe that could amount to perhaps €500 million over five years. The experience in the Australian state of Victoria has found that to develop the societal attitude that if one speeds, one will be caught and prosecuted, some 60% of the jurisdictional fleet must have their speed

[Deputy Thomas P. Broughan.]

checked statistically every month. The programme we intended to embark on would have enabled speed to be checked every two months.

Ten years ago, in 1998, the Taoiseach promised the rollout of a network of speed cameras in the road safety strategy, Road To Safety. The 2004 to 2006 road safety strategy again proposed this as a key objective and again failed to deliver it. On 1 August 2005, following a Cabinet decision of 25 July 2005 at which the Ceann Comhairle was present, the then Minister for Justice, Equality and Law Reform, Deputy McDowell, and the then Minister for Transport, Deputy Brennan, again agreed to proceed with approximately 500 to 600 speed camera locations nationwide. I understand that a competitive tendering process was undertaken and that six bidders were shortlisted to provide speed camera detection services at 600 locations around the country.

The Department of Justice, Equality and Law Reform was often quoted in recent years, including prior to the general election, as stating the award of the speed camera contract was “imminent”. Yet, in December 2007, we were still waiting for the decision, and now we are being told that due to “cost issues” the decision taken in 2005 will not proceed.

Just last week the chairman of the Road Safety Authority, Mr. Gay Byrne, strongly criticised the ongoing Government failure on speed cameras, saying it was disgraceful. Today’s reports on the possible abandonment of the speed camera programme are very demoralising for the chairman of the Road Safety Authority, Mr. Gay Byrne, its chief executive, Mr. Noel Brett, and the hardworking and dedicated Road Safety Authority workforce. The speed camera rollout must remain a key component of the overall road safety strategy. Information gained from research in the United Kingdom clearly shows a major reduction in casualties from collisions. We should allow Mr. Gay Byrne, Mr. Noel Brett and all their staff to do the job they were charged with by this House and by the Minister, by providing the proper funding for the long-promised and critical road safety programme and, in particular, for the rollout of speed cameras.

We accept we need a mix of measures to cut back on the savage casualty rate on Irish roads. These include the introduction of random breath testing, the new penalty points system, the new learner driver system and, above all, the new traffic corps. The Minister of State, Deputy Gallagher, may refer to that as I read an earlier press release from the Department on the traffic corps. I accept we need the promised 1,200 gardaí in the traffic corps but the information I have from the Road Safety Authority and from road safety bodies elsewhere, including the UK, where there is a vicious campaign against cameras by people who want to continue speeding rampantly on British roads, is that we need speed cameras. We should proceed with them without delay. They were promised for the second quarter of 2008. I urge the Minister to carry out the road safety strategy.

**Deputy Pat The Cope Gallagher:** I thank Deputy Broughan for raising this matter and for giving me an opportunity to respond on behalf of the Minister for Justice, Equality and Law Reform, who unfortunately is unable to be present.

I assure the Deputy that the Minister and I share his concern and that of the public in general about the unacceptable level of fatalities and serious injuries on our roads. At the same time, we should not lose sight of the fact that significant progress is being made. I believe that has been acknowledged. The Road Safety Authority recently published the Road Collision Factbook 2006. It notes that over the last decade the death rate, as measured against the number of vehicles on the road, has more than halved. In 1996, the fatality rate per million registered

vehicles was 338. By 2006, the rate had fallen to 159 per million registered vehicles. Road users are twice as safe now compared to ten years ago. I spent time in the Department of Transport. I accept one life is too many to lose and this reduction is no solace for the many families who have lost their loved ones in accidents.

Looking at the overall figures, the trend in fatal traffic collisions has been favourable for the past three years. The number has decreased from 396 in 2005 to 365 in 2006 and 338 last year. These figures represent a reduction of 8%, followed by a reduction of 7%, year-on-year. The figure for last year is the second lowest in the past ten years. When the level of road deaths is measured against our overall population, Ireland's rate in 2006, the latest year for which international comparative information is available, moved us up to 12th out of the then EU 25. We cannot and will not become complacent over these statistics, as even one death or injury on our roads is too much.

The Departments and agencies responsible for road safety are tackling rigorously driver behaviour such as speeding in the context of the Road Safety Strategy 2007-2012. In particular, the Garda Síochána continues to focus its enforcement activity on the main causes of death and serious injury on our roads, which include speeding, along with drink driving and non-wearing of seatbelts. The Garda policing plan for 2008 aims to increase by 10% in the course of the year detection of speeding, driving while intoxicated and also road transport offences. In 2007, there were approximately 200,000 speeding detections, giving an average detection rate per month of approximately 16,500.

At the request of the then Minister for Justice, Equality and Law Reform the Garda established the Garda traffic corps in 2004, with a supporting command structure, equipment and resources. The traffic corps ensures the necessary enforcement capacity to achieve increased compliance with road traffic law. The increase in the personnel strength of the traffic corps, which will reach its planned level of 1,200 by the end of this year, is enabling this continuing increase in enforcement activity to take place. The Deputy referred to this matter.

Detailed analysis by the Garda Síochána of collision data is under way to identify locations and times where the greatest tendency for speed-related collisions occur. Speed enforcement will be prioritised on a risk assessment basis on such locations and at such times. The public will continue to be made aware of roads which have been identified as having a propensity for speed-related collisions, including through the Garda website. Enforcement will, therefore, be on the basis of preventing death and serious injury, and drivers will be given the opportunity to modify their driving behaviour by being informed of where blackspots, and consequently Garda enforcement activity, are located.

A number of projects are under way to replace and upgrade equipment available to the Garda. The current GATSO speed detection equipment will soon be replaced by modern equipment with increased capacity. In addition, arrangements are being made to make available to the Garda state-of-the-art automated number plate recognition technology. This will give the force the ability to detect vehicles which are stolen, untaxed or otherwise brought to the attention of the Garda, in addition to being able to detect speeding drivers. The Garda will therefore not only gain improved intelligence on persons known to them, be able to deny the use of the roads to criminals and detect drivers who do not pay their motor tax, but they will also have enhanced traffic law enforcement capabilities, including the detection of speeding.

With regard to outsourcing the provision and operation of safety cameras to a service provider, following the drawing up of a shortlist and the issue of a request for tender to the market, tenders were received and evaluated. As a result of this process issues have arisen because, as

[Deputy Pat The Cope Gallagher.]

the Minister informed the House recently, costs involved would be substantially higher than had been estimated when the matter was considered previously by Government. In light of these issues, the Minister intends to bring proposals before his colleagues in Government shortly taking into account issues of value for money and the commitment to reduce speeding on our roads in the context of the road safety strategy. Obviously, the Minister cannot pre-empt the outcome of the Government's consideration of these proposals. Equally, it is unwise for anyone to jump to speculative conclusions about decisions that remain to be taken. What there can be no doubt about is that saving lives through making our roads safer, including through taking effective, efficient and targeted measures to reduce speeding, will remain an absolute Government priority.

The Dáil adjourned at 9.40 p.m. until 10.30 a.m. on Thursday, 14 February 2008.

## 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 5, inclusive, answered orally.*

*Questions Nos. 6 to 100, inclusive, resubmitted.*

*Questions Nos. 101 to 110, inclusive, answered orally.*

### **Anti-Poverty Strategy.**

111. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs if he is satisfied that the methodology of measuring consistent poverty as used under EU-SILC provides a true measure of the level of consistent poverty here. [5241/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** People are regarded as being in consistent poverty if their income is below 60 per cent of median income (€202.50 per week for a single person) and they experience deprivation in relation to a list of specific items. The items chosen are based on surveys of what people consider are essential for a basic standard of living in Ireland. The measure, originally developed by the Economic and Social Research Institute (ESRI) in 1987, has now been adjusted to take account of economic progress and rising living standards in recent years. The adjustment has involved the replacement of the original 8 item deprivation index with an updated index comprising 11 items, which is more reflective of today's standards of living. A person with income below 60 per cent of median income is regarded as being in consistent poverty if he or she experiences deprivation in relation to two out of the 11 items on the updated index, as compared to one out of eight items on the old index. ESRI research has shown that this approach provides a more reliable measurement for consistent poverty compared to the earlier approach.

The Government has accepted the ESRI's advice and the updated index now forms the basis for the overall poverty reduction goal in the National Action Plan for Social Inclusion (NAPinclusion) 2007-2016. The goal is to reduce the number of people experiencing consistent poverty, to between 2 per cent and 4 per cent by 2012, with the aim of eliminating it by 2016. The latest results from the EU Survey on Income and Living Conditions, released last November, indicate that the Government is on target to achieve this goal. It showed that, using the new measure, the rate of consistent poverty in the population in 2006 was 6.5 per cent,



[Deputy Martin Cullen.]

down from 7.0 per cent in 2005. My priority, in working with Government to deliver the NAP inclusion programme over the coming years, is to build on the progress already achieved and to continue significantly improving living standards and well-being for the most vulnerable people in our society.

### **Social Welfare Benefits.**

112. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the reason for the substantial waiting time for decisions on the payment of disability allowance, state contributory pension, family income supplement, one parent family and invalidity pension by his Department; if he will reduce this waiting time; and if he will make a statement on the matter. [5029/08]

114. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the reason for the substantial waiting time for decisions on the payment of carer's allowance by his Department; if he will reduce this waiting time; and if he will make a statement on the matter. [5030/08]

139. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the reason for the long delay in processing claims for family income supplement; the target time set down for his Department in relation to processing claims; and the action he is taking to address the significant backlog. [5231/08]

143. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the way he will improve his Department's performance in relation to customer service targets particularly in relation to processing times for claims. [5245/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 112, 114, 139 and 143 together.

The Department is committed to providing a quality service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are made as quickly as possible. The staff and other resources available to the Department are regularly reviewed having regard to the workload arising and other competing demands. The available resources are then used to discharge the Department's obligations towards its customers and in implementing cost effective controls to prevent and detect fraud and abuse. The Department's management services unit monitors available resources against workload on an ongoing basis with a view to ensuring optimum processing times for claims.

The processing of applications under any of the schemes operated by my Department can require the collection and assessment of a complex range of information in relation to a variety of factors including means, medical condition, domestic and EU contributions and other criteria. This can involve medical assessments of applicants, the verification of information provided through visits by social welfare inspectorate and correspondence and evidence from other EU jurisdictions, all of which add to the processing time required to ensure that the terms of the scheme are correctly administered. In addition the timescales in processing applications for some of the Department's schemes have been influenced by increases in the numbers of claims being submitted.

With regard to the schemes concerned the following is the current position. The number of claims for disability allowance received in 2007 was 20,000 as compared with 17,600 in 2006. The average time to decide a claim in 2007 was 18 weeks. A review of existing processes and procedures for disability allowance claims is currently ongoing with the explicit objective of

reducing delays in claim processing. The Department received 18,000 new applications for carers allowance in 2007 compared to 10,700 in 2006. The average time to decide a claim in 2007 was 12 weeks. The large increase in applications received is mainly due to the introduction of the half rate carers allowance payment, which was announced in the December 2006 budget and came into effect from 27th September 2007. A review of existing processes and procedures has been completed by the Department for carers allowance with the explicit objective of reducing delays in claim processing, and improvements are currently being implemented.

The Department received 38,000 new and renewal FIS claims in 2007 compared to 33,000 in 2006. The Department's target for awarding FIS claims is that 70% will be completed in 3 weeks. The average time to award a FIS claim is currently some 12 weeks. A review of existing processes and procedures has been completed by the Department for FIS with the objective of reducing delays in claim processing and improvements are being implemented. There has also been an upward trend in the number of recipients of invalidity pension. The Department received 6,500 new applications in 2006 and 7,000 in 2007. The average time to decide an invalidity pension claim in 2007 was 8 weeks. The Department currently processes new applications for one parent family payment (OFP) at 42 Social Welfare local offices. The average processing time for such claims in 2007 was about 9 weeks.

In 2007, a total of 13,600 new claims for state pension (transition) was received and 12,700 claims were processed. State pension (transition) is payable for a maximum of 1 year between the age of 65 to 66. A total of 26,000 claims for state pension (contributory) were received in 2007, of which 25,000 were processed during the year. While there were delays during 2007, the backlogs have now been cleared and claims are now being processed in a timely manner.

#### **Social Welfare Code.**

113. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs his intentions to alter the criteria applying under the habitual residency condition. [5238/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I have already described in my answer to Deputy Naughten's question the reasons for the introduction of the habitual residence condition and its application to carer's allowance, so I will confine this answer to its application in general and to other schemes.

The following schemes are subject to this condition:

- Jobseeker's Allowance
- State Pension (Non-Contributory)
- Blind Person's Pension
- Widow's and Widower's Non-Contributory Pension
- Guardian's Payment (non-contributory)
- One Parent Family Payment
- Carer's Allowance
- Supplementary Welfare Allowance
- Disability Allowance, and
- Child Benefit

[Deputy Martin Cullen.]

Decisions concerning habitual residence are subject to five factors which have been laid down by the European Court of Justice, and which are now incorporated into our domestic social welfare legislation. The five factors are:

- (a) the length and continuity of residence in the State or in any other particular country;
- (b) the length and purpose of any absence from the State;
- (c) the nature and pattern of the person's employment;
- (d) the person's main centre of interest, and
- (e) the future intentions of the person concerned as they appear from all the circumstances.

Between the introduction of the Habitual Residence Condition (HRC) in May 2004 and the end of 2007 about 65,000 claims (other than Supplementary Welfare Allowance) involving HRC issues from persons from over 150 countries have been examined by central units within my Department. Some 75% of these (over 48,000) satisfied the habitual residence condition.

Those who are refused an assistance or child benefit payment because they do not satisfy the habitual residence condition are mainly people whose claim to asylum has not yet been decided, others who have not obtained a work permit, or people who have had only a minimal or no attachment to the workforce since coming to Ireland. In the case of families who are in the asylum process, direct provision, funded by the Department of Justice Equality and Law Reform is available. I am satisfied that the habitual residence condition is achieving its intended purpose, allowing access to our social welfare schemes to persons who are genuinely and lawfully making Ireland their habitual residence, while preventing unwarranted access by persons who have little or no connection with the State.

*Question No. 114 answered with Question No. 112.*

115. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs his plans to improve entitlement in relation to back-dated payments. [5243/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The legislative provisions relating to late claims for social welfare benefits are set out in Section 241 of the Social Welfare Consolidation Act 2005, and in Regulations made under that section. These provisions set out the times within which a person must claim, the disqualifications which apply where a claim is made late, and the circumstances in which the time limits may be extended.

Since 1997 a number of improvements have been made to the provision relating to late claims for social welfare payments. For example, prior to 1997 arrears of state pension contributory claims were limited to either three months or six months before the date of claim. Regulations made in 2000 put on a statutory basis certain extra-statutory provisions that had applied in the case of late claims under certain schemes. All late claims are now determined in accordance with the legislation. The legislation also provides for payment to be made on foot of late claims in the case of a range of other schemes for a period of 6 months prior to the date of claim provided there was good cause for the late claim.

The legislation now also provides for relaxation of the restrictions on backdating late claims under all schemes apart from Unemployment Benefit, Unemployment Assistance and Supplementary Welfare Allowance, and for further payment to be made, up to the level of full retrospection where the circumstances would warrant it, where:

- the delay was due to incorrect information having been given by my Department, or
- illness or a force majeure prevented a person from claiming earlier or,
- the person is dependent on the arrears of payment to relieve financial hardship. It is generally accepted that there is an obligation on people to claim their social welfare entitlements in time.

However, cases will inevitably arise where they fail to do so and the legislative provisions are designed to cater for such situations. I am satisfied that the current provisions strike a reasonable balance between, on the one hand the need to exercise supervision and control of claims and the requirements of sound financial management and control of public expenditure and, on the other hand, the need for appropriate recognition to be given to cases of genuine hardship or difficulty.

### **Anti-Poverty Strategy.**

116. **Deputy Jimmy Deenihan** asked the Minister for Social and Family Affairs his views on his Department taking lead responsibility for co-ordinating actions to tackle fuel poverty; and if he will make a statement on the matter. [5040/08]

149. **Deputy Olivia Mitchell** asked the Minister for Social and Family Affairs his views on proposed developments outlined in the National Action Plan for Social Inclusion 2007 to 2016 in respect of funding for the warmer homes schemes and supporting fuel poverty research; and if he will make a statement on the matter. [5043/08]

152. **Deputy Jimmy Deenihan** asked the Minister for Social and Family Affairs when his Department will examine the impact of energy saving proposals on low income families; and if he will make a statement on the matter. [5039/08]

155. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that the risk of fuel poverty here rises exponentially when annual household income falls below €30,000 according to Sustainable Energy Ireland, A Review of Fuel Poverty and Low Income Housing; and if he will make a statement on the matter. [5037/08]

157. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that the highest prevalence of fuel poverty is found among lone parents, with one in five of same households unable to afford adequate warmth in their homes; the steps he has taken to address this matter; and if he will make a statement on the matter. [5038/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 116, 149, 152, 155 and 157 together.

Fuel poverty has been described as the inability to afford adequate warmth in a home, or the inability to achieve adequate warmth because of the energy inefficiency of the home. The primary contributory factor to fuel poverty is the energy efficiency of the private and public housing stock. As such, the Department of Environment, Heritage and Local Government along with Local Authorities, have primary responsibility for this issue. The main role of the social welfare system in relation to this issue is to provide income support where required. Government policy focus is to increase primary weekly social welfare rates significantly in real terms, to enable pensioners and other vulnerable groups to meet their heating and other basic living costs more adequately throughout the year. Substantial progress has been made in this.

[Deputy Martin Cullen.]

Since December 2001, overall inflation has increased by 24% while energy product prices have increased by 56%. Increases in social welfare payments have been between 71% and 88% in the same period.

In addition to primary payments, there are a number of social welfare programmes to assist with heating costs specifically — the national fuel allowance scheme, the Household Benefits Package and the special heating needs supplement. These arrangements too have been improved in recent years. As outlined in the National Action Plan for Social Inclusion 2007 to 2016, my Department is cooperating with the Department of Environment, Heritage and Local Government, Sustainable Energy Ireland, Combat Poverty Agency and other organisations in an action research project to improve energy efficiency in selected older dwellings and to monitor the outcomes in terms of improved cost efficiency, household comfort and health levels. This project is effectively a review of the effectiveness of Sustainable Energy Ireland's Warmer Homes Scheme.

In addition to this, in Budget 2006, a grant of €2m was made available to Sustainable Energy Ireland to enable further research to be undertaken into fuel poverty issues and this was used to carry out a research project in Waterford city and county which will benefit some 400+ owner occupied households. It is expected that initial reports on these fuel research projects will be available by summer 2008 and these will help to inform Government policy in relation to fuel poverty. Income support is the primary concern of my Department and the issue of thermal inefficiency of housing is beyond its remit. My Department will continue to cooperate with other Departments and agencies on fuel poverty research and I will seek to increase social welfare payments in real terms to enable social welfare recipients to meet heating and other needs.

### **Social Welfare Code.**

117. **Deputy Pat Rabbitte** asked the Minister for Social and Family Affairs the action he has taken in respect of the commitment in the programme for Government to examine the possibility of introducing a paternity benefit. [5239/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Responsibility for questions relating to entitlement to paternity leave rests with the Minister for Justice, Equality and Law Reform. The question of a social insurance funded payment for paternity leave would be contingent on an underlying entitlement to statutory parental leave. While male employees are not entitled under Irish law to either paid or unpaid paternity leave, they may be entitled to parental leave. Parental leave entitles both parents who qualify to take a period of up to 14 weeks' unpaid leave from employment in respect of children aged up to eight years of age. There is no provision for a social insurance based payment for periods of parental leave, but employees may be entitled to credited contributions to maintain their social insurance record for the period.

The introduction of paid parental leave or paternity leave would have significant cost implications for employers and/or the Exchequer and the social insurance fund. Any proposals for introducing any such payments would have to be examined with regard to its effect on the sustainability of the social insurance fund and employers' costs in terms of global competitiveness. In the case of paternity leave it would require legislation on the part of the Minister for Justice, Equality and Law Reform to provide for a statutory entitlement to the leave. Under 'Towards 2016' the Government is committed to reviewing the level of provision of maternity and paternity leave before the end of 2008.

118. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the plans he has to review the farm assessment procedures within his Department for entitlement to non-contributory payments; and if he will make a statement on the matter. [24834/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I understand that the Deputy is concerned in particular about the current arrangements applying in the case of old age pension where a land-holder leases land or is otherwise in possession of land which is fallow or idle. Currently, a Group in my Department is undertaking a review of means testing arrangements generally and I understand that the issue raised by the Deputy is being considered by the Group. While no specific measures in relation to the leasing of land have been introduced in recent years, a wide range of important reforms were announced for non-contributory pensioners, including farmers, in conjunction with the introduction of the State pension (non-contributory) in 2006. These impact on farmer pensioners generally including farmers who have let land or are considering leasing their land. The new pension replaced a range of non-contributory payments for persons aged 66 and over including the old age pension.

All these schemes featured a common means disregard of €7.60 per week, which had not increased since the 1970s. This general disregard was increased to €20 with effect from September 2006 and was subsequently increased to €30 with effect from January 2007. This means that the first €30 per week of all means, including any means from the letting of land, is not taken into account. Budget 2008 provides for an increase of €12 per week (6%) for all non-contributory pensions, bringing the weekly rate of pension to €212 per week with effect from January. In addition, I increased the fuel allowance by 1 week, from 29 to 30 weeks. These measures will be of considerable benefit to many thousands of non-contributory pensioners.

Increases in rates and other improvements in pensions over many years have been among the major achievements of the Government. Since 2002, the level of the State pension non-contributory has increased by over 58% from €134 to €212 following Budget 2008. This improvement has had a marked impact on the living standards of older people enabling them to face the future with a greater sense of security and dignity. The Government is determined to maintain and improve on the progress we have made in improving pensioners' incomes. It is committed to achieving a pension of at least €300 per week by 2012.

#### **Tax and Social Welfare Codes.**

119. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the arrangements that are in place to collect PPS numbers from landlords who are benefitting from rent supplement payments to their tenants; the arrangements in place to provide this information to the Revenue Commissioners; the number and percentage of such landlords for whom his Department has full PPS details; the number of these that have been passed on to the Revenue Commissioners; if the application form has been amended to capture such details; if the computer hardware and software is in place to retain this data; and if he will make a statement on the matter. [5230/08]

129. **Deputy Thomas P. Broughan** asked the Minister for Social and Family Affairs the action he is taking to ensure that his Department complies with the provision in the Finance Acts that tax be deducted at the standard rate from rent supplement payments paid directly to non-resident landlords; the extent of his Department's or tenants' liabilities for previous years where taxes were not collected; and the way he will ensure that tax is collected. [5233/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 119 and 129 together.

[Deputy Martin Cullen.]

Rent Supplement is administered on my behalf by the community welfare service division of the Health Service Executive (HSE), as part of the supplementary welfare allowance scheme. The purpose of the rent supplement scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The tenant makes the application and payment of rent supplement is made to the tenant in most cases. However, as with other social welfare payments, the recipient may nominate an agent to receive payment on their behalf. At present there are 60,000 recipients of rent supplement with 13,000 recipients opting to have payment made direct to a landlord or landlord's agent.

The Revenue Commissioners are interested in rent supplement payments as a means of identifying landlord income. My Department has provided the Revenue Commissioners with details of landlords relating to rent supplement, on an annual basis for many years and in the format requested by them. The information supplied pursuant to Section 888 of the Taxes Consolidation Act 1997, consists of the full address of the tenancy, the name, address and telephone number of the landlord or agent and a statement of all payments arising from each individual tenancy. Section 123 of the Finance Act 2007 requires that my Department and/or the HSE request a PPS No. or other tax reference number from the owner of a premises in respect of which rent supplement is to be paid. The request must be made before payment of rent supplement is made. The landlord is also required to comply with this request before payment of rent supplement is made. The required data must be supplied to the Revenue Commissioners by my Department or advice to the effect that the landlord has not complied with the request for such information.

Senior officials of my Department are holding discussions with the Revenue Commissioners to address issues associated with the collection and recording of landlord PPS or other tax reference numbers. The intention is to put in place procedures which will meet the needs of the Revenue while ensuring that there is no negative impact for the tenant who is an uninvolved third party in this matter. In the interim the Department is amending its computer systems to enable the landlord's PPS number to be recorded electronically.

Records for 2007 show that there were just over 900 landlords living outside of the State where rent supplement is in payment. The value of the payments made to tenants of these landlords was €4.1 million which represents just 1% of total rent supplement expenditure in 2007. In most of these cases, rent supplement is paid to the tenant in Ireland. 149 tenants of 127 landlords living outside of the State had nominated their landlord to receive payment of rent supplement directly. The value of these payments was €940,000 approx. This represents just over 0.24% of annual expenditure on rent supplement. The Department has, however, given details of the landlords in question to the Revenue Commissioners. This information allows the Revenue Commissioners to pursue relevant enquiries as to the tax compliance position of the landlords in question.

### **Social Welfare Code.**

120. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs if he will roll out proposals allocating individual lone parents a trained welfare adviser from his Department to help access support for employment, education and training on a national basis; and if he will make a statement on the matter. [5033/08]

128. **Deputy Mary Upton** asked the Minister for Social and Family Affairs when he will abolish the cohabitation rule in relation to the one parent family payment. [5244/08]

135. **Deputy David Stanton** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 99 of 31 October 2007, if the Cabinet Committee on Social Inclusion has received the report on the non-income activation proposals which were carried out in Coolock and in Kilkenny until the end of 2007; the way he will progress the nationwide roll-out of the new lone parents proposals in particular in relation to education, training and labour market activation measures; if a definitive date has been set for same in addition to the publication of necessary legislation; and if he will make a statement on the matter. [5264/08]

138. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs his views on whether it is the large cost of providing welfare to lone parents that is the main motivation for the reforms to the lone parent payment, as opposed to a desire on the Government's behalf to help parents re-enter the work force or to tackle poverty in one parent families. [4611/08]

147. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs his views on whether changes to the equal opportunities child care programme, where it is proposed that only parents dependent on social welfare can avail of places for free, will act as an impediment to lone parents who wish to enter the labour force. [4614/08]

151. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs his views on whether moves to oblige lone parents to leave their children when they turn eight and enter the work force or training are discriminatory against single parent families. [4610/08]

158. **Deputy Jim O'Keeffe** asked the Minister for Social and Family Affairs the action he will take to deal with the fact that one in five of all families are headed up by lone parents, of which 40 per cent of these families are living in relative poverty; and if he will make a statement on the matter. [5032/08]

159. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs when he will act on the proposals contained in Proposals for Supporting Lone Parents; and the way he will co-ordinate services and address poverty traps associated with some of the proposals. [5237/08]

167. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if new staff will be taken on in his Department to facilitate the provision of trained welfare advisers to lone parents being moved from welfare to work or if there are existing staff in training to provide the specialised assistance needed. [4613/08]

171. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if he plans to put the relevant infrastructure in place such as affordable and reliable child care places to allow lone parents enter the labour market; and if his attention has been drawn to other Department's plans in this regard. [4612/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 120, 128, 135, 138, 147, 151, 158, 159, 167 and 171 together.

The Government discussion paper, "Proposals for Supporting Lone Parents," put forward proposals for the expanded availability and range of education and training opportunities for lone parents; the extension of the National Employment Action Plan to focus on lone parents; focused provision of childcare; improved information services for lone parents and the introduction of a new social assistance payment for low income families with young children. The paper also proposed the abolition of the cohabitation rule as a condition for receipt of the proposed social assistance payment. Under the proposals, the contingency of lone parenthood would no



[Deputy Martin Cullen.]

longer exist. Instead, a new payment would be made to all parents (living alone or with a partner) with young children on low income.

One of the proposals in the report was that the upper income limit for the new social assistance payment should be set at €400 per week. This proposal was implemented in Budget 2007 which in effect meant that the upper income limit increased by more than one third in two years. To reiterate the Government's commitment to aiding lone parents this rate will again increase from May to €425 per week. In addition, the report recommended increasing the qualified child increase for recipients of the one-parent family payment. In Budget 2007 the three rates of qualified child increase, which had been maintained at the same levels for a number of years, were combined into a single rate of €22 per week in respect of over 340,000 children of welfare families. This increased to €24 per week in Budget 2008.

The new social assistance payment, under development in my Department, far from being discriminatory, has the long term aim of assisting people to achieve financial independence through supporting them into education, training and ultimately employment — the avenue that is widely agreed to offer the best route out of poverty. Any proposed new payment can only be introduced when the necessary co-ordinated supports and services are put in place on the ground by other Departments and Agencies. Discussions, which are chaired by the Department of An Taoiseach, are ongoing with the relevant Departments and Agencies on key issues including childcare, education, training and activation measures.

My Department, with the co-operation of FÁS, the Office of the Minister for Children and the Department of Education and Science, is currently testing the non-income activation proposals in Coolock, Dublin and in Kilkenny. These tests are focusing on identifying and resolving any practical and administrative issues that may arise in advance of the scheme being introduced. The tests are now expected to run until at least the end of February, 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, including childcare.

Access to quality, affordable childcare is crucial to ensuring that the new proposals can provide the necessary supports to help lone parents combat the risk of poverty. Although the new social assistance payment for low income parents of young children is still under development in my Department, it is envisaged that it will be a qualifying payment for the purposes of entitlement to the community childcare subvention. At the moment there is no definite date for the nationwide roll out of these reforms, but following the evaluation of the tests it is hoped to move forward with the proposals as soon as possible. I can confirm that there are currently 40 facilitators in my Department promoting participation and social inclusion through activation measures aimed at all people of working age, including lone parents. It is envisaged that an additional 30 Facilitators will be recruited during 2008 to progress and expand the participation programme.

### **Pension Provisions.**

121. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs his proposals to introduce a special saving incentive account type pension scheme as part of proposals to increase pension coverage; and if he will make a statement on the matter. [5036/08]

124. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the steps he will take to facilitate women, forced out of employment due to the marriage rule, to avail of contributory pensions; and if he will make a statement on the matter. [4018/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 121 and 124 together.

As the House is aware, I published the Green Paper on Pensions on the 17th October which sets out a comprehensive discussion on the issues relating to both social welfare and occupational pensions. The purpose of the Green Paper is not to recommend any particular approach, but rather to facilitate a debate on the issues and possible approaches to future policy. With regard to private and occupational pensions, the Green Paper discusses approaches for the development of the pension system, largely based on the conclusions of the Pensions Board in its two reports published in 2006, the National Pensions Review and Special Savings for Retirement. These discussions are in the context of criteria ranging from coverage and adequacy to competitiveness. The approaches discussed include maintaining the status quo, the use of SSIA type tax incentives in a pensions context, soft mandatory approaches and mandatory provision. A more prominent role for the social welfare pension in improving retirement income is also considered.

Decisions with regard to future pensions policy will be made in the context of the framework that will be developed after the Green Paper consultation process is completed. I expect the consultation process will be completed by end May 2008 and the framework for future policy will be finalised by the end of the year.

#### **Departmental Estimates.**

122. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if he is satisfied that the allocation for jobseekers benefit for 2008 is sufficient to meet demand for the payment in view of the recent large increase in the live register. [5247/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Estimates allocation for jobseekers benefit in 2008 is €614.52 million. This compares to an allocation of €509.31 million in 2007. This year's allocation is based on an underlying live register forecast of an average of 170,000 for the year. Live register forecasts are determined by the Department of Finance. Developments in relation to jobseekers benefit will be closely monitored during the year in the context of the Government's framework for reporting on public expenditure.

#### **Anti-Poverty Strategy.**

123. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs his views on proposed developments outlined in the National Action Plan for Social Inclusion 2007 to 2016 in respect of social welfare payments; and if he will make a statement on the matter. [5042/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The main developments proposed in the National Action Plan for Social Inclusion (NAPinclusion) 2007 to 2016 in respect of social welfare payments are as follows:

- Maintain a minimum payment rate of €200 per week, in 2007 terms, for all social welfare pensions over the course of this Plan and, if possible, having regard to available resources and the Government's commitment in Towards 2016, to enhance this provision. The overall pension structures and system to provide income supports for pensioners will be reviewed in the light of the forthcoming Green Paper on Pensions, to be finalised at end March 2007. This will review all the pillars of pension provision.
- The level of the Qualified Adult Allowance for pensioner spouses will be increased to the level of the State Pension (non-contributory) by 2009.

[Deputy Martin Cullen.]

- Maintain the relative value of the lowest social welfare rate at least at €185.80, in 2007 terms, over the course of this Plan, subject to available resources.
- The scope for further development of income supports for carers will continue to be reviewed. In particular, the aim will be for the level of the Carer's Allowance disregard to keep pace with gross average industrial earnings so that those on average industrial earnings can continue to qualify for the payment.
- Maintain the combined value of child income support measures at 33%-35% of the minimum adult social welfare payment rate over the course of this Plan and review child income supports aimed at assisting children in families on low income.

A number of measures introduced in Budget 2008 made significant progress towards achieving the targets outlined above. These measures include:

- Pension increases of €14 and €12 for contributory and non-contributory pensions, respectively with effect from January 2008. This brought the maximum rate of payment for the contributory pension to €223.30 per week and the non-contributory maximum rate to €212 per week. These increases ensure that progress is being made to achieve the Government commitment to bring the basic State pension to €300 per week by 2012. This commitment exceeds the target in the NAPinclusion.
- An increase of €27 per week for qualified adults aged 66 years of age on State Pension (Contributory), State Pension (Transition) and Invalidity Pension or over. This increase brings the maximum rate payable to €200 per week thereby making major progress towards achieving the commitment in the NAPinclusion.
- An increase of €12.00 per week in the personal rate payable to recipients of the various social welfare schemes for persons of working age. This brings the level of the lowest rate of social welfare payment to €197.80 per week, thereby ensuring that the value of this rate was maintained in line with the commitment in the Agreed Programme for Government and the NAPinclusion.
- The rate of Carer's Allowance was increased by €14 per week to €232 for recipients aged 66 and over and €214.70 for younger carers.
- From April 2008, the income disregard for Carer's Allowance will be increased by €12.50 per week for a single person and €25 per week for a couple to €332.50 and €665 respectively thus ensuring people on average industrial earnings will qualify for the payment.
- The earnings limit for entitlement to Carer's Benefit will increase by €12.50, from €320 per week to €332.50 per week from April 2008.
- The Respite Care Grant was increased by €200 to €1,700 per annum.
- Child Benefit was increased by €6 on the Lower Rate and by €8 on the Higher Rate. The 2008 rates are €166 and €203 per month, respectively.
- From January 2008, the Qualified Child Increase (QCI) rate increased by €2 to €24 per week.
- All weekly Family Income Supplement earnings thresholds were increased by amounts varying from €10 per week to €80 per week depending on family size.

- The Back to School Clothing and Footwear Allowance was increased by €20 per child for the lower rate and €20 per child for the higher rate. New rates are €200 for children aged 2 to 11 years old and €305 for children aged 12 to 22.

I look forward to making further progress in the 2009 Budget towards achieving the ambitious income support targets set out in the National Action Plan for Social Inclusion.

*Question No. 124 answered with Question No. 121.*

### **Social Welfare Code.**

125. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the plans he has to extend the number of hours a carer may work and still retain entitlement to carer's allowance and carer's benefit. [5232/08]

**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. One of the fundamental qualifying conditions for carer's allowance, carer's benefit and the respite care grant is that the person provides full-time care and attention to someone who needs such care. The number of hours a person may engage in employment, self employment, training or education outside the home and still be considered to be providing full-time care and attention for the purposes of the schemes was increased from 10 to 15 hours per week in June 2006.

In 2005, the carer's allowance scheme was extended, to accommodate care-sharing situations. Under these arrangements, it is possible for week-on week-off care sharing arrangements to be facilitated. This means that, where two carers are providing care to the same person on alternate weeks, the carer's allowance and the annual respite care grant can be split between them. 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.

126. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if he will review the criteria for qualification for respite care grants; and if he will make a statement on the matter. [5227/08]

**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. In 2005, the respite care grant was extended to all people providing full time care and attention, regardless of their means or social insurance contributions and it was made payable in respect of each care recipient. From June 2007, the level of the grant was increased by €300 per year to €1,500 per year in respect of each person being cared for.

As a result of improvements I provided for in Budget 2008, from June this year the level of grant will increase by a further €200 per year to €1,700 in respect of each care recipient. This is a significant step towards achieving the Government commitment to increasing the level of

[Deputy Martin Cullen.]

the grant to €3,000 per year in respect of each care recipient. I will continue to keep the supports for carers available from my Department under review.

### **Departmental Programmes.**

127. **Deputy Eamon Gilmore** asked the Minister for Social and Family Affairs when the document, record and information programme will be fully implemented in his Department; and if he will make a statement on the matter. [5258/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Document, Record and Information Management (DRIM) programme is a key part of my Department's Modernisation Action Plan. The Department aims to have all documents, records and information easily accessible, usable and managed in a manner that satisfies all stakeholders. The intention is to eliminate paper, in so far as is possible, from both the claim and administrative processes and to capture, store, retrieve and process all files, records, etc. in electronic format.

The DRIM programme will result in significant benefits for customers and staff:

- introduce efficient, effective and consistent business processes and practices,
- increase productivity, staff motivation and job satisfaction,
- enable management, ownership and use of documents, records and information as a corporate resource,
- provide management with a more complete view of the operations of the Department,
- enable work location changes — decentralisation, localisation, e-working, and mobile working.

This is a comprehensive programme of work and it is expected that it will take a number of years to implement in total and to realise the benefits.

*Question No. 128 answered with Question No. 120.*

*Question No. 129 answered with Question No. 119.*

### **Social Welfare Code.**

130. **Deputy Mary Upton** asked the Minister for Social and Family Affairs the plans he has to improve the income disregard available to claimants on jobseekers allowance to bring it in line with the proposals for the parental payment contained in Proposals for Supporting Lone Parents. [5235/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Government Discussion Paper on Proposals for Supporting Lone Parents put forward a proposal to introduce a new scheme, Parental Allowance, for all low income families with young children. It was envisaged that those in receipt of Parental Allowance would be able to earn up to €120 per week without affecting their payment and that 40% of the remainder would be assessed as means. It was also proposed that the entitlement to the new payment would continue up to an upper earnings threshold of €400 per week.

Prior to September 2007, the earnings disregards which applied to Jobseeker's Allowance were as follows:

- Where a person had one or more qualified child dependant(s) and was working part of the week while claiming Jobseeker's Allowance, means were assessed as 60% of the average net weekly earnings.
- Where a person had no qualified child dependants, €12.70 earnings for each day worked was disregarded from the average net weekly earnings, and 60% of the balance assessed against the weekly rate of Jobseeker's Allowance.

With effect from the end of September 2007, €20 earnings for each day worked, up to a maximum of €60 per week, are disregarded from the average net weekly earnings. These new arrangements replaced the previous arrangements including the distinction between persons with and without qualified children. There is no upper income threshold for entitlement. As can be seen, as a result of these changes, the position of all part-time workers in receipt of Jobseeker's Allowance was significantly enhanced. Any further improvement in the means testing arrangements for Jobseeker's Allowance would have to be considered in a Budgetary context.

131. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs when he will address the anomalous position of carers over 66 years who are caring for more than one person but who receive a maximum of only approximately €20 more than a person caring for just one person who qualifies for an old age pension and half-rate carer's allowance. [5242/08]

**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 greatly increased, qualifying conditions for carer's allowance have 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. Rates of carer's allowance for those caring for one person have been increased to €214 per week for those aged under 66 and to €232 per week for those aged over 66 since January 2008. Where people are caring for more than one person they receive a higher rate of payment. People aged under 66 who are eligible for the maximum rate of carer's allowance and who are caring for more than one person receive €321 per week. People aged 66 or over in that situation receive €348 per week.

The primary objective of the social welfare system is to provide income support. As a general rule only one weekly social welfare payment is payable to an individual. Persons qualifying for two social welfare payments receive the higher payment to which they are entitled. This had been a cause of particular concern to people in receipt of a social welfare payment when they became carers. Budget 2007 provided for a fundamental reform of the social welfare system for carers in this regard. Under new arrangements which came into effect in September 2007, people in receipt of certain social welfare payments other than carer's allowance or benefit who are providing someone with full time care and attention can now retain their main payment and receive another payment, depending on their means, the maximum of which is equivalent to a half rate carer's allowance. Similarly, people currently in receipt of carer's allowance who may have an underlying eligibility for another social welfare payment, such as state pension (non-contributory) can switch to that other payment and have their personal rate of carer's allowance reduced accordingly. These new arrangements apply to almost all weekly social welfare payments and to people in receipt of qualified adult allowances. To date, almost 7,000 carers have benefited from these new arrangements.

In June 2005, the respite care grant was extended to all people providing full time care and attention regardless of their means or social insurance contributions. Since then the grant has

[Deputy Martin Cullen.]

also been paid in respect of each care recipient. Budget 2007 increased the level of the grant by €300 from €1,200 to €1,500 per year in respect of each care recipient. From June 2008 the grant will be increased to €1,700 in respect of each care recipient. I will keep the supports for carers from my Department under review in order to continue to improve the schemes and ensure commitments on income support are delivered.

### **Registration of Births.**

132. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs if he is satisfied that the registration system for births is robust and free of fraud; the actions his Department has taken to quality assure the current service; if he is satisfied that language skills within the service are adequate and that information provision about the service is adequate; and if he will make a statement on the matter. [5251/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The legislative provisions governing the registration of births are contained in the Civil Registration Act 2004. When a birth occurs in the State, it is the duty of the hospital to notify the registrar of the facts of the birth. When a birth takes place other than in a hospital or nursing home, and the birth was attended by a medical practitioner or midwife, it is the duty of that person to notify the registrar of the facts of the birth. This ensures that the facts concerning virtually all births occurring in the State are independently notified. Births which have not occurred in a hospital or nursing home, or which were not attended by a registered medical practitioner or a midwife, are extremely rare. In such cases, every effort is made to independently establish the facts of the birth.

Under section 19 of the 2004 Act, the primary responsibility for registering a birth rests with the parents. When the parents present at the registrar's office to register the birth, the registrar will already be in possession of the independent birth notification. It is only when the parents are dead or cannot be found that another qualified informant may register a birth. When the parents and the registrar are satisfied that the facts to be entered in the register are correct or complete, the parents must sign the register in the presence of the registrar to complete the registration process. At the time of registration, the parents or other qualified informants must present evidence of identity, typically a passport or driving licence. Where parents indicate that they are married, verification of their marital status is made by examination of their marriage certificate. The Personal Public Service Numbers of the parent or parents is required for registration. Section 69 of the 2004 Act provides for offences, which include a failure by a registrar to protect the integrity of the register and a failure by the parents to comply with their statutory obligations under the Act, including the obligation to provide accurate information to the registrar.

These obligations are explained to parents as part of the registration process. If an error or omission has occurred in a registered entry, the Act provides for the correction of errors on the basis of statutory declarations and other independent evidence as to the facts of the matter. On the basis of the foregoing, I am satisfied that all reasonable measures are in place to preserve and protect the integrity of the register of births.

### **Social Welfare Code.**

133. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs his plans to alter the conditions of rent supplement in order that those in receipt of that benefit who are eligible for the rental accommodation scheme can avail of a differential rent scheme while they wait to be offered RAS accommodation. [5236/08]

168. **Deputy Jim O’Keeffe** asked the Minister for Social and Family Affairs his views on altering the rent allowance payment to facilitate people returning to work and the true costs incurred in doing same; and if he will make a statement on the matter. [5031/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 133 and 168 together.

The programme for Government includes commitments to reduce long-term reliance on rent supplement. This will be done mainly by keeping the standard means test for rent supplement under review to provide enhanced financial incentives for people taking up employment and providing long-term housing solutions under the rental assistance scheme. Significant changes to the means test were introduced in 2007 specifically to facilitate people returning to work. If a person has additional income in excess of the standard weekly rate of supplementary welfare allowance, the first €75 of such additional income together with 25% of any additional income above €75 is disregarded for means assessment purposes. This improvement in the assessment of means for those with income from employment applies to all rent supplement recipients who are engaged in employment of less than 30 hours per week. It also applies to those returning to full-time employment and accepted as eligible for accommodation under the rental accommodation scheme. These measures ensure that those returning to work or participating in training schemes are better off as a result of taking up such an opportunity. It is estimated that the gross annual cost of this provision is approximately €5.2 million.

I consider that the current eligibility thresholds, income disregards and associated arrangements ensure that people have a financial incentive to take up employment opportunities. It is not necessary to implement a differential rent scheme assessment to ensure they have a financial incentive to take up work. It is preferable that those on rent supplement, who are accepted as eligible for the rental accommodation scheme, must continue to satisfy the qualifying conditions of the rent supplement scheme, in common with other rent supplement recipients. However, when such claimants transfer to the rental accommodation scheme they may avail of the differential rent assessment, where appropriate. I intend to keep the rent supplement scheme under review. My Department will work closely with the Department of the Environment, Heritage and Local Government to ensure the rental accommodation scheme meets its objective of catering for those on long-term rent supplementation, while enabling rent supplement to return to its original role of a short-term income support.

#### **Social Welfare Fraud.**

134. **Deputy Eamon Gilmore** asked the Minister for Social and Family Affairs the outcome of the fraud and abuse risk assessments undertaken of the four schemes examined in 2007; and the schemes that will be examined in 2008. [5259/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Risk management was identified in my Department’s 2003 Control Strategy as a key element in the control of fraud and abuse of schemes. The objectives of risk management are to identify those schemes where there is a high risk of fraud and abuse, from internal and external control perspectives, and to identify the high risk areas within schemes. This ensures that control activity is focused on areas of high risk and available resources are targeted effectively. As part of this process, scheme managers determine the extent to which their existing control practices are sufficient to counter the risks of fraud and abuse and following on from this, they prepare action plans to deal with the risks identified. In 2007, risk assessments were completed on illness benefit, widow and widower’s pension, disablement benefit, employment support schemes and state pension contributory or transition.



[Deputy Martin Cullen.]

All of these schemes, apart from disablement benefit, were assessed as low risk. In the case of illness benefit, the low risk assessment was validated by a recently completed Fraud and Error Survey which determined a fraud and error rate of 0.4% in expenditure terms. The low risk assessment in the case of state pension, contributory or transition, can be attributed to the new computer system used to administer the scheme, which was introduced in the last two years. Control was one of the key elements taken into account in the design of the new system and the related procedures and processes. Disablement benefit was assessed as medium risk. This was attributed in the main to the stand-alone computer system used to administer the scheme, which is not integrated with the Department's mainstream computer systems.

*Question No. 135 answered with Question No. 120.*

### **Social Welfare Code.**

136. **Deputy Olivia Mitchell** asked the Minister for Social and Family Affairs his views on allowing distance learning training courses and HETAC courses to be included on the approved list for the back to education allowance; and if he will make a statement on the matter.

[5044/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Attendance at approved full-time educational courses provides opportunity for personal development and progression to employment for those dependent on income support. The existing arrangements applying to the back to education allowance scheme, which excludes distance learning courses, are best suited to meeting the objective of the scheme, which is to enhance the employability skills of vulnerable groups who are distant from the labour market. The back to education allowance scheme already caters for third level courses attracting HETEC accreditation. Participants on the back to education allowance scheme are paid at a standard weekly rate equivalent to the maximum personal rate of the relevant social welfare payment that qualifies them for participation in the scheme. Participants are also paid an annual cost of education allowance, which is currently €400. For the 2008-09 academic year, this allowance will be €500.

There are two strands to the scheme, a second level option and third level option. Under the second level option, a person may attend a second level course of study at any community, comprehensive, secondary, or vocational school. The course being pursued must be a full-time day course of study that leads to a certificate that is recognised by the Department of Education and Science or validated by the Further Education Training and Awards Council. The Third level option allows a person to attend an approved third level course of study at any recognised university or third level institution. The course must be a full-time day course of study which is an approved course recognised by the Department of Education and Science for the Higher Education Grant Scheme, the Vocational Education Committee's Scholarship Scheme, the Third Level Maintenance Grant Scheme for Trainees or validated by the Higher Education and Training Awards Council.

The numbers availing of the back to education scheme are at an all-time high and currently exceed 8,000. I have no plans to extend the scheme to include distance learning courses within the scheme. I will continue to monitor the scheme but I believe that, overall, the current arrangements as provided by my Department's back to education allowance scheme are adequate and ensure that resources are targeted at those who are most in need.

### **Departmental Bodies.**

137. **Deputy Joanna Tuffy** asked the Minister for Social and Family Affairs the extent to which the personal advocacy service is now in place; and the reason for the delay. [5261/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The introduction of a personal advocacy service was provided for in the Citizens Information Act 2007. An organisational structure has been developed by the Citizens Information Board to meet the needs of the Personal Advocacy Service. The post of Director of the Personal Advocacy Service was advertised in December 2007. The Board is currently working through the recruitment process. It is envisaged that appropriate structures and staffing resources will be in place shortly. The new service is still on target to be up and running in 2008.

*Question No. 138 answered with Question No. 120.*

*Question No. 139 answered with Question No. 112.*

### **Social Welfare Code.**

140. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the action he has taken in the past year to help low income families. [4616/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Budget 2008 announced in December 2007, made provision for further improvements in social welfare schemes for low income families and children. It provided for an increase of €12, or 6.5%, per week in the personal rate payable to recipients of the various social welfare schemes for persons of working age. This brought the level of the lowest rate of social welfare payment to €197.80 per week, thereby ensuring that the value of the rate is maintained in line with the commitment in the Agreed Programme for Government and the national action plan for social inclusion. The weekly rates of Qualified Adult Payment for most working age schemes was increased by €8 per week, or 6.5%. The budget provides for an increase from May 2008 in the upper income threshold for One Parent Family Payment from €400 to €425 a week. Some €148 million, or €194 million when the Early Childcare Supplement is included, has been provided to improve the range of supports for children.

There will be increases in Child Benefit of €6 for the first two children and €8 for the third and subsequent children. There will be an additional €2 per week in the Qualified Child Increase, formerly called the Child Dependent Allowance, which is paid to all social welfare recipients with children. The thresholds for Family Income Supplement will increase by €10 per week for each child which will result in payments increasing by €6 a week per child. These improvements will benefit some 26,500 existing lower income families in employment and entitle a further 2,700 families to the payment. There will be improvements in the Back to School Clothing and Footwear Allowance and an increase of €100 per child in the level of the Early Childcare Supplement which is paid to families with children under the age of six.

The impact of these measures is best illustrated by way of an example. In the case of a social welfare-dependent family with three children, one of them under six years of age and another over 12 years of age, the combined value of child support payments to that family will increase by €718 in a full year, bringing their total child income support to over €12,000 next year. This equates to an income support payment of €77 per child per week and represents an increase of over 6% in the value of their current payments. In addition, I increased the Widowed Parent Grant by €2,000 to €6,000. This is an important measure for the families concerned, giving them a financial boost at a time of bereavement and great personal loss, which frequently is compounded by economic uncertainty and concerns about the future. I was also pleased to have been able to assist the Family Support Agency to improve the range of services they support including in the area of bereavement and family counselling. Finally, additional funding is being provided for the School Meals Programme, which was greatly expanded last year to the benefit of some 175,000 pupils in 1,800 schools.

[Deputy Martin Cullen.]

Total expenditure this year will rise to €32 million and the priority is to expand the scheme to a further tranche of schools covered by the Department of Education's "Delivering Equality of Opportunity in Schools" action plan. The improvements announced in Budget 2008 fully protect and enhance the position of all social welfare recipients, including low income families with children.

141. **Deputy Dinny McGinley** asked the Minister for Social and Family Affairs his views on making provisions available to widows and widowers who have experienced a decrease in social welfare payments since the death of their spouses but not in their outgoings; and if he will make a statement on the matter. [5045/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The social welfare system includes a number of provisions to provide additional support to widows and widowers in the immediate aftermath of a bereavement. The scheme of six weeks payment after death ensures that, if a person in receipt of a social welfare payment dies, the social welfare paid to the surviving spouse or partner is maintained at the same level for six weeks after the death of the person. The widowed parent grant, introduced in 2000, also provides additional assistance at this time to those with children and is paid in addition to the usual after-death payments such as the bereavement grant, which is currently €850. The widowed parent grant was increased by €2,000 to €6,000 in the last Budget in recognition of the particular difficulties faced by widows and widowers with children on the death of a spouse. Once the transitional payments already outlined are paid, surviving spouses are eligible for a range of social welfare supports. The contributory widow or widower pension is available to those who satisfy the necessary PRSI contribution conditions, either on their own record or that of the deceased spouse. Those qualifying for this benefit are not subject to a means test.

People without the necessary PRSI contributions can get the one-parent family payment if they have qualifying children. Widows or widowers without dependant children who do not qualify for the contributory payment may, if they are under 66 years of age, qualify for the widow or widower non-contributory pension, or the State non-contributory pension if they are over 66 years of age. The State non-contributory pension features a basic means disregard of €30 per week with a specific additional earnings disregard of €200 per week if the pensioner is in employment. The earnings disregard also applies to widows or widowers under the age of 66 who are in receipt of the widow or widower non-contributory pension. The household benefits package, which comprises the electricity and gas allowance, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 or over, who are in receipt of a social welfare type payment or who fulfil a means test. The schemes are available on a universal basis to those aged 70 years and over. Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefit package or free travel retain that entitlement. This measure is in place to ensure that households who have this entitlement do not lose it on the death of a spouse.

Widowed persons are also entitled to the fuel allowance, back to school clothing and footwear allowance and other secondary benefits on the same basis as other social welfare recipients. Under the terms of the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, an exceptional needs payment may be made to help meet an essential, once-off cost which an applicant is unable to meet out of his or her own resources. Eligible people are normally in receipt of a social welfare payment, including the widow or widower pension, or a HSE payment. I will continue to keep the adequacy of supports available to widowed people under review.

### **Pension Provisions.**

142. **Deputy Joanna Tuffy** asked the Minister for Social and Family Affairs the action he will take to address the anomalous position of recipients of State pension, transition, who under the terms of the benefit are effectively precluded from taking up employment but may do so as soon as they reach 66 years. [5252/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The state pension (transition) was introduced in 1970 when it was known as the retirement pension. It was designed to bridge the gap between the standard social welfare pension age, which at that time was 70 years of age, and retirement at age 65. A key qualifying condition for the scheme is that a person has to be retired in order to qualify for a payment. Retirement was defined as not engaging in insurable employment, which today means earning less than €38 per week. The social welfare pension age was reduced over a period of years until it reached 66 years of age, which means that the retirement condition is now only effective for a year.

I consider it important that those who wish to continue in employment after normal retirement age should, as far as is possible, be facilitated and supported. Longer working can play an important role in ensuring that our pensions system is sustainable in the future and it can also be beneficial to the individual. The retirement condition associated with the state pension (transition) is only one aspect of a much broader agenda which will need to be addressed if we are to create the conditions where people can continue in employment past what we now regard as normal retirement age. As the House is aware, I published the Green Paper on Pensions on 17 October. It includes an examination of all the issues surrounding retirement age, the barriers faced by older workers who wish to remain in employment and the incentives in this regard which can be considered. A consultation process on the Green Paper is under way and will remain open until mid-2008. The Government will respond to the process by publishing a framework for future pensions policy. I expect that to happen towards the end of the year.

*Question No. 143 answered with Question No. 112.*

### **Social Welfare Appeals.**

144. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs the action he has taken to address the high number of decisions which are not upheld by the appeals office for payments where medical criteria were relied upon. [5246/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** A claimant who is dissatisfied with the decision of a Deciding Officer of my Department, including a decision based on medical criteria, may appeal it to the Social Welfare Appeals Office. In addition to affording customers the right of appeal, all customers who receive an adverse decision are advised of their right to have their claim reviewed by a Deciding Officer where new facts or fresh evidence comes to light. These procedures can enable a speedy resolution of the appeal as the Deciding Officer may make a revised decision on foot of the new evidence received. A requirement of confirmation of medical eligibility is critical in processing and maintaining Illness Benefit, Invalidity Pension, Disability Allowance, Occupational Injuries Benefit and Carers schemes.

The latest year for which appeals statistics are available, 2006, show that some 6,900 appeals were lodged in relation to these schemes, although some of these may have been in relation to non-medical conditions. It should be noted that this represents only a proportion of cases disallowed as many people do not appeal adverse decisions. Of the 6,900, almost 2,250 were revised by a Deciding Officer before proceeding to appeal. In many of these cases, the claimant had obtained additional medical evidence from their GP or consultant which formed the basis

[Deputy Martin Cullen.]

for a revised decision. In relation to the balance of cases, some 4,660, appeals were allowed in 1,523 cases, 113 appeals were partially allowed, 1,679 appeals were disallowed and 1,344 were withdrawn.

In cases which do proceed to the Social Welfare Appeals Office and where medical issues are involved, Appeals Officers, as well as taking account of reports from Medical Assessors of my Department, must also take account of medical reports furnished by the appellant and any other evidence including evidence adduced at an oral hearing where appellants have the opportunity to explain how they are affected by their condition. In total, 22% of decisions appealed in 2006 in relation to illness, disability or carer schemes were not upheld by the Appeals Office in 2006. This is consistent with the 20.5% of decisions not upheld by the Appeals Office in 2006 in relation to all schemes including those which have no medical criteria.

### **Social Welfare Code.**

145. **Deputy Jan O’Sullivan** asked the Minister for Social and Family Affairs the continued justification for not back dating payments for waiting days in respect of claimants whose claims extend beyond the first number of days for disability or injury benefit and unemployment payments; the discussions he or his Department has had with social partners about reforming the waiting day rule; and if he will make a statement on the matter. [5228/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Waiting days have been a feature of the jobseeker’s payments and illness benefit schemes since their inception. They are a feature of 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 short duration. The waiting day rule is not applied in every case. For example, a “period of interruption of employment” exists where a person is unemployed or sick for any three days (consecutive or not) within six days. If a person is subject to intermittent periods of unemployment it would clearly be unreasonable to impose the three waiting days for each such jobseeker’s benefit claim.

Accordingly, legislation enables, by means of a “linking rule” the aggregation of periods of unemployment so that the wait only applies to the first days of the aggregate period of interruption of employment. Specifically, this linking rule provides that any two such periods of unemployment not separated by more than 26 weeks are treated as one such period. Consequently, where a person had a previous claim within the linking period, a 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 longer — 52 weeks instead of 26 weeks. In addition, linking rules apply in a variety of ways across schemes, for example when a person claims illness benefit immediately, following a jobseeker’s benefit claim. I emphasise that people who need financial support are not left without such support during waiting days. A person who has no other income may claim supplementary welfare allowance in respect of the days in question. I have no plans at present to reform the waiting days rule.

*Question No. 146 answered with Question No. 106.*

*Question No. 147 answered with Question No. 120.*

148. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs his plans to extend entitlement to free travel. [5229/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The free travel scheme is available to all people living in the State aged 66 years or over. 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. There have been significant improvements to the scheme in recent years. In September 2006, all peak-time restrictions were removed so that pass holders can now travel free on participating services at any time.

In spring 2007, the all-Ireland free travel scheme was introduced. This scheme is based on a reciprocal agreement between my Department and the Department for Regional Development in Northern Ireland, which operates the Northern Ireland concessionary fares scheme. Under the scheme, free travel pass holders age 66 or over can travel free on services operating within Northern Ireland and senior smart pass holders from Northern Ireland can travel free on participating services here. Any further extension of the scheme could only be considered in a budgetary context.

*Question No. 149 answered with Question No. 116.*

### **Social Welfare Benefits.**

150. **Deputy Pat Rabbitte** asked the Minister for Social and Family Affairs the progress made in relation to recovery of unpaid maintenance to recipients of one-parent family payment by absent parents; and if he will make a statement on the matter. [5240/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Applicants for one-parent family payment are required to make efforts to seek adequate maintenance from their former spouses, or, in the case of unmarried applicants, the other parent of their child, and must satisfy the Department that they have made reasonable attempts to obtain such maintenance. Similarly, under the Liability to Maintain the Family provisions of the Social Welfare (Consolidation) Act 2005, absent parents have a responsibility to support their children and this is pursued by my Department where the absent parent is not making sufficient effort to provide adequate support.

In every case where a one-parent family payment is awarded, the case is referred to the maintenance recovery unit of my Department. Where appropriate, that unit then seeks to trace the other parent, referred to as the liable relative, to ascertain whether he or she is in a financial position to contribute towards the cost of the one-parent family payment. The follow-up activity takes place within 2 or 3 weeks of the award of payment. Liable relatives earning more than €18,000 are assessed with maintenance liability. Certain categories of liable relative are not pursued due to personal circumstances such as age or allegation of violence or because they have low incomes, such as those earning less than €18,000 or those in receipt of a social welfare payment. All liable relatives assessed with maintenance are notified by my Department and are issued with a Determination Order setting out the amount of contribution assessed. Decisions on the amount assessed can be appealed by liable relatives to the Social Welfare Appeals Office. During 2007, Determination Orders were issued in 1,842, or 16%, of the 11,528 cases examined.

*Question No. 151 answered with Question No. 120.*

*Question No. 152 answered with Question No. 116.*

### **Social Welfare Code.**

153. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs if he will further

[Deputy Phil Hogan.]

raise the existing caps on rent supplementation to reflect real market costs to increase access to the private rented sector; and if he will make a statement on the matter. [35259/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Rent supplement, which is administered on my behalf by the Health Service Executive as part of the supplementary welfare allowance scheme, is subject to a limit on the amount of rent that an applicant may incur. Rent limits are set at levels that enable different eligible household types to secure and retain basic suitable rented accommodation, having regard to the different rental market conditions that prevail in various parts of the State. The objective is to ensure that rent supplement is not paid in respect of overly expensive accommodation having regard to the size of the household.

Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes, including people in low wage employment. In January 2007, a review was completed of the maximum levels of rent which a person may incur and still be eligible to receive rent supplement. The purpose of the review was to inform the process of setting new limits, applicable from January 2007 until 30 June 2008.

The review included consultation with the HSE, the Department of Environment, Heritage and Local Government, the Central Statistics Office, the Private Residential Tenancies Board and voluntary agencies working in this area. This process ensures that the new rent limits reflect realistic market conditions throughout the country. Arising from the review, rent limits were adjusted upwards, from January 2007, for a number of household types in 14 counties. Notwithstanding existing rent limits, the Health Service Executive may exceed these limits in certain circumstances — for example, if there is special housing need related to exceptional circumstances. The discretionary power ensures that individuals with particular needs can be accommodated within the scheme and specifically protects against homelessness. I intend to have rent limits reviewed this year with a view to implementing any revision found to be necessary, from 1 July 2008. A consultative approach will be used to conduct this review.

154. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs if the review of guardian's payment carried out by his Department has been completed; and the main conclusions reached. [5255/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Guardians' payment schemes allow for the provision of a weekly allowance to a guardian of a child who has either been orphaned or whose parents have deserted and failed to provide for the child. The review of the Guardians' payment within my Department commenced in late 2006 and involved a detailed analysis of a large sample of guardians' payment files. Statistics recovered from the review gave an interesting perspective to the types of families supported by the scheme. The review suggested that almost 86% of the recipients of guardians' payments were relatives of the children for whom payment was claimed.

In half the cases surveyed, the mother of the child was deceased. This figure for fathers was almost 30%. In addition, the review suggested the involvement of HSE social workers in some 40% of cases, with ongoing HSE involvement in approximately 27% of cases. Some 60% of claims were determined within two months of application. Issues emerging from the review are being discussed in my Department and with the relevant officials from other Departments. It is my hope that proposals for improving the scheme will be forthcoming later this year.

*Question No. 155 answered with Question No. 116.*

156. **Deputy Michael D. Higgins** asked the Minister for Social and Family Affairs if he is satisfied that the test of the habitual residence condition is being applied evenly and consistently. [5254/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1 May 2004. It was introduced in the context of the Government's decision to open the Irish labour market to workers from the 10 new EU Member States, without the transitional limitations which were imposed at that time by most of the other Member States. The effect of the condition is that a person whose habitual residence is elsewhere is not normally entitled to social welfare assistance or child benefit payments on arrival in Ireland.

Under Social Welfare legislation, decisions in relation to all aspects of claims are made by statutorily appointed Deciding Officers. Each case received for a determination on the Habitual Residence Condition is dealt with in its own right and a decision is based on application of the legislation and guidelines to the circumstances of each case. Decisions on Supplementary Welfare Allowance are made by Community Welfare Officers from the Health Service Executive. Any applicant who disagrees with the decision on a case has the right to request a review of that decision and/or appeal to the independent Social Welfare Appeals Office.

While decisions to the effect that applicants satisfy the habitual residence condition can be made in the vast majority — over 90% — of cases at claim acceptance stage on the basis of answers given on the primary claim forms, complex cases are examined in more detail. Claims involving complex HRC issues are assessed and decided in all scheme areas within my Department by a small number of deciding officers who are experienced and fully familiar with the issues involved for each scheme in regard to the habitual residence condition. I am satisfied that this arrangement contributes greatly to accuracy and consistency in the decision-making process. Arising from a review of the operation of the habitual residence condition which was carried out in 2006, revised and expanded guidelines for claims decisions staff on the application of the habitual residence condition are nearing completion, in consultation with management in the various scheme areas.

Following final clearance, the revised guidelines will be made available to all relevant staff and published on the Department's website, [www.welfare.ie](http://www.welfare.ie). As an additional support, and to maintain standards of accuracy and consistency, on completion of the revised habitual residence condition guidelines, arrangements will be made to provide training and/or briefings as appropriate to decisions staff within my Department and within the Health Service Executive.

*Question No. 157 answered with Question No. 116.*

*Questions Nos. 158 and 159 answered with Question No. 120.*

### **Anti-Poverty Strategy.**

160. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs the position regarding each of the reviews of the Combat Poverty Agency; and the outcome and main recommendations of each. [5249/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The reviews of the work of the Combat Poverty Agency are at different stages of progression. The review of the Agency's Research Programme, initiated in May 2007 by the Agency and the Office for Social Inclusion of the Department, is being carried out by Goodbody Economic Consultants. It will, *inter alia*, assess the activities, output and outcomes of the research programme; review the programme's



[Deputy Martin Cullen.]

contribution to research on poverty; benchmark the Agency's research programme against best practice in the design and implementation of similar social research programmes in Ireland and internationally; and advise on the future direction of the research programme, particularly with regard to the most effective allocation and optimum use of research resources within the Agency and in collaboration with other organisations. A steering committee comprising representatives of the Combat Poverty Agency, the Office for Social Inclusion, relevant Government Departments and Goodbody Economic Consultants is overseeing the work. The review is nearing completion and I expect the report will be made available to the Board and to the Department shortly.

In line with a commitment in Towards 2016, a review of the Combat Poverty Agency's programmes that facilitate the participation of the community and voluntary sector and people experiencing poverty in the policy-making process has been in progress over the period 2006 and 2007. Some aspects of that review remain to be considered further before it is finalised. The review of the Combat Poverty Agency, which the Government decided will be undertaken by the Department, commenced in December 2007. The review forms part of the Department's Value for Money and Policy Review Initiative programme for 2006-08 and, when completed, will include recommendations on the future role and functions of the Agency. Mr. Niall Callan, formerly Secretary General of the Department of Environment, Heritage and Local Government, is the Chairperson of the Steering Committee. The membership of the Steering Committee, which is overseeing the task, comprises senior officials from my Department, other relevant Government Departments and the Combat Poverty Agency. I expect that this review will be completed in mid-2008.

#### **National Carers Strategy.**

161. **Deputy Thomas P. Broughan** asked the Minister for Social and Family Affairs when he expects to publish a national carers strategy. [5260/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The development of a national carer's strategy is a key Government commitment in the national partnership agreement, Towards 2016, and the Programme for Government. A working group, chaired by the Department of the Taoiseach, has begun work on developing the strategy. My Department provides the secretariat to the working group which also includes representatives of the Departments of Finance, Health and Children and Enterprise, Trade and Employment as well as FÁS and the Health Service Executive. The expertise of other Departments and Government bodies will be called on as particular issues arise. It is intended to hold consultations with the social partners and carer representative groups. Submissions will also be invited from the public and it is planned to publish a request for submissions in the coming weeks. It is intended to publish the strategy later this year.

*Question No. 162 answered with Question No. 106.*

#### **Social Welfare Code.**

163. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs his views on a report by the Irish Human Rights Commission, A Report on an Enquiry into the Impact of Certain provisions of Social Welfare Legislation on the Self Employed, November 2006; and if he will make a statement on the matter. [5041/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The case reported on by the Irish Human Rights Commission (IHRC) involves a couple who were over 56 years of age in

1988 when compulsory social insurance for the self-employed was introduced and who could not, therefore, satisfy one of the basic requirements for pension as they did not commence paying insurance 10 years before pension age. As the Deputy may be aware, a special pension paid at half the personal rate and requiring the payment of at least 260 contributions was introduced in 1999 to cater for such people. The IHRC recommended that a reduced benefit should also be paid to people who, because of advanced age, could not satisfy the conditions for this special pension. This would be a significant departure from the principles underpinning qualification for pensions, and other benefits, which require that a minimum level of contributions should be made before a person can qualify for a payment.

In its conclusions on the provisions relating to the special pension for the self employed, the Irish Human Rights Commission (IHRC) placed particular emphasis on Article 29(5) of the European Code of Social Security. This section deals with the situation where the beneficiary, because of his advanced age at the moment the pension scheme enters into force, is unable to fulfil the qualifying conditions. In such circumstances, the Code provides for the payment of a reduced pension “under prescribed conditions” to be determined in national legislation.

Accordingly, the views of the ILO Committee of Experts, which examines annual national reports on compliance with the European Code of Social Security on behalf of the Council of Europe, were sought on the conclusions of the IHRC report, and in particular whether the provisions of the Code require the payment of a pension in the circumstances, regardless of how few contributions have been paid by the person involved. The ILO Committee has recently been in touch with the Department in this regard and has indicated that Article 29(5) applies only to pension schemes “conditional upon a minimum period of contribution or employment”, which, by definition, do not require pension to be paid in all cases, regardless of how few contributions have been paid by the person concerned. This response indicates that the Department’s position in this matter is likely to be upheld. The report of the ILO Committee will be reviewed at the beginning of April by a Council of Europe Governmental Committee of Experts on Social Security tasked with the interpretation of the Code. The IHRC have been informed of the up to date position.

### **Decentralisation Programme.**

164. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the position regarding the decentralisation programme in his Department and its agencies; and the parts of the programme that have now been cancelled. [5248/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Under the Government’s decentralisation programme for the civil and public service, some 1,210 posts comprising the Department’s headquarter sections and the Social Welfare Appeals Office are relocating to 6 locations — Sligo, Carrick-on-Shannon, Donegal, Buncrana, Carrickmacross and Drogheda. In addition, the Combat Poverty Agency and Citizens Information Board are scheduled to relocate to Monaghan and Drogheda, respectively, under the programme. To date, 177 posts have relocated from the Department’s Dublin Offices to Carrick-on-Shannon and Sligo. A further 32 posts will decentralise during 2008 — 27 posts to Carrick-on-Shannon and 5 posts to Sligo.

In addition, the Department has decentralised offices in Longford, Sligo, Letterkenny, Waterford, Dundalk and Roscommon and some 170 employees have transferred to these offices and other offices of the Department, to fill vacancies created by the current decentralisation programme. Furthermore, a total of 206 employees of the Department have transferred to other Government Departments for the purposes of their decentralisation programme. The Office of Public Works (OPW) is charged with securing accommodation for the decentralisation

[Deputy Martin Cullen.]

programme. The current indicative timeframe, available to the Department, for the remainder of the programme is as follows:

- Buncrana — End 2009
- Carrickmacross — 2010
- Donegal — 2010
- Drogheda HQ — 2011
- Drogheda ISD — No indicative timeframe

The Combat Poverty Agency and the Citizen's Information Board are committed to decentralising to Monaghan and Drogheda respectively. At this time, there is no indicative date for the transfer of the Combat Poverty Agency to Monaghan. The indicative timeframe for the relocation of the Citizen's Information Board to Drogheda is 2011. My Department has not cancelled any part of its decentralisation programme.

### **Social Welfare Payment System.**

165. **Deputy Liz McManus** asked the Minister for Social and Family Affairs the position in relation to the tendering process and timetable with regard to the social welfare contract in relation to An Post; the implications of the recent EU ruling; and if he will make a statement on the matter. [35618/07]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** In 1992, my Department and An Post entered into a five year contract for the delivery of social welfare payments. This contract was renewed in 1997 for a further three years to the end of 1999. The Government's decision in 1999, to extend the Department's contractual arrangements with An Post, gave rise to a procurement complaint being lodged with the European Commission in 2000. The complaint was subsequently referred to the European Court of Justice by the European Commission.

On the 13th November 2007 the European Court of Justice ruled that "in entrusting the provision of social benefit payment services to An Post without undertaking any prior advertising, Ireland has not failed to fulfil its obligations under Articles 43 EC and 49 EC and the general principles of Community law in connection with a contract for the supply of such services". My Department is awaiting advice from the Attorney General on the implications of the Judgement for the current arrangements with An Post and the delivery of payment services. In the meantime the current arrangements with An Post for the delivery of social welfare payments will remain in place. An Post and my Department have been partners in the delivery of social welfare payments since the foundation of the State. I am confident that An Post and its network of local post offices will continue to play a significant role in the delivery of social welfare payments.

### **Social Welfare Code.**

166. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs his views on easing or improving the means test applied by his Department; and if he will make a statement on the matter. [5226/08]

278. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs his proposals to revise or liberalise the various means tests operated by his Department; and if he will make a statement on the matter. [5542/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 166 and 278 together.

Last September, I was pleased to introduce two reforms of the social welfare means testing system. The new arrangements enable recipients of Jobseeker's Allowance, as well as their spouses or partners, to retain more of their social welfare payment if either or both engage in employment. The overall aim of these reforms is to encourage spouses and partners to move into employment or to move beyond long-term part-time employment. The new measures are designed to be progressive, particularly for women, who currently are the majority of 'qualified adults' in our social welfare system. Under the previous system there was no incentive for qualified adults to earn more than €100 per week. Under the new arrangements, a qualified adult will always be better off if they choose to earn more.

The second improvement relates to recipients of Jobseeker's Allowance who take up part-time employment, be they single or one of a couple. All part-time workers on Jobseeker's Allowance gained under the new arrangements. Budget 2008 provided for the following improvements to means testing arrangements:

- The upper income threshold for One Parent Family Payment will increase by €25 a week to €425 a week in May next.
- Also from May 2008, social insurance contributions, Health contributions, superannuation contributions and trade union subscriptions will be disregarded for the purpose of assessment of earnings for One Parent Family Payment. This measure brings the arrangements for One Parent Family payment into line with other social assistance schemes.
- In assessing an applicant's means for Jobseeker's Allowance and Supplementary Allowance purposes, account is taken of the value of any benefit and privilege enjoyed, such as that of free board and lodging in the family home. From April 2008, a single reformed method for assessing Benefit and Privilege from parent's income will be introduced, which will ensure that people living in low to middle income families will either no longer be assessed or be assessed at a reduced value.
- The upper ceiling for entitlement to tapered Qualified Adult payments for Jobseeker's Benefit, Illness Benefit, Injury Benefit, Health & Safety Benefit, State Pension Contributory, the State Pension Transition and Invalidity Pension was increased by €20, from €280 to €300 per week, with effect from January 2008,
- All weekly Family Income Supplement earnings thresholds were increased by amounts varying from €10 per week to €80 per week depending on family size.
- From April 2008, the income disregard for Carer's Allowance will be increased by €12.50 per week for a single person and €25 per week for a couple to €332.50 and €665 respectively.
- From April 2008, the earnings limit for entitlement to Carer's Benefit will increase by €12.50, from €320 per week to €332.50 per week.

Any further improvements to means testing arrangements would have to be considered in a Budgetary context and in the light of available resources.

*Question No. 167 answered with Question No. 120.*

*Question No. 168 answered with Question No. 133.*

**Data Protection.**

169. **Deputy Liz McManus** asked the Minister for Social and Family Affairs if the review by the Data Protection Commissioner to improve data security procedures in his Department has been finalised; and the new measures that have been adopted as a result. [5250/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Data Protection Commissioner notified my Department in late October 2007 that he intended to undertake a focussed audit of the Department's procedures for processing personal data. This audit commenced in late January 2008 and has not yet been finalised.

**Social Welfare Fraud.**

170. **Deputy Joe Costello** asked the Minister for Social and Family Affairs the work in his Department to reduce overpayments and fraud; and if he will make a statement on the matter. [5253/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The prevention of fraud and abuse of the social welfare system is an integral part of the day-to-day work of the Department. A key objective of the Department's control strategy is to ensure that we pay the right person the right amount of money at the right time. Over 600 staff at local, regional and national level are engaged on a full or part-time basis on work related to the control of fraud and abuse of the social welfare system. A four pronged approach has been adopted by the Department to meet this objective, namely prevention of fraud and error at the initial claim stage, early detection through effective review of claims in payment, measures to deter fraud and the pursuit and recovery of overpayments.

Systematic risk analysis is a key element of the Department's control strategy. This entails the identification, by scheme managers, of areas of high risk of fraud and abuse in the schemes for which they are responsible and putting in place appropriate measures to address them in a systematic way. The purpose of this approach is to ensure that review activity is targeted in the most effective manner. The Department carries out surveys of the levels of fraud and error as part of its control strategy to identify the types of claims which should be prioritised for review purposes. Controls are exercised at both the initial claim stage and at subsequent stages during the claim life-cycle. Claims are reviewed on a regular and targeted basis. During 2007, some 345,000 reviews of entitlements were carried out by staff in the Department. The records of some 4,760 employers were inspected to ensure compliance with the Department's regulations and in particular to prevent and detect abuses of the system.

The Department has a dedicated section dealing with identity fraud in PPS No. allocations. The staff in this section receives training in the area of document fraud from a number of sources, including the relevant issuing authorities, via their embassies, and from the Garda National Immigration Bureau (GNIB). This section operates a full time help desk facility for front line staff and provides training and support to them in dealing with document fraud issues. I am committed to ensuring that social welfare payments are available to those who are entitled to them. I am also determined to ensure that abuse of the system is prevented and is dealt with effectively when detected. In this regard the control programme of the Department is carefully monitored and the various measures are continuously refined to ensure that they remain effective.

*Question No. 171 answered with Question No. 120.*

**Departmental Bodies.**

172. **Deputy Leo Varadkar** asked the Taoiseach the date of establishment of Irish-American

Economics Advisory Board; if this body is still in existence; the purpose and role of this body; the number of members of the board of this body; the number of whom are appointed by his Department; the person by whom the remaining board members are appointed; the amount of financial support provided by the Government to this committee for each of the past five years; and if he will make a statement on the matter. [5376/08]

**The Taoiseach:** The establishment of the Ireland America Economic Advisory Board was approved by the then Government in late 1992 and was a recognition by the Government of the Irish-American presence in leadership positions of many top US corporations. The purpose of the Board is to engage with corporate leaders in America to promote Ireland as an investment location. The Board has provided a structure through which the thinking of the most senior and successful leaders of corporate Irish-America can be conveyed directly, and at the highest level, to Government. The Board also constitutes an important resource upon which the Government can draw, as required, for strategic investment advice.

I have regular meetings with the Board, usually in the US, where we exchange information and views on the US and Irish economies and I brief them on political developments in Northern Ireland. I am responsible for appointing the Board which is currently comprised of 42 members. The Board members give voluntarily of their time. Travel, subsistence and all other costs associated with the Board's activities, are covered by the Department of Foreign Affairs. The expenditure for the last five years in this regard is as follows:

2003	2004	2005	2006	2007
€18,673	€27,421	€6,986	€21,765	€4,443

### Decentralisation Programme.

173. **Deputy Richard Bruton** asked the Taoiseach if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5308/08]

**The Taoiseach:** The Deputy will be aware that there are no proposals to decentralise my Department or any of the bodies under its aegis and accordingly the information sought regarding offices does not apply.

### Departmental Staff.

174. **Deputy Richard Bruton** asked the Taoiseach the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6021/08]

**The Taoiseach:** There have been no full-time specialists procured through open recruitment in the area of information technology procurement and capital project evaluation and management in my Department.

### Northern Ireland Issues.

175. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the date of establishment of the programme for peace and reconciliation; if this body is still in existence; the purpose and role of this body; the number of members of the board of this body; the number of whom are appointed by his Department; the person by whom the remaining board members are appointed; the amount of financial support provided by the Government to this committee for each of the past five years; and if he will make a statement on the matter. [5374/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The Deputy may be referring to the Special EU Programmes Body (SEUPB). The SEUPB was established in December 1999 as one of six North South Implementation Bodies set up under the Good Friday Agreement. Its primary role is to manage two cross border European Union programmes, the PEACE programme and the Ireland/Northern Ireland/Scotland INTERREG programme. The Peace and Reconciliation Programme has been in existence since 1995, predating the existence of the SEUPB. The operating costs of the SEUPB are met by the Department of Finance (DOF) and the Department of Finance and Personnel (DFP) in Northern Ireland, who are officially the Sponsor Departments of that Body. Administration costs are, in the main, apportioned 50/50.

The Body reports to the North South Ministerial Council (NSMC). The NSMC appoints the Chief Executive Office of the Body and the Chief Executive is directly answerable to the NSMC for the Body's use of any resources made available to it. The SEUPB has no board. The DoF contribution to SEUPB administration costs for each of the five previous years are as follows:

2007	2006	2005	2004	2003
€1.32m	€1.28m	€1.32m	€1.12m	€1.27m

The provision for 2008 is €1.835m.

### Decentralisation Programme.

176. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5303/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** As requested by the Deputy the following tables show the progress made by my Department and the agencies under the aegis of my Department which are due to decentralise.

Department of Finance.

Locations	Tullamore	Kildare
Number of posts* to be decentralised	130	Up to 30
Number who have moved	124	0
Number assigned but not yet moved	1	26
Number assigned who are new recruits	12	4

As my Department has retained a substantial number of posts in Dublin, the necessity to compulsorily re-assign staff in my Department who did not wish to decentralise to other posts in Dublin did not arise. However, it should be noted that a number of re-assignments to other Departments did take place on a voluntary basis.

## Revenue Commissioners.

Locations	Newcastle West (temporary Accommodation)	Kilrush	Listowel	Athy	Navan	Kildare	Assigned within Dublin
Number of posts* to be decentralised	50	50	50	250	Up to 100	380	
Number who have moved	48	57	51	44	0	0	
Number assigned but not yet moved	3	0	0	2	81	0	
Number assigned who are new recruits	0	2	7	0	0	0	
Number who have opted to stay in Dublin assigned to posts in Dublin							169

## Office of Public Works.

Locations	Trim	Claremorris	Kanturk
Number of posts* to be decentralised	333	142	88
Number who have moved	0	23	0
Number assigned but not yet moved	212	9	2
Number assigned who are new recruits	45	0	0
Number who have opted to stay in Dublin assigned to posts in Dublin	18	0	0

## Public Appointments Service and the Valuation Office.

Locations	Public Appointments Service (Youghal)	Valuation Office (Youghal)
Number of posts* to be decentralised	100	100
Number who have moved	0	0
Number assigned but not yet moved	10	14
Number assigned who are new recruits	1	10
Number who have opted to stay in Dublin assigned to posts in Dublin	0	0

\*Please note: The number in Line 1 of each table refers to numbers of posts; the number in Lines 2 to 5 of each table refers to numbers of people.

177. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the location and floor area of all buildings acquired under the decentralisation programme; the staff in occupation in each building; and the number of buildings in Dublin that have been released. [5310/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The information requested is detailed as follows.



[Deputy Noel Ahern.]

The location and floor area of all buildings acquired under the decentralisation programme are shown in the following table.

Location	Area Sq M
Athy	1,269
Ballina	972
Carlow	1,806
Carrick on Shannon	3,716
Cavan	478
Claremorris	798
Clonakilty	1,152
Clonakilty	870
Dundalk	503
Furbo	223
Killarney	1,115
Kilrush	585
Limerick	854
Listowel	1,140
Longford	5,342
Loughrea	808
Naas	608
Navan	2,744
Navan	2,671
Newcastle West	492
Portarlington	547
Portlaoise	1,324
Portlaoise	1,479
Roscrea	542
Sligo	1,500
Sligo	146
Thurles	1,236
Thurles	393
Tipperary	502
Trim	382
Tubbercurry	753
Tullamore	3,391
Wexford	581

The Department of Finance has advised that details of the most recent information available on staff, moved and due to move by the end of 2007, to decentralised locations are set out in the table below. The Department of Finance has advised that details in relation to the precise numbers occupying specific buildings are a matter for individual Departments and in the time available, it has not been possible to confirm the position with them. However, the most recent details on staff moved and due to move to decentralised locations to the end of 2007 are set out in the table below. Details in relation to moves since the beginning of 2008 are being collated by the Department of Finance at present.

Location	Organisation	Staff Moved
Portlaoise	Dept. of Agriculture Fisheries and Food	250
Tipperary	Dept. of Justice, Equality and Law Reform — Private Security Agency	24
Na Forbacha	Dept. of Community, Rural and Gaeltacht Affairs	10
Sligo	Dept. of Social and Family Affairs	66
Clifden	Pobal	25
Limerick (Newcastle West advance party)	Revenue Commissioners	45
Limerick	Dept. of Foreign Affairs	55
Tullamore	Dept. of Finance	122
Tubbercurry (Knock advance party)	Dept. of Community, Rural and Gaeltacht Affairs	73
Thurles	Garda HQ — Garda Vetting Office	34
Thurles	Garda HQ — Fixed Charge Processing Section	31
Clonakilty	Dept. of Communications, Energy and Natural Resources	79
Clonakilty	Sea Food Protection Authority	22
Cavan	Dept. of Communications, Energy and Natural Resources	39
Portarlington	Data Protection Commissioner	22
Kilkenny (Thomastown Advance Party)	Health and Safety Authority	28
Killarney	Dept. of Arts, Sports and Tourism	68
Roscommon	Property Registration Authority — Land Registry	68
Athlone	Dept. of Education and Science	30
Birr	FAS	14
Dundalk	Sustainable Energy Ireland	2
Naas	Irish Auditing & Accounting Supervisory Authority	8
Carrick-on-Shannon	Dept. of Social and Family Affairs	106
Ballina	Road Safety Authority	60
Loughrea	Road Safety Authority/Dept. of Transport	50
Wexford (Advance Party)	Dept. of Environment, Heritage and Local Government	39
Roscrea	Equality Authority	5
Kilrush	Revenue Commissioners	57
Longford	Irish Prison Service	141
Carlow	Dept. of Enterprise, Trade and Employment	97
Listowel	Revenue Commissioners	52
Cork	HIQA	14
Claremorris	Office of Public Works	22
Athy (advance party)	Revenue Commissioners	42
	Cumulative Total	1,800

## Organisations due to move by end 2007

Location	Organisation	Staff Moved
Ballina	Road Safety Authority	2
Carrick-on-Shannon	Dept. of Social and Family Affairs	12
Claremorris	Office of Public Works	2
Clonakilty	Dept. of Communications, Energy and Natural Resources	4

[Deputy Noel Ahern.]

Location	Organisation	Staff Moved
Roscommon	Property Registration Authority — Land Registry	6
Dundalk	Sustainable Energy Ireland	17
Roscrea	Equality Authority	15
Shannon	Enterprise Ireland (incl. 40 existing Shannon Development Staff)	60
Tullamore	Dept. of Finance	1
Thurles	Garda HQ — Fixed Charge Processing Section	21
Cavan	Dept. of Communications, Energy and Natural Resources	8
Cork	HIQA	10
	Cumulative Total	1,958

Details of the buildings released in Dublin are shown in the following table.

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Properties in Dublin released / sold

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14-16 Lord Edward St.  
 26-27 Eden Quay  
 72-76 St. Stephen's Green  
 Chantilly, Rathmichael, Co. Dublin  
 Faculty Building, Shelbourne Road  
 Former Vet College, Shelbourne Road  
 Gardiner St.  
 Lad Lane  
 Land Adjacent to RHK  
 Parnell Square West  
 St. Johns Road

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### Public Service Contracts.

178. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the number of formalised contract reviews for large projects over €30 million by Department; and the number audited by his Department. [5311/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The responsibility for contract reviews for large projects over €30 million rests with the Sponsoring Department and I would refer the Deputy to the Departments concerned for further information. In relation to my Department, my Department does not have any capital projects over €30 million. The formalised contract reviews are liable to review by the Central Expenditure Evaluation Unit in my Department which may undertake direct spot checks of capital projects to verify compliance with the various aspects of the VFM framework. To date spot checks of 23 projects have been undertaken including 10 projects costing more than €30 million. Most of these spot checks focus on the appraisal or the appraisal and planning stages but two of the spot checks of major capital projects also covered issues relating to management and reporting of project implementation.

### Departmental Staff.

179. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [5312/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** Sustaining Progress allowed for the procurement of scarce ICT skills by way of open recruitment. The Department of Finance availed of those provisions to recruit 4 such people on a full-time basis. Also on a number of occasions, some key individuals with specialist ICT and procurement skills and knowledge have been seconded to my Department from other parts of the public service to work on major public service-wide ICT projects. My Department has also established, following value for money proposals put forward by me in October 2005, a peer review system for all major or complex ICT projects in the Civil Service.

These reviews cover all parts of a project lifecycle from the development of the business case, through analysis, design, procurement, development and implementation. A panel of peer reviewers is in place that includes individuals with relevant experience and knowledge from the civil and public service, both serving and retired, the third-level education sector and the ICT industry. In addition to the above, 2 posts of Expenditure Evaluator in my Department have been filled through open recruitment.

180. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he has received confirmation from all Government Departments that an identifiable project manager with single individual responsibility for each major information technology and capital project has been put in place; if he requires notice of substantial deviation from the project schedule; and the notifications which he has received from Departments and the projects involved. [5313/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** Responsibility for appointing project managers is a matter for the sponsoring Department. Confirmation that they comply with this and other aspects of the Capital Appraisal Guidelines is included in their Annual Capital Report which is submitted to my Department. All of these reports are expected to be submitted to my Department over the next few weeks.

### Compulsory Purchase Orders.

181. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if the use of compulsory purchase orders powers has increased since his advice to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [5314/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** In my address to the Dublin Chambers of Commerce on 20th October 2005 on Value for Money, I noted that pro-active use of existing compulsory purchase order powers in appropriate circumstances could facilitate the faster release of lands at a cost effective price for all forms of public infrastructure and that I would be directing Government Departments to this effect. As regards details of how individual Government Departments have used Compulsory Purchase Order powers since that time, I would refer the Deputy those Departments for specific details.

In relation to my own Department, the compulsory purchase powers would arise in connection with the Government's Flood Relief programme. The Commissioners of Public Works

[Deputy Brian Cowen.]

have confirmed that the exercise of these powers has not been an impediment to the progress of the programme, and consequently, there has been no change in the manner of their use since 2005.

### **Departmental Performance Tables.**

182. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he will provide the performance table for Government Departments and State agencies regarding the extent of project outcomes versus budget on contracts as promised in his new arrangements for capital projects introduced in 2005. [5315/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The Performance Table for Government Departments and State Agencies of project outcomes against budget on contract was published for the first time in the 2007 Public Capital Programme and it will feature in the 2008 edition which is due to be published on 21st February next.

### **Decentralisation Programme.**

183. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he has assessed the implications of the recommendation of the decentralisation implementation group that his Department should free up local recruitment where necessary and initiate where appropriate arrangements to fill gaps by promotion; if he will act on this recommendation; and the number of posts and the cost involved. [5316/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The recommendations of the Decentralisation Implementation Group, including those in relation to the filling of posts by recruitment and promotion as raised by the Deputy, have been accepted by Government and are currently being followed up by my Department. The filling of vacancies by local recruitment is underway following an open recruitment competition for Clerical Officers which was held in November 2007. Candidates were asked to indicate regional locations in which they would be prepared to serve. The first stage of this process, a written test, has been completed, and the final stage, involving interviews, is currently in progress. Panels of successful candidates to whom offers of appointment will be made to posts in a variety of locations are expected to be available shortly. Successful candidates will be appointed to both existing regional offices and to newly decentralising offices, where there are no remaining Central Application Facility applicants for that grade and location. Arrangements are also being put in place to recruit Executive Officers on a similar basis and it is expected that a competition will be advertised before the end of this month.

It is expected that the majority of unfilled posts will be filled through the normal transfer arrangements under the Central Applications Facility. However, where posts remain unfilled, offers of promotion are being made in accordance with existing arrangements whereby all interdepartmental promotions are offered on the basis that the promoted officer will serve in a decentralised location. With regard to internal promotions, where a Department or Office is decentralising in its entirety, 100% of internal promotions within 52 weeks of the move to the new location are made on the basis that the officer will serve in the new location and, where an organisation is moving in part, 50% of all promotions include a decentralisation condition in the 52-week period prior to the move taking place. The arrangements for filling remaining promotional gaps will be the subject of discussion with the relevant staff unions on an individual organisation basis.

My Department is undertaking a review of the promotion arrangements currently in operation under the Decentralisation Programme and proposals on the formulation of a promotion policy to meet the ongoing needs of Departments and Offices, at local and regional level, is currently being discussed with the staff unions at General Council. It is not possible to quantify the number of posts or costs at this stage as the final position will only be known when the assignment of those volunteers on the Central Applications Facility is complete for each location.

184. **Deputy John O'Mahony** asked the Tánaiste and Minister for Finance the situation regarding the decentralisation programme underway in his Department to Claremorris, County Mayo; and if he will make a statement on the matter. [5322/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The Office of Public Works (OPW) commenced operations in the OPW advance office in Claremorris in September 2007. There are 29 staff currently in place out of the 142 posts to be transferred to this location. OPW has acquired the site for their permanent offices in Claremorris and it is expected that this building will be ready for occupation in 2009.

### **Departmental Bodies.**

185. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the date of establishment of the committee on top level appointments in the Civil Service; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5354/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The Top Level Appointments Committee (TLAC) was established on 3 January 1984.

#### *Role of TLAC*

The Committee's role is to recommend candidates to Ministers and Government for the most senior positions in the Civil Service at Assistant Secretary level and upwards. Subject to certain exclusions, TLAC deals with all posts at or above the level of Assistant Secretary or equivalent across the Civil Service. The Government is the appointing authority for posts at Secretary General level. In accordance with a decision of the Government, TLAC recommends up to three candidates, if found suitable, for posts at this level. The Government appoints the Secretary General from among the recommended candidates. In the case of posts below Secretary General level, e.g. Assistant Secretary posts, the appropriate Minister is the appointing authority. One candidate is recommended by TLAC to the Minister for appointment.

#### *Membership of TLAC*

The Taoiseach appoints the members of TLAC in consultation with the Minister for Finance. There are normally five members on the Committee, as follows:

- Secretary General, Public Service Management and Development, Department of Finance (ex officio),
- Secretary General to the Government, Department of the Taoiseach (ex officio),
- A private sector member, appointed for a three year term, and
- Two other Secretaries General, appointed for three year terms
- One other Secretary General, where not already a member and where a post in his/her Department is being filled. Where the post being filled is below Secretary General level

[Deputy Brian Cowen.]

he/she is present as an observer but where his/her successor is being appointed he/she is a full member.

The expenditure of TLAC over the last five years was as follows:

2003	2004	2005	2006	2007
€11,398.38	€14,550.23	€16,913.26	€14,436.27	€22,695.09

#### *TLAC Procedures and Practices*

The Deputy should be aware that the TLAC Procedures and Practices are set out in detail, in a handbook that is available on my Department's Website at <http://www.finance.gov.ie/documents/publications/other/tlacproc.pdf>

186. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the number of board members of An Post National Lottery Company who are appointed by his Department; the person by whom the remaining board members are appointed; and if he will make a statement on the matter. [5355/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** In accordance with the National Lottery Act, 1986, all seven board members, including the Chairman, are appointed by the Minister for Finance. Four of the directors, including the Chairman, are nominated for appointment by An Post while three are both nominated and appointed by the Minister for Finance.

187. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the date of establishment of customs consultative committee; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5356/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am advised by the Revenue Commissioners that the Customs Consultative Committee was established in 1994. It continues to meet about four times each year. The Committee's overall objective is to provide a two-way forum for Revenue and trade representative organisations to consult and exchange views on issues affecting the Customs treatment of imports and exports and, in particular, such issues arising at EU level. The Committee has been particularly beneficial in ensuring that changes in Community Customs Law, and Customs systems put in place by Revenue (such as the new Automated Entry Processing system introduced last year), facilitate legitimate trade to the greatest extent possible.

The organisations that participate in the work of the Committee are those whose members have regular and direct dealings with Customs. Participation is strictly in a representative role only and the members of the Committee effectively act as a conduit between Revenue and the members of their organisations that use the various Customs systems. As well as Revenue officials, the Committee is currently made up of representatives of twelve organisations. Each organisation has nominated their own representative to take part, on a representative basis, in the work of the Committee and neither myself, nor my Department, have any role in appointing members to the Committee.

There is no expenditure associated with this Committee other than the normal travel and subsistence expenses incurred by Revenue officials attending meetings of the Committee and

minor incidentals associated with the running of meetings. In consultation with the members of the Committee, and as part of the normal process of ensuring that the contribution of the Committee remains relevant and beneficial, it was recently decided to carry out a review of the operation of the Committee and its membership.

188. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the date of establishment of Irish Telecommunications Investment PLC; if this company is still in existence; the purpose and role of this company; the number of members of the board of this company; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the level of equity held by the Department within this company; the level of financing provided by the Government to this company for each of the past five years; and if he will make a statement on the matter. [5357/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** Irish Telecommunications Investment Limited, ITI for short, was established as a wholly-owned state company by the Minister for Posts and Telegraphs on 1 April 1981 to obtain funds to help finance the telecommunications development programme. Legislation at the time empowered the Minister for Finance to guarantee borrowings by the company within statutory limits and to hold shares in the company. After the establishment of Telecom Éireann in 1984, Irish Telecommunications Investment plc (“ITI”) was a financing and treasury subsidiary of that company and was privatised along with the rest of the Group in 1999.

The Minister for Finance has no links with the company and does not hold an equity stake. There are no guarantees of the Minister for Finance outstanding in respect of ITI’s borrowings. All loans in respect of which the Minister had extended guarantees were repaid by 2003. Neither the Department of Finance nor the Department of Communications, Energy and Natural Resources provided financing to ITI during the last five years. The size of, and appointments to, its board area a matter for eircom.

189. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the date of establishment of Sealúchais Árachais Teoranta; if this company is still in existence; the purpose and role of this company; the number of members of the board of this company; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the level of equity held by the Department within this company; the level of financing provided by the Government to this company for each of the past five years; and if he will make a statement on the matter. [5358/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** Sealuchais Árachais Teoranta (SAT), a statutory company under the Insurance (Miscellaneous Provisions) Act, 1985 acts as a non-trading holding company for Icarom plc (formerly the Insurance Corporation of Ireland) which is under administration. The two Directors of the company are officials of my Department. Under the provisions of the Insurance (Miscellaneous Provisions) Act, 1985 I can appoint up to five Directors. Both Directors hold in trust for the Minister for Finance, the issued share capital in the company of one Ordinary Share of Euro 1.27 each.

No financing is provided by the Government to the company. Since the transfer of responsibility for the company to my Department from the Department of Enterprise Trade and Employment in 2004, fees of Euro 8,810 have been incurred by my Department in respect of registered office and company secretarial services to meet company law requirements. The Deputy may wish to note that Section 12 of the Markets in Financial Instruments and Miscellaneous Provisions Act, 2007 provides for the shares held by SAT in Icarom to be transferred



[Deputy Brian Cowen.]

to the Minister for Finance and for the winding up of SAT in accordance with the Companies Acts.

### **Customs and Excise Service.**

190. **Deputy Charles Flanagan** asked the Tánaiste and Minister for Finance the customs and excise systems in place at private airports; and if he will make a statement on the matter.

[5379/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** It is taken that the Deputy is referring to the airports other than the three main airports at Dublin, Cork and Shannon. I am informed by the Revenue Commissioners that the Customs controls in place at these airports are risk-based and are carried out by mobile Customs enforcement staff. Attendance is selective and targeted and is based on analysis and evaluation of national and international seizure trends, traffic frequency, routes and other risk indicators. Attendance can also be as a result of specific intelligence. Flights with origins and destinations with a high-risk rating would attract particular interest. These attendances cover the full range of flight times and are kept under constant review, in particular to take account of emerging smuggling trends and any traffic increases at these airports.

These attendances primarily involve controls against the smuggling of prohibited items such as drugs and the smuggling of excisable products. The attendances also involve work in connection with the clearance of aircraft and passengers arriving from third countries, spot checks on EU flights, the verification of fuel drawback claims, the verification of end-use authorisations, clearance of aircraft under transfer of residence, and checks on private aircraft to ensure compliance with import procedures.

It is important to note by way of context that the operating environment for Customs has been shaped to a significant degree by the introduction of the Internal Market and the related principles of freedom of movement within the EU. Of specific relevance are the abolition of routine and systematic Customs checks on goods and passengers moving within any part of the EU and the elimination of Customs controls on the baggage of intra-Community passengers, other than for anti-smuggling checks. This is particularly relevant in the case of the airports outside of Dublin, Cork and Shannon, where passenger traffic is predominantly intra-Community. In fact some of the smaller airports have no international flights. In this context, Revenue's approach has of necessity been to balance the freedom of movement principle in regard to people and goods with the need to control smuggling and enforce prohibitions and restrictions. Revenue is satisfied that, having regard to the context set out above, the risk-based approach at these airports remains valid and their operations are on par with, and may even exceed, those of many other EU Member States.

### **Tax Code.**

191. **Deputy Joan Burton** asked the Tánaiste and Minister for Finance the number of people and accounts liable to paying DIRT for each of the years 2002 to 2007; the number who received refunds; the amount of same; the number of people he estimates may be entitled to refunds; the number who claim; if his Department is making arrangements to encourage people entitled to refunds to claim them; and if he will make a statement on the matter. [5389/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** Up to 2006, DIRT was deducted from a customer's deposit interest regardless of whether or not the customer was actually liable

to tax. At the end of the year some account holders, provided they met certain conditions, were entitled to claim a refund from Revenue of any DIRT deducted during the year.

I am advised by the Revenue Commissioners that the statutory return of DIRT filed by the financial institutions does not require details of the number of accounts subject to DIRT and Revenue has no solid basis on which to estimate the numbers entitled to refunds. However, the number of people claiming refunds and the amounts for the years 2002 — 2007 is summarised in the table hereunder. This may not include some taxpayers whose DIRT refunds were processed as part of a self-assessment tax return.

Year	Amount of DIRT Repaid	Number of repayments
	€m	
2002	11.27	1,155
2003	9.71	1,440
2004	2.11	1,003
2005	2.32	971
2006	1.19	883
2007	2.20	920

The Finance Act 2007 introduced a new scheme to allow the operation of DIRT exempt savings accounts subject to two conditions: (1) the account holder must be aged 65 years of age or over or be permanently incapacitated and (2) their total income must not exceed the relevant exemption threshold, i.e. the exemption limit for an elderly couple in 2008 is €20,000 (for an individual) or €40,000 (for a married couple); the limit available to permanently incapacitated individuals depends on their circumstances. Provisional figures show that in 2007 some 47,218 such accounts were operated. These figures will increase as the remaining financial institutions file returns for 2007.

Revenue widely publicised these changes. An Information Leaflet (DE1) giving comprehensive information for qualifying taxpayers on how to have interest credited to their savings accounts without deduction of DIRT was made available at Revenue offices. Information on DIRT exemption was also included on the Revenue website at [www.revenue.ie](http://www.revenue.ie). Application forms and information leaflets were also made available at most financial institutions.

In 2007 Revenue arranged for an information leaflet to be issued to social welfare customers in receipt of state and other pensions. Approximately 100,000 leaflets were issued in this way. Revenue will continue to publicise the facility offered by the accounts through appropriate channels, including contact with representative bodies, other Government Departments and agencies, and relevant advertising.

### State Property.

192. **Deputy Dara Calleary** asked the Tánaiste and Minister for Finance if he has identified alternative uses for the spare capacity at the Government buildings in Ballina arising from the establishment of the Road Safety Authority. [5393/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The vacant space in Ballina Government offices is currently being assessed for suitability as interim public office accommodation for the Department of Social and Family Affairs in Ballina.

### Passport Applications.

193. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Finance if his Department has

[Deputy Paul Kehoe.]

a record of the identity of the person on whose behalf an official telephoned a person (details supplied) regarding a passport application; and if he will make a statement on the matter. [5532/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** My Department does not retain information on passport applications.

### **Community Pharmacy Services.**

194. **Deputy Joe McHugh** asked the Minister for Health and Children the reason pharmacists have not signed up to the full pharmaceutical contract issued by the Health Service Executive; and if she will make a statement on the matter. [5737/08]

195. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the steps she has taken to resolve the dispute between the Health Service Executive and the pharmacists; if her attention has been drawn to the intransigence of the HSE on the issue; if she will instruct the HSE to engage in direct discussions with the pharmacists with a view to early resolution; and if she will make a statement on the matter. [5780/08]

196. **Deputy Pádraic McCormack** asked the Minister for Health and Children if she has set up the promised independent body to review and make representations on the remuneration for pharmacists, dentists and general practitioners; when it is expected that this independent body will report back; if she will provide an undertaking not to change the remuneration terms to the pharmacists until this independent body gives its report; and if she will make a statement on the matter. [5826/08]

202. **Deputy Michael Ring** asked the Minister for Health and Children if she will request the Health Service Executive to postpone change in the way pharmacists are paid until after the independent body has heard and evaluated the arguments from all sides and has made its recommendations. [5468/08]

213. **Deputy Finian McGrath** asked the Minister for Health and Children if she will work hard to resolve the Irish Pharmaceutical Union and the Health Service Executive dispute as a matter of urgency. [5646/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 194 to 196, inclusive, 202 and 213 together.

In view of the issues arising under competition law, I agreed to the establishment, by the HSE, of a process under Mr Bill Shipsey SC to address concerns by the Irish Pharmaceutical Union (IPU), on behalf of community pharmacists, about the implications of legal advice on competition law on the right of the IPU to negotiate fees or margins on their behalf with the HSE. At a meeting between the HSE and the IPU under Mr Shipsey SC on 5 December 2007, a proposal was outlined to the IPU to (i) address their immediate concerns regarding the alleged impact of the proposed revised wholesaler arrangements on GMS-dependent pharmacies and (ii) to provide a basis upon which discussions on a new substantive contract could commence.

The IPU was not prepared to accept this proposal from the HSE and, accordingly, no further discussions have taken place under Mr Shipsey's aegis since then. Notwithstanding the failure to reach agreement, the HSE has offered a draft interim contract to pharmacists to address their main concerns regarding the alleged impact of the proposed revised wholesaler arrange-

ments on GMS-dependent pharmacies. I am informed that the HSE intends to implement the deferred revised wholesaler arrangements from 1st March 2008.

The Executive also held preliminary discussions with the IPU and other parties on the development of a new substantive pharmacy contract. The details of the draft interim contract, and the HSE's other intentions in this regard, were set out in a letter to individual community pharmacists on 2nd January 2008. In response to the HSE offer of an interim contract, my Department understands that preliminary interest has been expressed by both pharmacy chains and individual pharmacists in the new interim contract. However definite information on possible take-up has not been provided by the HSE.

In the light of the legal position previously outlined in the House, and after further consultation with the Attorney General, the other relevant Departments and the HSE on the best way of progressing the development of a new contract with pharmacists in compliance with competition law, my Department is working to develop appropriate arrangements for the development of contracts and for the setting of the fees payable in respect of contracts with private sector undertakings for the provision of health services on behalf of the HSE. These arrangements may include the establishment of an independent body which would consider the nature of the service to be provided and all other relevant factors in each case and make recommendations to the Government in relation to the fees it considers appropriate. The composition of such a body, its terms of reference and the timescale for its work are amongst the matters to be considered in this regard. In line with the legal advice received, the HSE may enter into discussions with community pharmacists on the non-fee aspects of their contract, with a view to developing a new substantive pharmacy contract.

#### **Decentralisation Programme.**

197. **Deputy Richard Bruton** asked the Minister for Health and Children if she will present in tabular form the progress at the end of 2007 in respect of units or agencies under her Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5305/08]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy will be aware my Department is not one of the Departments scheduled for decentralisation under the Government's Decentralisation Programme. To date fifty-one civil servants have transferred to decentralising Departments from my Department. Further details in respect of the transfer of these officers is available from the decentralising Departments and I understand that the Deputy has also tabled questions to the relevant Ministers.

#### **Hospital Services.**

198. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for physiotherapy in a Dublin hospital. [5395/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### Health Services.

199. **Deputy Denis Naughten** asked the Minister for Health and Children the waiting time for an audiology appointment in County Roscommon; the steps she is taking to address this backlog; and if she will make a statement on the matter. [5397/08]

**Minister for Health and Children (Deputy Mary Harney):** The Deputy's question relates to the funding, 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.

200. **Deputy Catherine Byrne** asked the Minister for Health and Children the number of methadone clinics in Dublin city; the location of each clinic; the number of clients receiving methadone treatment at each of these clinics; and if she will make a statement on the matter. [5407/08]

**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.

### Vaccination Programme.

201. **Deputy John Curran** asked the Minister for Health and Children the procedures to be put in place in view of the fact that there was no BCG vaccine available between October 2007 and March 2008 to ensure that all those who should have received vaccines during the period will receive them without further delay; and the length of time she expects it will take to clear the backlog of those who did not receive their vaccines during this period. [5434/08]

**Minister for Health and Children (Deputy Mary Harney):** The Deputy's question relates to the funding, 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.

*Question No. 202 answered with Question No. 194.*

### Medicinal Products.

203. **Deputy Joe Costello** asked the Minister for Health and Children if a drug (details supplied) has been taken off the market here; and if she will make a statement on the matter. [5481/08]

**Minister for Health and Children (Deputy Mary Harney):** This drug which is used in the treatment of diabetes was authorised in the European Union by the European Medicines Agency (EMA) in 2000. I am advised by the Irish Medicines Board that it is currently available on the Irish market.

### Alcohol Abuse.

204. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to

her reply to Parliamentary Question No. 316 of 30 January 2008, the reason for her refusal to establish an office to cohesively and centrally address the issue of alcohol here. [5489/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** As I indicated in my reply to the Deputy on 30 January last I have no plans to establish such an Office. However, I want to assure the Deputy that issues relating to the abuse of alcohol are being actively pursued by this Government. Arising from concerns in relation to the effect that alcohol consumption is having on public order, my colleague, the Minister for Justice, Equality and Law Reform has established an Alcohol Advisory Group to advise him in relation to the measures that might be taken to address concerns in relation to the sale and promotion of alcohol products. The Alcohol Advisory Group is expected to report by the 31st March, 2008.

In July 2005, a Working Group on Alcohol was established to help mobilise the stakeholders through social partnership to achieve a targeted and measurable reduction in alcohol misuse. It was comprised of the social partners, relevant Government Departments, Gardaí, National Drugs Strategy Team and Health Service Executive. It examined the issues of underage drinking, drink driving and high risk drinking. The Working Group's Report was published in June 2006. An Implementation Group was established in November 2006 to monitor and report on progress on the implementation of the recommended actions. The Implementation Group is expected to report early in 2008.

The Mid-Term Review of the National Drugs Strategy 2001-2008 contained the recommendation that a working group be established to explore the potential for better co-ordination between alcohol and drug policies. A cross-Departmental and cross sectoral Working Group was established and its work is ongoing. The Group is expected to report later this year. The outcome of the deliberations of these Groups will help inform future policy development in the area of alcohol.

### **Medical Cards.**

205. **Deputy Jack Wall** asked the Minister for Health and Children the position of an application for a medical card by a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5499/08]

**Minister for Health and Children (Deputy Mary Harney):** Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. The assessment of eligibility to medical cards is statutorily a matter for the Health Service Executive (HSE) and, with the exception of persons aged over 70, who have an automatic entitlement to a medical card, is determined following an examination of the means of the applicant and his/her dependants. In 2005, the GP visit card was introduced as a graduated benefit so that people on lower incomes, particularly parents of young children, who do not qualify for a medical card, would not be deterred on cost grounds from visiting their GP.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

### **Services for People with Disabilities.**

206. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to ensure that a person (details supplied) in County Westmeath is afforded a psychological

[Deputy Willie Penrose.]

report, as same is required to enable the person to get a classroom assistant as they are under the care of the early intervention team for a period of time and the facility of this report was promised to the family of the person; and if she will make a statement on the matter. [5534/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75m in both 2006 and 2007. This funding included moneys to provide new and enhanced services for people with disabilities, to implement Part 2 of the Disability Act 2005, which came into effect on June 1st 2007 for the under 5's 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 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 Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

#### **Mental Health Services.**

207. **Deputy Thomas P. Broughan** asked the Minister for Health and Children when, 20 years after it was first promised, a psychiatric unit will be built in the grounds of Beaumont Hospital; and when patients will be transferred from St. Ita's Hospital to this unit. [5554/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall Vote. The Executive, therefore, is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Services for People with Disabilities.**

208. **Deputy David Stanton** asked the Minister for Health and Children the number of people here who have a residual disability as a result of a stroke or an acquired brain injury; the types of residual disability that these people are affected by and a percentage breakdown of same; and if she will make a statement on the matter. [5576/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Health Statistics.**

209. **Deputy David Stanton** asked the Minister for Health and Children the number of people

affected by stroke here each year; the breakdown of same per age bracket (details supplied); and if she will make a statement on the matter. [5577/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** The Deputy's question relates to the funding, 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.**

210. **Deputy Jack Wall** asked the Minister for Health and Children the position in relation to an application for a medical card for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5626/08]

**Minister for Health and Children (Deputy Mary Harney):** Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. The assessment of eligibility to medical cards is statutorily a matter for the Health Service Executive (HSE) and, with the exception of persons aged over 70, who have an automatic entitlement to a medical card, is determined following an examination of the means of the applicant and his/her dependants. In 2005, the GP visit card was introduced as a graduated benefit so that people on lower incomes, particularly parents of young children, who do not qualify for a medical card, would not be deterred on cost grounds from visiting their GP.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

#### **Health Services.**

211. **Deputy Finian McGrath** asked the Minister for Health and Children if a person (detail supplied) in County Cavan will be supported. [5627/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

212. **Deputy Finian McGrath** asked the Minister for Health and Children if the proposals on cystic fibrosis by a person (details supplied) will be supported. [5629/08]

**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 this case investigated and to have a reply issued directly to the Deputy.



*Question No. 213 answered with Question No. 194.*

### **Services for People with Disabilities.**

214. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist a person (details supplied) in Dublin 9. [5647/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75m in both 2006 and 2007. This funding included monies to provide new and enhanced services for people with disabilities, to implement Part 2 of the Disability Act 2005, which came into effect on June 1st 2007 for the under 5's 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 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 Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

### **Health Services.**

215. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist a person (details supplied) in Dublin 5. [5648/08]

**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.

### **Nursing Homes Repayment Scheme.**

216. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist a person (details supplied) in Dublin 3. [5649/08]

**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. The health repayment scheme does not provide for repayment to individ-

uals in private nursing homes who entered these under the Nursing Home Subvention Scheme. There is no intention to extend the parameters of the health repayment scheme.

### **Departmental Staff.**

217. **Deputy Richard Bruton** asked the Minister for Health and Children the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by her as part of the improved value from capital projects. [6018/08]

**Minister for Health and Children (Deputy Mary Harney):** My Department has not procured any full-time specialists through open recruitment in information technology procurement and capital project evaluation and management and no IT procurement specialists have been seconded involving my Department and the private sector. My Department has the necessary skills in these areas that reflects its current policy and evaluation roles. The Health Service Executive is responsible for most of the capital projects undertaken in the public health sector. 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.

### **Compulsory Purchase Orders.**

218. **Deputy Richard Bruton** asked the Minister for Health and Children if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if she has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6134/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive have compulsory acquisition order powers under the Health Act, 1947 as amended. Responsibility for the planning and management of capital projects in the health sector including decisions in relation to the use of compulsory purchase orders are a matter for the Health Services Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

### **Aviation Security.**

219. **Deputy Charles Flanagan** asked the Minister for Transport the security measures in place at private airports; and if he will make a statement on the matter. [5380/08]

**Minister for Transport (Deputy Noel Dempsey):** Aviation security at EU airports is governed by EU Regulation 2320/2002 and a series of supplementary implementing regulations. All of the Irish airports with regular commercial flights are required to comply with those regulations. Small airports, which only handle private and corporate flights, are not required under the EU Regulation to have the extensive security requirements of large airports, such as baggage X-ray equipment or passenger screening equipment, where the costs or operational implications would be disproportionate to the security risk. My Department, in conjunction with An Garda Síochána, keeps all aspects of aviation security under continuous review.

### **Decentralisation Programme.**

220. **Deputy Richard Bruton** asked the Minister for Transport if he will present in tabular

[Deputy Richard Bruton.]

form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5309/08]

**Minister for Transport (Deputy Noel Dempsey):** Following is the information requested by the Deputy.

Agency/Section	Decentralised Location	No. of Posts to Decentralise	No. of staff who have moved to the new location	No. of staff assigned but who have not moved	No. of new recruits assigned	No. who have opted to stay in Dublin who have been assigned to other posts
National Roads Authority	Ballinasloe	90	0	0	0	0
Irish Aviation Authority	Shannon	100	0	0	0	0
Railway Safety Commission	Ballinasloe	20	0	0	0	0
Bus Eireann	Mitchelstown	200	0	0	0	0
Maritime Functions	Drogheda	To be confirmed	0	0	0	0

### Departmental Bodies.

221. **Deputy Dara Calleary** asked the Minister for Transport the number of staff employed by the Road Safety Authority; the future plans for employment by the RSA with a breakdown of location of staff across the country. [5394/08]

**Minister for Transport (Deputy Noel Dempsey):** The number of staff employed by the Road Safety Authority is 309. The future plans for employment by the Authority, including a breakdown of such staff across the country, are matters for the Road Safety Authority.

222. **Deputy Leo Varadkar** asked the Minister for Transport if his Department or agencies of his Department have a holding in a company (details supplied); if so, the level of such a holding; the number of board members of this company, the number of whom are appointed by himself; the persons by whom the remaining board members are appointed; the level of financing provided by the Government to this company for each of the past five years; and if he will make a statement on the matter. [5608/08]

**Minister for Transport (Deputy Noel Dempsey):** The answer to the Deputy's question is no.

223. **Deputy Leo Varadkar** asked the Minister for Transport the date of establishment of a company (details supplied); if this company is still in existence; the purpose and role of this company; the number of members of the board of this company; the number of whom are appointed by himself; the persons by whom the remaining board members are appointed; the level of equity held by the Department within this company; the level of financing provided by the Government to this company for each of the past five years; and if he will make a statement on the matter. [5610/08]

**Minister for Transport (Deputy Noel Dempsey):** Halamar Developments Limited was incorporated on 10 September 1997 and the entire share capital of the company was acquired by Aer Rianta cpt (now Dublin Airport Authority) on 21 December 1998. Halamar Developments is still in existence and operates as a land holding company. There are only two directors of the company, both of whom are DAA executives, and they were appointed by the board of the DAA with the consent of the Minister for Transport in accordance with the provisions of the State Airports Act 2004. As the company is a wholly owned subsidiary of DAA, no shares in Halamar are held by the Minister for Transport or the Minister for Finance. The Exchequer does not provide any funding to the DAA or its subsidiaries and therefore Exchequer funding does not arise in this case.

224. **Deputy Leo Varadkar** asked the Minister for Transport the date of establishment of the public transport forum; if this forum is still in existence; the purpose and role of this forum; the number of members of the board of this forum; the number of whom are appointed by himself; the persons by whom the remaining board members are appointed; the expenditure of this forum for each of the past five years. [5611/08]

**Minister for Transport (Deputy Noel Dempsey):** The Public Transport Partnership Forum (PTPF) was established in June 2000 under the Programme for Prosperity and Fairness and meets on a regular basis. The purpose of the Forum is to provide an opportunity for consultation between the Social Partners on public transport matters and for development of ideas for the improvement of the sector.

Membership is drawn from nominees from Government Departments, State Agencies, and from the Social Partnership Pillars (Employers, Trade Unions, Farmers and the Community and Voluntary sectors). The Government Departments represented are the Departments of An Taoiseach and Finance, while my Department provides the chair and secretariat to the Forum. All other members are nominated by their particular Pillars, for example, the farming representatives are from the IFA, the ICMSA, Macra na Feirme and ICOS. The costs of the Forum over the past five years were as follows:

2003	2004	2005	2006	2007
€2,790	€3,465	€4,924	€1,275	€1,831

225. **Deputy Leo Varadkar** asked the Minister for Transport the date of establishment of the national civil aviation security committee; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the persons by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5612/08]

**Minister for Transport (Deputy Noel Dempsey):** The National Civil Aviation Security Committee (NCASC) was constituted in 1974 and continues in existence. The last meeting of the Committee was held on 31 July 2007. Its terms of reference are to advise the Government and the civil aviation industry of security policy for civil aviation, to recommend and review the effectiveness of security measures and to provide for co-ordination of the various interests involved. The Committee comprises representatives of Government Departments, State Airports Authorities, airlines, An Garda Síochána, the Defence Forces, Customs and Excise, An Post, Irish Aviation Authority, the Irish Airline Pilots' Association and the Regional Airports.

[Deputy Noel Dempsey.]

The Committee is chaired by a senior official of my Department. The Committee does not have a board nor does it incur expenditure in carrying out its remit.

226. **Deputy Leo Varadkar** asked the Minister for Transport the date of establishment of the Medical Bureau of Road Safety; if this body is still in existence; the purpose and role of this body; the number of members of the board of this body; the number of whom are appointed by himself; the persons by whom the remaining board members are appointed; the expenditure of this body for each of the past five years; and if he will make a statement on the matter. [5613/08]

**Minister for Transport (Deputy Noel Dempsey):** The Medical Bureau of Road Safety was established in November 1968 under Part V of the Road Traffic Act, 1968 and is still in existence. The Bureau's principal function is to carry out analyses, for their alcohol content and/or the presence of drugs, of specimens of blood and urine, provided for the Gardaí by people suspected of driving while intoxicated. The Bureau issues certificates in respect of the results of these analyses, which may be used as evidence in prosecutions for such offences. The Board of the bureau currently has its full complement of 5 members, including the Chairperson, appointed by me.

The table sets out the expenditure by the Medical Bureau of Road Safety on an annual basis, since 2003.

Year	2003	2004	2005	2006	2007
	€m	€m	€m	€m	€m
Expenditure	2.067	2.337	3.283	9.408	6.478

227. **Deputy Leo Varadkar** asked the Minister for Transport the date of establishment of the National Safety Council; if this council is still in existence; the purpose and role of this council; the number of members of the board of this council; the number of whom are appointed by himself; the persons by whom the remaining board members are appointed by; the expenditure of this council for each of the past five years; and if he will make a statement on the matter. [5614/08]

**Minister for Transport (Deputy Noel Dempsey):** The National Safety Council was established on 22 December 1987 and dissolved on 10 October 2007. The table below sets out the expenditure by the National Safety Council on an annual basis, since 2003.

Year	2003	2004	2005	2006	2007
	€m	€m	€m	€m	€m
Expenditure	3.967	5.197	6.593	6.180	N/A

### Departmental Staff.

228. **Deputy Richard Bruton** asked the Minister for Transport the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6022/08]

**Minister for Transport (Deputy Noel Dempsey):** Capital project evaluation and management is the responsibility of the various transport implementing agencies and the role of my Department is principally one of oversight and monitoring.

My Department has not recruited to its complement of full time staff any specialists in the area of information technology procurement or project evaluation or management and there has not been the secondment of IT procurement specialists between my Department and the public and private sectors. My Department has, however, engaged the services of independent consultants to assist it in discharging its responsibilities.

#### **Compulsory Purchase Orders.**

229. **Deputy Richard Bruton** asked the Minister for Transport if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6137/08]

**Minister for Transport (Deputy Noel Dempsey):** The agencies under the aegis of my Department seek all appropriate mechanisms to secure the acquisition of lands and property associated with infrastructure projects at the earliest possible dates in order to achieve cost effective prices. Compulsory purchase powers are included in all statutory approvals processes in relation to road and rail construction and the implementing agencies make use of these powers whenever necessary. The number of statutory approval processes for transport projects has grown over the last two years because of the increased investment under Transport 21.

The amount paid for individual plots of land or property is a matter for negotiation, and, ultimately, in the absence of agreement, can be determined by referral to the Land Values Reference Committee of the High Court, for the appointment of a property arbitrator, who will convene a hearing into the matter and issue a binding award to the local authority and claimant. This situation has not changed since 2005.

#### **Decentralisation Programme.**

230. **Deputy Richard Bruton** asked the Minister for Foreign Affairs if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5304/08]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** Under the Government's decentralisation programme, the Development Cooperation Directorate of the Department of Foreign Affairs, which is Irish Aid's Headquarters, will decentralise to Limerick. Good progress has been made and personnel have either been assigned to, or identified for, 103 posts or approximately 83% of the 124 posts scheduled to be decentralised. An advance party staff has already decentralised to interim office premises in Limerick, with 55 officers being in place at the end of December 2007. A further 21 officers have taken up duty in the Irish Aid offices in Dublin. It is expected that the remaining staff of Irish Aid, including these 21, will transfer to Limerick in June 2008, on completion and fit-out of the permanent accommodation.

Of the 76 officers who are already in Limerick or will move in June, five are new recruits to the Civil Service. Nine Dublin-based officers of this Department have transferred to posts in

[Deputy Dermot Ahern.]

other Government Departments in Dublin. In addition, a number of officers serving in Irish Aid at the time the decentralisation programme was announced have transferred to posts in other areas of the Department. Due to the nature of the Department's work, many of these transfers would have taken place in the normal course of events. The above information is conveyed in tabular format:

Decentralisation of Irish Aid to Limerick as at end December 2007

Number of posts to be decentralised	124
Number of officers already transferred to Irish Aid Limerick	55
Number of officers in situ Irish Aid Dublin (due to move in June 2008)	21
Number of new recruits to the Civil Service in Irish Aid, Dublin or Limerick	5
Number of officers transferred to Dublin-based posts in other Government Departments	9

### Departmental Bodies.

231. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the date of establishment of Atlantic corridor project; if this body is still in existence; the purpose and role of this body; the number of members of the board of this body; the number of whom are appointed by the his Department; the persons by whom the remaining board members are appointed by; the amount of financial support provided by the Government to this committee for each of the past five years; and if he will make a statement on the matter. [5329/08]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The Atlantic Corridor project is a transatlantic, cross-border initiative designed to encourage the economic and social advancement of the regions of the participating partners. These are: Atlantic Corridor, USA, Inc, the Niagara Economic and Tourism Corporation, the Atlantic Corridor, Northern Ireland (covering the area of the Lower Bann), and Atlantic Corridor, Ireland (covering the Midlands). The Atlantic Corridor was established by agreement between the four parties in November 2000. Since then Atlantic Corridor Ireland (ACI) has signed two new partnership agreements, with the city of Mesa, Arizona and the Atlanta, Georgia branch of the Irish Chamber of Commerce in the USA.

Atlantic Corridor Ireland has a 10 member Board of Directors. Directors are appointed by an AGM of the Offaly Regeneration Company Ltd, which is the implementing agency for Atlantic Corridor Ireland. It is a registered company, with no share capital. Atlantic Corridor is its sole activity. Government funding to ACI for each of the past five years has been as follows:

2003	2004	2005	2006	2007
€170,000	€176,000	€176,000	€250,000	€250,000

Audited accounts are provided to the Department of Foreign Affairs. Since its inception ACI has actively promoted the development of the region in terms of business and education through North–South cooperation and international linkages.

232. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the date of establishment of advisory committee on cultural relations; if this body is still in existence; the purpose and role of this body; the number of members of the board of this body; the number of whom are appointed by his Department; the person by whom the remaining board members are

appointed; the amount of financial support provided by the Government to this committee for each of the past five years; and if he will make a statement on the matter. [5375/08]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The Cultural Relations Committee was established in 1949 to advise the Minister for Foreign (then External) Affairs on support for cultural projects, ‘with a view to the enhancement of Ireland’s image and reputation abroad, and the promotion of friendly relations and of mutual knowledge and understanding with other countries’. In 2001 agreement was reached between the Minister for Arts, Heritage, Gaeltacht and the Islands and the Minister for Foreign Affairs that responsibility for the Cultural Relations Committee would transfer to the Department of Arts, Heritage, Gaeltacht and the Islands. In 2002, a Government decision transferred the Committee to the Department of Arts Sport and Tourism. The Minister for Arts, Sports and Tourism established Culture Ireland in February 2005, replacing the Cultural Relations Committee.

#### **Departmental Staff.**

233. **Deputy Richard Bruton** asked the Minister for Foreign Affairs the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6017/08]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The nature and scale of capital projects being undertaken by my Department has not required it to engage any full time specialists in the area of information technology procurement and capital project evaluation and management. As my Department has a full-time procurement management officer, there has not to date been a business need to second IT procurement specialists from the private sector.

#### **Compulsory Purchase Orders.**

234. **Deputy Richard Bruton** asked the Minister for Foreign Affairs if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6133/08]

**Minister for Foreign Affairs (Deputy Dermot Ahern):** The management of the business of my Department does not require it to use compulsory purchase orders.

#### **Departmental Property.**

235. **Deputy Simon Coveney** asked the Minister for Enterprise, Trade and Employment the position regarding the development of a site (details supplied) in Cork, particularly on the extension of naval facilities at the site; and if these are an impediment to progress on the project. [5557/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Secretary General of my Department has held meetings with his counterparts in the Department of Environment Heritage and Local Government, the OPW and the County Manager to identify the needs of Departments and State bodies insofar as the ISPAT site is concerned. Considerable progress has been made in addressing a range of development issues associated with the former ISPAT site at Haulbowline including:



[Deputy Micheál Martin.]

- technical constraints;
- site boundary issues;
- identification of zoning issues; and
- other regulatory matters.

In addition, stock has now been taken of the results of site investigations, the status of current works on the site, the identification of issues requiring ongoing management and the identification of possible constraints to the remediation and redevelopment of the site. The requirements of the Naval Service at Haulbowline are being taken into account in considering development options.

### Decentralisation Programme.

236. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Employment if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5301/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** My Department is required to relocate a minimum of 250 posts to Carlow under the Government's Decentralisation Programme and this is scheduled to be completed by the end of 2009. In order to accommodate staff who wished to move earlier than the projected building completion date of late 2009, officials of my Department, in consultation with the Department of Finance and the OPW, as well as decentralising staff and Business Units, opened an advance office in Carlow on July 30th 2007. The number of posts in this decentralised advance office at the end of 2007 was 97.

The number of posts in Business Units decentralising to Carlow is 288. At the end of 2007 my Department had 22 staff in non-decentralising units due to decentralise in the substantive move scheduled for 2009, with a further 38 Carlow-bound applicants yet to be assigned from other Departments, as well as the 97 officers already decentralised to Carlow and the officers in decentralising units in the table. The specific information requested by the Deputy is set out in the table.

End 2007	Total No. of Posts to be decentralised	The No. of posts who have moved to new location	The No. of decentralising staff assigned to decentralised post but have not moved	No. of staff assigned who are new recruits	The No. who have opted to stay in Dublin and have been assigned to other posts within Dublin
Work Permits	31	0	4	3	0
National Employment Rights Authority	63	66	0	0	0
Redundancy	23	0	9	5	0
Insolvency	8	0	1	0	0
Companies Registration Office and Registrar of Friendly Societies	153	31	12	5	0
Corporate Services — Support Staff	10	2	0	0	0

*Agency Decentralisation*

Under the Government Decentralisation Programme, announced in December 2003, six of the Agencies under the aegis of my Department are due to decentralise or have already been decentralised. The following is the position on progress at the end of 2007:

End 2007	Total No. of Poststo be de-centralised	The No. of posts who have moved to new location	The No. of staff assigned to the decentralised post but have not moved	No. of staff assigned who are new recruits	The No. who have opted to stay in Dublin and have been assigned to other posts within Dublin
FÁS	383	21 includes 12 new recruits	43	43 (+ 12 already in place)	0
NSAI	132	0	11	0	0
Enterprise Ireland	292	0	0	0	0
HSA	110	25 to interim office in Kilkenny	30	48 (including 18 in interim office in Kilkenny)	0

*Irish Auditing and Accounting Supervisory Authority (IAASA)*

In the case of IAASA, a decision was made prior to its establishment that it would be located in Naas, Co Kildare. Having been established in December, 2005 it moved to new offices at Naas, in January 2006. All IAASA staff have been based in its offices in Naas since its establishment. IAASA has an authorised staffing level of 15, 9 of whom are in situ. An open recruitment campaign is currently underway to fill a number of the Authority's professional staff vacancies. Any member of the public (including civil/public servants wishing to relocate), with the required qualifications, may apply for these posts.

*National Consumer Agency (NCA)*

The National Consumer Agency (NCA) was formally established on 1st May 2007 and inherited the functions of the Office of the Director of Consumer Affairs (ODCA). The Agency will have a headquarters in Cork City. The Department of Finance has granted sanction for an overall complement of 80 members of staff. It is expected that there will be a high percentage of staff turnover as many of the existing staff, who formerly worked in ODCA and are on secondment from the Department of Enterprise, Trade and Employment, return to the Department. Decentralisation plans will be progressed in the coming months with a view to the Agency relocating to Cork in the course of 2009.

237. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the date of establishment of FÁS International Consulting Limited; if this company is still in existence; the purpose and role of this company; the number of members of the board of this company; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the level of equity held by the Department within this company; the level of financing provided by the Government to this company for each of the past five years; and if he will make a statement on the matter. [5330/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** FÁS International Consulting Limited (FICL) was established as a wholly owned subsidiary of FÁS in 1988 in accordance with the provisions of the Labour Services Act. Its purpose was to promote and carry out training and consultancy work in human resource development and related areas for the overseas market. The Articles of Association were registered on 22 September 1988.

[Deputy Micheál Martin.]

No equity was held by the Department. Following an in-depth review of its own operations in 2001, FÁS put in place a new strategy in 2002.

A detailed review of the operation of FICL was also undertaken. Arising from this, it was agreed to close the FICL operation. Accordingly, FICL ceased operating in 2003 and the assets and liabilities were transferred to FÁS. Under the Memorandum and Articles of the Company, the Minister for Enterprise, Trade and Employment appointed all of the members of the Board of Directors, following consultation with the Chairman of FÁS. Contracts and assignments by the company were primarily funded by the European Union and no funding was voted by the Oireachtas for the Company.

238. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the date of establishment of Irish National Accreditation Board; the purpose and role of this board; the number of members of the board; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the amount of funding provided by the Government to this board for each of the past five years; and if he will make a statement on the matter. [5331/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Irish National Accreditation Board (INAB) was established in 1985 to accredit calibration and testing laboratories. INAB was subsequently established as a Committee of Forfás under Section 10 of the Industrial Development act, 1993 as amended by Section 46 of the Industrial Development (Enterprise Ireland) Act. 1998. The Irish National Accreditation Board (INAB) is the sole national body with responsibility for accreditation in accordance with the relevant International Organisation for Standardisation ISO 17000 series of standards and guides and the harmonised EN 45000 series of European standards. INAB provides accreditation of laboratories, certification and inspection bodies, attestors and attestation bodies and is the statutory body responsible for GLP (Good Laboratory Practice) and EMAS (European Eco-Management and Audit Schemes).

The Board is comprised of not more than 12 members (unpaid) representative of State, industry and sectoral activities for which accreditation is provided. As a Committee of Forfás, established under the relevant legislation, all appointments to the Board of the INAB are made by the Forfás Board. Direct costs in relation to staff salaries, travel expenses and specialist services for INAB activities are set out hereunder together with details of income received in respect of accreditation services, which are charged at commercial rates. INAB operates as a department within Forfás and as such indirect costs relating to accommodation and support services are met from within Forfas resources and it is not possible to provide a detailed breakdown of same.

Irish National Accreditation Board — Funding 2003-2007

	2003	2004	2005	2006	2007
	€ ,000	€ ,000	€ ,000	€ ,000	€ ,000
Direct Costs	1,101	921	1,256	1,304	1,578
Income from Accreditation Services	777	742	767	950	1,123
Direct Funding Provided	324	179	489	354	455

The single European Market is of fundamental importance to Ireland, as more than 65% of our total exports are sold to Europe. The INAB is part of the European network of accreditation bodies and plays a pivotal role in guaranteeing the access of Irish products and

services to the EU market. This co-operation with other accreditation bodies in Europe and globally through Multilateral Agreements (MLAs) means that Irish organisations' certificates are recognised both nationally and internationally, providing both the organisations and their customers with confidence in the product or service being offered. Ensuring that accredited certificates and test results produced here are acceptable throughout the European Economic Area, eliminates the need for multiple assessments when goods cross frontiers; giving Irish industry the best competitive advantage possible, in what is an ever-expanding and aggressive marketplace.

239. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the date of establishment of Nitrigin Éireann Teoranta; if this company is still in existence; the purpose and role of this company; the number of members of the board of this company; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the level of equity held by his Department within this company; the level of financing provided by the Government to this company for each of the past five years; and if he will make a statement on the matter. [5332/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Nitrigin Eireann Teoranta (NET) was established in 1961 to manufacture nitrogenous fertiliser. Since 1987 on the formation of Irish Fertilizer Industries Limited (IFI), a joint venture with ICI, NET acted as a holding company. More recently NET's primary role since the liquidation of IFI in 2002 had been to monitor the progress of that liquidation in the context of NET's claims on the liquidation. Following the pay out of the last substantial dividend to unsecured creditors during 2007 by the liquidator of IFI, it became clear that there would be no funds remaining in the liquidation to meet any liabilities to NET. NET and ICI had previously agreed that any liabilities to them should be subordinated in favour of other unsecured creditors. As overall unsecured creditors of IFI received 47.5% of their claims, there was no longer any meaningful role for NET. As a consequence of this, measures were taken on 20 December 2007 to wind up NET as a members voluntary liquidation i.e. a solvent liquidation. The liquidator is currently carrying out the liquidation process.

At the time of liquidation, there were three Board Members. In accordance with the Memorandum and Articles of Association of the Company, these had been appointed by the Minister for Enterprise, Trade and Employment after consultation with the Minister For Finance. All three were current or former civil service staff who received no remuneration for their role. There was no equity value in NET at the time of liquidation. Allocations paid to NET from my Department's Vote over the last five years were as follows:

Year	Payments (€000s)
2007	Nil
2006	Nil
2005	€300
2004	€150
2003	Nil

240. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the date of establishment of Skillsnet Limited; the purpose and role of this company; the number of members of the board of this company; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the level of equity held by his Department within this company; the level of financing provided by the Government to this

[Deputy Leo Varadkar.]

company for each of the past five years; and if he will make a statement on the matter.  
[5333/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Skillnets Limited was established in 1999 to encourage and support enterprise-led training, to enhance the capacity and employability of workers, to contribute to increased productivity and profitability and to assist in developing a more competitive business environment. Under a Mandate and Funding Agreement agreed with my Department, Skillnets Limited operates the Training Networks Program. It supports enterprises with common training and development objectives to achieve them by committing to dedicated networks that facilitate knowledge acquisition and allow for economies of scale to be realized.

The Board of Skillnets Limited is comprised of 13 members nominated as follows:

- The Minister for Enterprise, Trade and Employment 3
- IBEC 4 (including the Chairperson)
- ICTU 3
- CIF 1
- SFA 1
- Chambers Ireland 1

The company at an Annual General Meeting makes appointments to the Board by reference to the memorandum and articles of association of Skillnets Limited. Skillnets Limited is exclusively funded from the National Training Fund and, given its mandate and mission, equity holdings do not arise either on the part of my Department or on the part of any other entity. The following are the levels of funding provide through my Department and from the National Training Fund in the period in question:

2004	2005	2006	2007	2008
€05.00 million	€07.50 million	€08.50 million	€13.50 million	€26.50 million

Separately, Skillnets Services Limited is a wholly owned subsidiary of Skillnets Limited. It too has been resourced from the National Training Fund to administer the ACCEL Program on behalf of my Department. ACCEL is also facilitates training for those in employment. The contract for its delivery was awarded to Skillnets Services Limited following a public call for tenders. That was necessary, as the European Social Fund will substantially co-finance the ACCEL budget. Through my Department €6.30 million and €10.30 million have respectively been advanced in 2006 and 2007 from the National Training Fund (NTF) to Skillnets Services Limited to support approved ACCEL training projects. In addition, Skillnets Services Limited has to date been paid a total of €1.70 million in professional fees for the management of ACCEL. This funding is also sourced from the NTF. The ACCEL program will end this year as planned from the outset.

The Training Networks Program had progressively been refined and expanded since its inception. Focus now is on providing quality training in SMEs that is identified and needed by participating companies. Increasingly, training delivered is being certified to standards defined in the National Framework of qualifications. In addition, and in line with the focus of the

National Skills Strategy and Towards 2016, particular attention is being given to, and enhanced incentives are available for, the training and development of lower skilled workers.

241. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the date of establishment of expert group on future skills needs; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5334/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Government established the Expert Group on Future Skills Needs (EGFSN) in 1997 to provide advice on Ireland's future skills requirements and make recommendations as to how those needs could be met. The mandate of the EGFSN was formalised in 2001. The EGFSN is an independent advisory body appointed by the Minister for Enterprise, Trade and Employment in consultation with the Minister for Education and Science and reports jointly to both Ministers. The group is broadly representative of social partnership, with members from enterprise, academia, Government Departments, employer and employee groupings. The EGFSN operates under the auspices of Forfás which provide research and secretariat support to it. The current mandate of the Group runs from 2007 to 2009.

The work of the EGFSN is undertaken at two levels: economy wide and sector specific. The early work of the Group focused on sector level skills forecasting. Sectors examined to date include ICT, Biotechnology, Food Processing, and Engineering; more recently, the work of the Group broadened to look at horizontal skills issues facing enterprise across all sectors including: management development; the need for researchers; in-company training; and careers and labour market information and dissemination. The mandate of the National Training Advisory Committee (NTAC) was merged with that of the EGFSN in 2004, so that the EGFSN, as well as forecasting skills needs also has responsibility for advising on the wider enterprise training strategy.

The work of the Expert Group on Future Skills Needs has been central to forecasting Ireland's future skills requirements and identifying the appropriate strategies to meet them. In particular, the Expert Group published the National Skills Strategy last year, which outlined strategic objectives for Ireland from a skills perspective for the period to 2020. There are currently twenty-one members of the Expert Group, which I appointed. My colleague, the Minister for Education and Science, nominated five of these members. Over the last five years the expenditure of the Expert Group has been as follows:

Year	Expenditure
	€000
2003	473
2004	324
2005	525
2006	560
2007	522

242. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the date of establishment of national framework committee for work/life balance; if this committee is still in existence; the purpose and role of this committee; the number of members of the

[Deputy Leo Varadkar.]

board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed ; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5335/08]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** The National Framework Committee for Family Friendly Policies was established by the Social Partners in 2000 under the Programme for Prosperity and Fairness. The Committee was continued and renamed in 2003 as the National Framework Committee for Work Life Balance Policies under Sustaining Progress. The remit of the Framework Committee has been continued under the current national partnership agreement, Towards 2016. The Committee is charged with supporting and facilitating the development of family friendly policies at the level of the enterprise through the development of a package of practical measures that can be applied. Examples of such policies that may be found at enterprise level include, flexi-time, part-time working, annualised hours, teleworking, term time, work sharing, job sharing and other various additional leave options either paid or unpaid.

There are eight organisations represented on the Committee. These are: IBEC, ICTU, the Equality Authority, the Departments Social and Family Affairs, an Taoiseach, Finance, Justice, Equality and Law Reform and Enterprise, Trade and Employment. My Department provides the chairperson and the secretariat for the Committee. None of the Committee members are personally appointed by me. It is a matter for each of the bodies participating on the Committee as to who should represent them and, in practice different people may attend from time to time depending on the issues being discussed. The Committee has undertaken the following expenditure in the past five years, all of which has been in respect of funding activities supported by the Committee:

Year	Expenditure
2003	350,000
2004	259,000
2005	105,000
2006	258,000
2007	219,000

### Community Employment Schemes.

243. **Deputy Niall Blaney** asked the Minister for Enterprise, Trade and Employment his views on abolishing capping on community, employment schemes in view of the fact that participants wish to be treated in a similar fashion to the rural social scheme where there are no limits on time spent on schemes; and if he will make a statement on the matter. [5388/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. The programme helps unemployed people to progress to the open labour market by breaking their experience of unemployment through a return to work routine and assists them in enhancing/developing both their technical and personal skills.

To cater for older workers in particular, in November 2004 I revised the 3 year CE capping to allow those of 55 years of age and over to avail of a 6-year period on CE (based on partici-

pation since 3rd April, 2000). Subsequently, the participation limit for persons eligible for CE based on a Social Welfare disability linked payment was increased by 1 year. These measures were introduced in recognition of the fact that older participants and people with disabilities may find it more difficult to progress into the open labour market. I am informed that the primary purpose of the Rural Social Scheme, under the aegis of the Department of Community, Rural and Gaeltacht Affairs, is to provide income support to low-income farmers and fishermen and to provide certain services of benefit to local communities.

The aim of CE still remains as an active labour market programme with the emphasis on progression into employment. The programme is managed within this context, with consideration to the availability of resources and the needs of participants and the community. However, it should be remembered that, in so far as participants remain on CE, they are precluding someone else from benefiting from the programme. FÁS makes every effort to ensure that differing levels of demand between neighbouring schemes are equalised. FÁS also operates the programme flexibly as far as possible to ensure the continuation of community projects. In conclusion then, I would say that this Government will continue to support the positive role of CE in meeting the needs of long-term unemployed persons while at the same time providing essential services to communities. In this regard, we are keeping the operation of the Scheme under constant review.

#### **Job Creation.**

244. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment the Industrial Development Authority plans for job creation in Carrick-on-Suir; and if he will make a statement on the matter. [5475/08]

245. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment the Industrial Development Authority plans for job creation in Cahir; and if he will make a statement on the matter. [5476/08]

246. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment the Industrial Development Authority plans for job creation in Clonmel; and if he will make a statement on the matter. [5477/08]

247. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment the Industrial Development Authority plans for job creation in Mullinahone; and if he will make a statement on the matter. [5478/08]

248. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment the Industrial Development Authority plans for job creation in Fethard; and if he will make a statement on the matter. [5479/08]

255. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment the Industrial Development Authority plans for job creation in Tipperary town; and if he will make a statement on the matter. [5632/08]

256. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment the Industrial Development Authority plans for job creation in Cashel; and if he will make a statement on the matter. [5633/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** I propose to take Questions Nos. 244, 245, 246, 247, 248, 255 and 256 together.



[Deputy Micheál Martin.]

IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment (FDI) to Ireland and its regions. The marketing of individual areas for new or expansion FDI investments and jobs is a day-to-day operational matter for the Agency. While I may give general policy directives to the Agency, I am precluded under the Industrial Development Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

In line with the National Spatial Strategy, IDA Ireland is focused on advancing the economic development of South Tipperary as part of the wider South East Region, comprising the counties of Tipperary South, Waterford, Wexford, Carlow and Kilkenny. IDA's strategy for achieving a better regional distribution of overseas mobile investment is to work in partnership with other stakeholders to present companies with credible alternatives that go as far as possible towards meeting their demands for critical mass in terms of population, skills and infrastructure. In line with this strategy, and in agreement with South Tipperary County Development Board, IDA Ireland's strategy for South Tipperary is to concentrate future economic development in Clonmel and to develop the town as a first-class location for overseas investment.

Currently, there are 12 IDA Ireland supported companies in South Tipperary, employing over 2,000 people. The key industry sector for South Tipperary is Life Sciences. In marketing South Tipperary for new foreign direct investment, IDA Ireland is focused on attracting overseas companies in the services and knowledge based industries, including advanced manufacturing. Recent key wins for the County have been Cordis and Alza in Cashel. The Agency is also investing in the provision of world class property solutions with supporting infrastructure. The future development of Ballingrane Estate in Clonmel, incorporating an IDA business park and the Tipperary Institute, will be a key asset in the quest for further overseas investment.

In addition, the Agency works closely with the educational institutions in the region to ensure that the skill-sets necessary to attract high value-added employment to the County are being developed, and with FÁS to ensure that the needs of industry, in the areas of training and upskilling, are being met. I am satisfied that policies being pursued by the Agency, together with the roll out of the National Development Plan, will continue to bear fruit in terms of the provision of continued investment and job creation for the people of South Tipperary and the region as a whole.

### **Company Closures.**

249. **Deputy Róisín Shortall** asked the Minister for Enterprise, Trade and Employment if he will intervene to assist former employees of a company (details supplied); if to date any redundancy or other payments have been paid to employees; and if not, the steps his Department is taking to assist former employees. [5498/08]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** The Statutory Redundancy Payments Scheme is operated by my Department strictly in accordance with the provisions of the Redundancy Payments Acts 1967-2007. There is no record in my Department of any statutory redundancy claims or payments having been made to date on behalf of the employees of the company mentioned.

The Insolvency Payments Scheme, operated under the Protection of Employees (Employers' Insolvency) Act, 1984, and administered by my Department, provides for the payment of certain wage-related entitlements where an employee's employment is terminated as a result of the employer's insolvency. These entitlements include arrears of wages, sick pay, holiday pay, minimum notice, etc. However, claims under the Scheme can only be processed if a company

is formally insolvent within the definition of the Act and a relevant officer normally a receiver or liquidator has been appointed and certifies the claims. To date, my Department has not received any claims under the Scheme.

Where a company has ceased trading but is still solvent and has not paid an employee in full, the employee may refer a complaint against that company to a Rights Commissioner. In accordance with the Payment of Wages Act 1991 non-payment of wages properly payable by an employer to an employee on any occasion will be regarded as an unlawful deduction from wages unless the deficiency or non-payment is attributable to an error of computation. A complaint to the Rights Commissioner Service may be made by giving them notice of it in writing on the appropriate form. The form is available from the Rights Commissioner Service or from Information Services in the National Employment Rights Authority (NERA). Such a complaint must be made within a period of 6 months beginning on the date of the contravention to which the complaint relates. If the Rights Commissioner is satisfied that there are exceptional circumstances s/he may decide to extend the period for up to a further 6 months.

### **Industrial Relations.**

250. **Deputy Arthur Morgan** asked the Minister for Enterprise, Trade and Employment if his Department agreed with the decision of the State to concede in the High Court case taken by a group (details supplied) challenging the fixing by the Labour Court of minimum wage levels for certain industries; if his Department has made an assessment of the outcome of this case for workers in the hotel sector and in the 16 other sectors covered by joint labour committees; the action he will be taking to ensure that existing procedures for the setting of wages are not open to legal challenges which would have dire consequences for vulnerable low paid workers. [5561/08]

251. **Deputy Arthur Morgan** asked the Minister for Enterprise, Trade and Employment his views on whether the decision of the State to concede in the High Court case taken by a group (details supplied) challenging the fixing by the Labour Court of minimum wage levels for certain industries, will have implications for upcoming pay talks. [5562/08]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I propose to take Questions Nos. 250 and 251 together.

I have noted the decision reached in the High Court on 7 February to quash the Employment Regulation Order, relating to minimum remuneration of workers, made by the Labour Court on foot of proposals from the Hotel Joint Labour Committee on 5 November 2007, and to remit the matter back to that Committee. The implications of the issues raised during the course of the Hearing will require consideration by the Committee, the Labour Court and by my Department. The pay element of Towards 2016 falls to be reviewed in the coming weeks. I have no doubt that the issues which arose in this case will be of interest to the parties to the Agreement. However, I would like to assure Deputies of the government's ongoing commitment to ensuring that there are adequate systems and processes in place to underpin employment standards.

### **Employment Rights.**

252. **Deputy Arthur Morgan** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the situation where a company (details supplied) is refusing to allow workers from south of the Border to join a union and is therefore depriving its staff of collective bargaining rights; and if he will do anything about it. [5563/08]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** Under Article 40.6.1 of the Constitution, the State guarantees liberty for the exercise, subject to public order and morality, of, inter alia, “the right of citizens to form associations and unions”. In this case, I understand that the company does not object to its workers joining a trade union, but the company has refused to recognise the trade union for collective bargaining purposes. It has been established in a number of legal cases that the constitutional guarantee of the freedom of association does not guarantee workers the right to have their union recognised for the purpose of collective bargaining

The system of industrial relations in Ireland is essentially voluntary in nature. In line with this voluntarist approach, a High Level Group comprising representatives from IBEC, ICTU, and various Government Departments and agencies and chaired by the Department of the Taoiseach was established under Partnership 2000 to consider proposals submitted by ICTU on the recognition of unions and the right to bargain. This Group recommended that two distinct procedures be put in place for the resolution of disputes where negotiation arrangements are not in place and collective bargaining does not exist — a voluntary procedure and a legislative fall back procedure.

These recommendations were implemented through the Industrial Relations Act 1990 (Code of Practice on Voluntary Dispute Resolution) (Declaration) Order 2000 (Statutory Instrument No. 145 of 2000) and the Industrial Relations (Amendment) Act 2001. These measures were improved by the introduction of the Industrial Relations Act 1990 (Enhanced Code of Practice on Voluntary Dispute Resolution) (Declaration) Order 2004 (S.I. No. 76 of 2004), the Industrial Relations Act 1990 (Code of Practice on Victimisation) (Declaration) Order 2004 (S.I. No. 139 of 2004) and the Industrial Relations (Miscellaneous Provisions) Act 2004. I understand that the trade union involved has availed of the dispute resolution facilities available under the voluntary procedure and that the Labour Relations Commission continues to be in contact with the parties. I hope that their efforts are successful.

#### **Grant Payments.**

253. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Employment, further to Parliamentary Question No. 234 of 28 September 2006, the grant aid returned to his Department by the company; and if he will make a statement on the matter. [5566/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** I am informed by Enterprise Ireland that the company in question has not returned any grant aid to the agency. Discussions are ongoing but have been complicated by a fire at the Glanbia plant in Edenderry last year and the current proposed management buy out of the Glanbia Pork Division. Notwithstanding this, I understand that progress is being made in the negotiations and it is expected that a conclusion will be reached in due course. This conclusion is expected to take account of a very significant investment which is being undertaken by the company in its Pork Division in Ireland. I should point out that payment and repayment of grants are day-to-day operational matters for the Industrial Development agencies and I do not have any role in these day-to-day matters.

254. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Employment the grant aid paid to a company (details supplied) in County Roscommon in the past ten years; the steps which are being taken to recover this funding; and if he will make a statement on the matter. [5567/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Payment and repayment of grants are day-to-day operational matters for the Industrial Development agencies. While I do not have any role in the day-to-day operations of the agencies, I understand from Enterprise Ireland that in this particular case the company received approximately €370,000 in grant aid over the past ten years. There is no contingent liability on this grant aid according to the agency.

*Questions Nos. 255 and 256 answered with Question No. 244.*

### **Industrial Development.**

257. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment the steps he is taking to support enterprise development in County Tipperary; and if he will make a statement on the matter. [5634/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Enterprise Development Agencies under the aegis of my Department, Enterprise Ireland, the County Enterprise Boards, IDA Ireland and Shannon Development are responsible for growing indigenous enterprises and attracting and growing foreign direct investment. Shannon Development's role is in the mid-west region, including North Tipperary, includes the provision of tailored property solution for both FDI and indigenous industry. My Department has put in place a range of strategies, programmes and financial incentives to promote economic and enterprise development that will support sustainable employment throughout the country.

Enterprise Ireland continues to foster job creation in Tipperary, through supporting entrepreneurs setting up new High Potential Start-Up companies, the retention and creation of new jobs in existing companies and in enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and third level institutions. According to the Forfás Employment Survey 2006, the number of people employed in Enterprise Ireland companies in Tipperary is 5,498 in approximately 146 companies. In the past year, Enterprise Ireland has approved funding of over €16.8m and made payments of over €4m for client companies in Tipperary to assist them with development projects.

The development of community based enterprise centres is another crucial part of the drive to create new regional enterprise. Enterprise Ireland has assisted the formation of Community Enterprise Centres in Clonmel, Carick-on-Suir, and Tipperary Town. A total of €702,547 has been approved by EI for these projects. In addition, €337,000 has been approved for the construction of the North Tipperary Food Enterprise Centre. On 24th January, I launched a revised and simplified Research and Development Grant Scheme which will make €500m available to companies across all sectors. The new scheme will see job creation agencies, Enterprise Ireland and IDA Ireland, invest more than €500m which will be used to support R&D and continue to secure jobs in all parts of the country. In addition, on 6th February, I announced details of Enterprise Ireland's €60 million Growth Fund. This fund is geared specifically towards eligible SME clients of Enterprise Ireland. Up to €650,000 is available to support an applicant's business plans that increase their company's productivity and export potential as well as boosting their leadership and management capabilities.

The role of the Tipperary North and South County Enterprise Boards (CEBs) is to provide support for small businesses with 10 employees or fewer in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level throughout County Tipperary. Since the Boards inception in 1993, Tipperary North and South CEBs have approved over €10.2 m in grant assistance to 890 clients. This intervention has assisted in the creation of 1,335 jobs in the

[Deputy Micheál Martin.]

county. During 2008 both CEBs will continue to support enterprise development in Tipperary through the provision of both direct and indirect assistance and will ensure that available funds are targeted to maximise entrepreneurial development at county level.

A central goal for IDA Ireland is the achievement of balanced regional development. In addition, the Agency works closely with the educational institutions in the region to ensure that the skill-sets necessary to attract high value-added employment to the County are being developed, and with FÁS to ensure that the needs of industry, in the areas of training and up-skilling, are being met. IDA is also working with Shannon Development in ensuring the availability of suitable property solutions for potential investors throughout the Mid West. The development of Tipperary Technology Park and the Archerstown sites in Thurles are important elements in this strategy.

For IDA Ireland purposes County Tipperary is divided in two, Tipperary North which is part of the Mid West Region and Tipperary South which is part of the South West Region. IDA Ireland Midwest region consists of Counties Clare, Limerick, North Tipperary and North Kerry, whereas, South Tipperary is part of the wider South East Region, comprising the counties of Tipperary South, Waterford, Wexford, Carlow and Kilkenny. The number of people employed in IDA Ireland supported companies in Tipperary is 2,583 in approximately 16 companies.

#### **Departmental Staff.**

258. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Employment the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6015/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** My Department has not, so far, recruited any IT specialists through an open recruitment process nor seconded IT procurement specialists from the private sector.

#### **Compulsory Purchase Orders.**

259. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Employment if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6131/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** My Department does not use compulsory purchase orders to acquire land or property in order to facilitate public infrastructure projects and, therefore, the information sought by the Deputy is not relevant to my Department.

#### **Departmental Bodies.**

260. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the date of establishment of Council of National Cultural Institutions; if this council is still in existence; the purpose and role of this council; the number of members of the board of this council; the number of whom are appointed by himself; the persons by whom the remaining board members

are appointed; the expenditure of this council for each of the past five years; and if he will make a statement on the matter. [5606/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The Council of National Cultural Institutions (CNCI) was established on a non-statutory basis by the then Minister for Arts, Heritage, Gaeltacht and the Islands in July 1998. It was placed on a statutory footing under the Heritage Fund Act, 2001 and continues to fulfil both its statutory and non-statutory roles. The CNCI, in its non-statutory role, is a forum for the Directors and Chief Executives of the National Cultural Institutions to share ideas and experiences and to report to the Minister for Arts, Sports and Tourism on arts, culture and heritage matters and in relation to professional, operational, institutional and other related issues. It addresses areas of co-operation between individual Institutions and also explores the opportunities for North/South and international dialogues.

The Heritage Fund Act, 2001 sets out the statutory functions of the CNCI. These are to make recommendations to the Minister for Arts, Sport and Tourism regarding (a) acceptance of gifts of money, land, and property for the benefit of the Heritage Fund and (b) payments from the Heritage Fund. As I indicated in my reply to Parliamentary Question No. 31505/07 a review of the governance and operation of the Heritage Fund has been carried out by my Department and the findings of the review are being considered at present. The statutory role of the CNCI will be considered in the light of that review. Section 9 of the Heritage Fund Act, 2001, stipulates the membership of the Council in respect of its statutory functions. There are ten members: the Directors or Chief Executives of the National Archives of Ireland; the National Library of Ireland; the National Museum of Ireland; the National Gallery of Ireland; the Irish Museum of Modern Art; the National Concert Hall; the Arts Council; the Heritage Council; the Abbey Theatre and the Chester Beatty Library.

The Director of the Crawford Art Gallery, Cork is a member of the CNCI in respect of its non-statutory functions. As the Crawford Gallery Cork was designated a National Cultural Institution after the enactment of the Heritage Fund Act 2001, its Director is not included in the CNCI membership laid down in that Act. The expenditure of the CNCI over the past five years is as follows:

2003	2004	2005	2006	2007
€92,849.56	€104,943.39	€90,977.85	€76,770.13	€143,891.82

261. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the date of establishment of the tourism action plan implementation group; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the persons by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5607/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The Tourism Action Plan Implementation Group was established by my predecessor in January 2004 and its work concluded in January 2006 on completion of its third and final progress report. The purpose of the group was to review and report progress on the implementation of the Report of the Tourism Policy Review Group “New Horizons for Irish Tourism: An Agenda for Action”. My predecessor appointed all of the seven members of the group. During its term of office the group published three implementation reports which are available on the publications page of my

[Deputy Séamus Brennan.]

Department's website ([www.dast.gov.ie/publications/ list—publications.html](http://www.dast.gov.ie/publications/list—publications.html)). Costs associated with the group — which were limited — were paid out of the Department's normal administration budget.

### Decentralisation Programme.

262. **Deputy Richard Bruton** asked the Minister for Arts, Sport and Tourism if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5296/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The information requested by the Deputy is set out in the following tabular statement.

Number of Departmental posts to move to Killarney by the end of 2008.	131
Number of Departmental posts decentralised at December 2007	70
Numbers of staff assigned to decentralising posts but have not moved.	16
The number of staff assigned that are new recruits to the Department i.e. recruited directly by the Department	2
Number of Departmental staff who have opted to remain in Dublin who have been re-assigned to posts in Dublin	51
Posts in agencies under the aegis of my Department due to decentralise.	Under discussion

### Tourism Promotion.

263. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the initiatives his Department is taking, both in sport and tourism, to develop walkways and to promote walking holidays; and if he will make a statement on the matter. [5318/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The National Trails Office (NTO) established in the Irish Sports Council, has responsibility for coordinating the implementation of the Irish Trails Strategy, a cross-sectoral initiative that seeks to enhance the health, well being and quality of life of all Irish residents and attract many more visitors from around the world. The NTO developed the Strategy with the aim of creating and maintaining a world-class trails network that is safe, accessible and easy to use. The NTO works with guidance from the National Trails Advisory Council, which includes representatives from a range of State and other bodies.

In relation to tourism, in accordance with the provisions of subsection (1) of section 8 of the National Tourism Development Authority Act, 2003, it is a day to day matter for Fáilte Ireland to encourage, promote and support either inside or outside the State (a) the development of tourism traffic within and to the State and (b) the development and marketing of tourist facilities and services within the State. Details of Fáilte Ireland's initiatives in relation to the development and promotion of walking facilities and walking holidays are set out in its website [www.failteireland.ie](http://www.failteireland.ie).

### Arts Funding.

264. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the supports available to develop a school of music; and if he will make a statement on the matter. [5320/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** It is not clear whether the proposed school of music is a commercial or not-for-profit organisation. My Department provides capital funding for arts & culture infrastructural projects and normally funds only not-for-profit and voluntary organisations. While Government support for the Arts is generally channelled through the Arts Council, which is a statutorily independent body, under the Arts Act, 2003, and is independent in its day-to-day operations, I understand it does not fund amateur organisations. Funding for the Arts Council has increased by almost 72% from €47.67 million in 2002 to €82.102 million in 2008.

In relation to capital funding my Department has taken a more direct role and to date some €130m has been provided for the development of arts and culture infrastructural projects nationwide. I expect to announce another round of Capital Arts Grants in 2008. It is open to any non-commercial organisation to apply for funding under this scheme.

265. **Deputy Pat Breen** asked the Minister for Arts, Sport and Tourism if he has plans to make additional funding available to art venues nationally for the ongoing annual running costs of such facilities; if so, if he will consider an increase in funding for a venue (details supplied) in County Clare; and if he will make a statement on the matter. [5469/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** Government support for the arts is generally channelled through the Arts Council, which is a statutorily independent body, under the Arts Act, 2003, and is independent in its day-to-day operations, including in relation to its funding decisions. The provision of funding for the organisation referred to by the Deputy is the responsibility of the Arts Council. I have no role in relation to its funding decisions and my Department does not provide ongoing revenue support to arts organisations funded by the Arts Council. Funding for the Arts Council has increased by almost 72% from €47.67 million in 2002 to €82.102 million in 2008. These are significant amounts of money in any context and have transformed and increased access to the arts and allowed the Arts Council to support a wide range of artists and arts organisations nationwide.

#### **Departmental Bodies.**

266. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the date of establishment of a company (details supplied); if this company is still in existence; the purpose and role of this company; the number of members of the board of this company; the number of whom are appointed by himself; the persons by whom the remaining board members are appointed; the level of equity held by the Department within this company; the level of financing provided by the Government to this company for each of the past five years; and if he will make a statement on the matter. [5601/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** The company referred to in the Parliamentary Question ceased to exist from midnight on 31 January 2006. It was replaced with immediate effect by a new company called Abbey Theatre Amharclann na Mainstream (the “Abbey Theatre”). The main purpose of this company is to continue the tradition of the Abbey Theatre as the national theatre of Ireland for the purpose of acting and producing plays in Irish and/or English, written by Irish authors or on Irish subjects, and such dramatic works of international authors as would tend to educate and interest the Irish public in the higher aspects of dramatic art. There are eleven members of the board of directors, three of whom are appointed by the Minister for Arts, Sport and Tourism. A selection committee comprising the Chair of the company, an independent person from the artistic or cultural sector appointed by the Minister and a person appointed by the Arts Council appoints the remaining eight members.



[Deputy Séamus Brennan.]

My Department does not hold equity in this company. Under new arrangements put in place with the establishment of The Abbey Theatre/Amharchlann na Mainistreach the Arts Council provides the company with ongoing revenue support and agreed a three-year funding concord amounting to a €25.7m grant for the period 2006 — 2008. The Arts Council also provided the theatre with capital funding of €1,024,000 in 2006 and my Department provided capital funding of €650,000 and €88,000 in 2006 and 2007 respectively.

267. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the date of establishment of a company (detail supplied); if this company is still in existence; the purpose and role of this company; the number of members of the board of this company; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the level of equity held by the Department within this company; the level of financing provided by the Government to this company for each of the past five years; and if he will make a statement on the matter. [5602/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** Irish Genealogy Limited (IGL) was registered with the Companies Registration Office in September 1993 and continues to operate. The main objects for which the company was established were: (a) to provide information on the genealogical and settlement patterns of areas in the island of Ireland; to stimulate education about the heritage and the environment of the island; to foster and encourage genealogical and other research; to increase knowledge about the island of Ireland and its peoples throughout the world; and to further these objects by promoting and developing in the island of Ireland a genealogical service for those seeking information on their Irish ancestry — all of these services to benefit and assist in the development of local communities and in the development of tourism and (b) to market these services at home and overseas.

A review of the role of IGL took place as part of the Review of the Church Birth, Marriage and Death Records Computerisation Project, which was carried out by an Advisory Group established by my Department in 2006. IGL amended its Memorandum and Articles of Association in December 2007 to take account of those recommendations of the Advisory Group which were relevant to it. The functions of IGL under its new Memorandum and Articles of Association are:

1. To act as an advisory body to the Department of Arts, Sport and Tourism in relation to achieving a co-ordinated approach to genealogy.
2. To maintain strong links with Fáilte Ireland, the Northern Ireland Tourism Board and Tourism Ireland; and to engage in marketing initiatives overseas in conjunction with Fáilte Ireland, the Northern Ireland Tourism Board and Tourism Ireland.
3. To foster, encourage and promote genealogical and other research.

IGL is funded primarily by my Department from which it has received the following funding in the past five years:

Year	€
2003	380,000
2004	380,000
2005	395,000
2006	25,000
2007	95,000

Since 2005, the staff and functions of IGL have been scaled back, taking account of the completion of some of its tasks and the review of its functions. The current Board of IGL comprises six public interest representatives, three of whom are appointed through this Department and three through the Department of Finance and Personnel in Belfast, two representatives from, and appointed by, the Association for Professional Genealogists in Ireland, one representative from the Association of Ulster Genealogists and Record Agents and five representatives from the Irish Family History Foundation (IFHF). The IFHF representatives have not sat on the Board since 2005. A number of observers, representing statutory bodies also attend the meetings of IGL. These observers represent the National Archives of Ireland; the National Library of Ireland; the General Register Office; Fáilte Ireland; FÁS, the Northern Ireland Tourist Board and this Department.

A new Board of IGL will be appointed by me later this year and will consist of 11 directors who will serve for a period of 5 years. Five of the directors will be nominees of the following statutory bodies: The Department of Arts, Sport and Tourism; The National Archives of Ireland; The National Library of Ireland; The Department of Culture, Arts and Leisure, Northern Ireland and Fáilte Ireland. The remaining six directors will be nominated from non-statutory bodies, local government or organisations in the genealogy sector of which three will have a particular genealogy based competence or expertise.

#### **Departmental Staff.**

268. **Deputy Richard Bruton** asked the Minister for Arts, Sport and Tourism the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6010/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** Since its establishment in June 2002, my Department has not employed, through open recruitment, any full time specialists in the area of information technology procurement or capital project evaluation and management. There have been no IT procurement specialists seconded between the Department and the private sector.

#### **Compulsory Purchase Orders.**

269. **Deputy Richard Bruton** asked the Minister for Arts, Sport and Tourism if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6126/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** There have been no instances of compulsory purchase orders being used by my Department since 2005.

#### **School Meals Programme.**

270. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if his Department will give early approval to a DEIS school (details supplied) in Dublin 11 for inclusion in the free school lunch scheme. [5497/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The school meals programme operated by my Department gives funding towards provision of food services for disadvantaged school children through two schemes. The first is the long-standing statutory urban school

[Deputy Martin Cullen.]

meals scheme, currently operated by 36 local authorities. The second is the school meals (local projects) programme through which funding is provided directly by the Department to participating schools in both urban and rural areas who are running specific school meals projects.

There is no record of an application having been received from the school concerned for funding under the scheme. It is open to the school concerned to contact my Department if they wish to make an application for funding. Any application received will be processed without delay. There is no automatic entitlement to funding under the school meals local projects scheme. Priority for funding under the scheme is being given to schools in the Department of Education & Science's initiative for disadvantaged schools, 'Delivering Equality of Opportunity in Schools' (DEIS).

### **Social Insurance.**

271. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the steps he is taking to ensure that persons seeking PPS numbers are genuine applicants; and if he will make a statement on the matter. [4794/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** My Department assumed responsibility for the allocation of PPS Numbers in June 2000. Because the PPS Number is a unique identifier for access to services provided by Government Departments and other public bodies it is essential to have effective controls around the PPS Number registration process. Controls are exercised at both the initial allocation stage and at subsequent stages in the lifecycle of the number.

A PPS Number is automatically issued in the case of children born in Ireland. In other cases application must be made in person at one of the Department's network of Local Offices. PPS Numbers are issued following a controlled allocation procedure, involving

- personal attendance at the office,
- the completion of a written application form,
- the submission of appropriate identity documents proving identity and address.

In order to ensure that a person receives only one number and that the number is allocated on information that is accurate and verified, certain operational procedures are prescribed for local office personnel when dealing with applications. Proof and evidence of identity is a vital element of the allocation process. Client Identity Services (CIS) is the section in the Department that has a central role in developing and maintaining expertise in the area of questioned document examination through contact and liaison with national and international experts in this field and in turn, passing this expertise on through provision of appropriate training and issuing of guidelines. A help desk is also operated, allowing any issuing office to phone in with details of a suspect document. Many suspect documents can be cleared in this manner, avoiding the necessity of referring them to CIS for physical examination. Nonetheless, documents do sometimes have to be referred for physical examination and authentication.

My Department carries out post-allocation audits and surveys to detect cases of bogus identity which have not been detected using the pre-allocation measures. In terms of overall fraud, a recent survey of the PPS Number registration process highlighted pre- and post-allocation fraud rates of 0.5%. Overall, while there can be no acceptable level of fraud, it is equally the

case that achieving a zero level of identity fraud will, realistically, always remain an aspiration. A rate of 1% or less is low and would indicate that fraud detection methods are effective.

Initiatives designed to improve the PPS Number registration process have already begun. In particular, the concentration of expertise in a reduced number of PPS Number allocation centres together with tougher legislative measures introduced in the Social Welfare Act 2007 should significantly enhance the Department's ability to control identity fraud.

### **Social Welfare Code.**

272. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs when, in view of the continuing rise in rents, he will improve the maximum rents available to rent supplement recipients. [5442/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Rent supplement is administered on my behalf by the Health Service Executive as part of the supplementary welfare allowance scheme. Rent supplement is subject to a limit on the amount of rent that an applicant may incur. Rent limits are set at levels that enable the different eligible household types to secure and retain basic suitable rented accommodation, having regard to the different rental market conditions that prevail in various parts of the State. The objective is to ensure that rent supplement is not paid in respect of overly expensive accommodation having regard to the size of the household.

Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes, including people in low-wage employment. In January 2007 a review was completed of the maximum levels of rent which a person may incur and still be eligible to receive rent supplement. The purpose of the review was to inform the process of setting new limits, applicable from January 2007 until 30 June 2008. The review included consultation with the HSE, the Department of Environment, Heritage and Local Government, the Central Statistics Office, the Private Residential Tenancies Board and voluntary agencies working in this area. This process ensures that the new rent limits reflect realistic market conditions throughout the country. Arising from the review, rent limits were adjusted upwards, from January 2007, for a number of household types in 14 counties.

I intend to have rent limits reviewed this year with a view to implementing any revision found to be necessary from 1 July 2008. A consultative approach will be used to conduct this review. Notwithstanding existing rent limits, the Health Service Executive may exceed these limits in certain circumstances, e.g. where there is special housing need related to exceptional circumstances. The discretionary power ensures that individuals with particular needs can be accommodated within the scheme and specifically protects against homelessness.

### **Social Welfare Payment System.**

273. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs his plans to introduce the payment of social welfare benefits through electronic fund transfer; the consultation taking place to facilitate the introduction of such a system; and if he will make a statement on the matter. [5525/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** It is government policy to facilitate the greater use of electronic payment systems in the economy in the interest of developing a world-class payment environment in Ireland. In this context, the National Payments Implementation Program Advisory Group, under the aegis of the Department of the

[Deputy Martin Cullen.]

Taoiseach, monitors the growth in electronic payments, the reduction in cash transactions and any new payment mechanisms which come on the market. My Department is represented on this Group. The current range of payment options offered by my Department to customers includes payment to a bank or building society account, a local post office or certain credit unions that have been authorised by the banking and credit union regulators. Customers opt for a particular payment method having regard to their own personal circumstances.

Currently, some 50% of customers receive their payment electronically direct to their bank or financial institution, or electronically at their Post Office. The remaining customers are paid by paper-based payment instruments — cheques, post drafts or personal payment order books. My Department is implementing a three-year strategy to change paper-based payment instruments to electronic payments at financial institutions and Post Offices. The programme is being implemented on a phased basis to coincide with book renewal production schedules and as personalised payable order books expire. The objective of my Department's payment strategy is to ensure that cost-effective arrangements are in place for making payments to social welfare customers using a range of payment options and that new payment facilities are made available to customers as they become available.

A range of measures are under way to inform customers of the change in payment methods and to allay fears and concerns which they may have regarding and the use of Social Services Cards to collect their payment at Post Offices. Each customer is being informed by letter of the change in their payment arrangement. A Social Services Card, along with a covering letter explaining how to use the card, is being issued to each customer. An Post and the Irish Postmaster's Union (IPU) are committed to assisting customers in the use of cards for collecting their payments. Groups representing the elderly and disabled have already been consulted and have indicated that they will support the move to electronic payments at Post Offices.

Posters will be displayed in all Post Offices and Citizens' Information Centres and throughout my Department's local office network. In addition, the change from paper to electronic payment will be a key element of all public information events, seminars and information briefings being carried by my Department in the coming year. I am confident that the planned range of measures to inform customers of the change to electronic payment will ensure a smooth transition for them.

### **Decentralisation Programme.**

274. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise, showing, in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5307/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Under the Government's current decentralisation programme for the civil and public service, some 1,200 posts comprising the Department's headquarter sections and the Social Welfare Appeals Office are relocating to 6 locations — Sligo, Carrick-on-Shannon, Donegal, Buncrana, Carrickmacross and Drogheda. In addition, the Combat Poverty Agency (CPA) and Citizens Information Board (CIB) are scheduled to relocate to Monaghan and Drogheda, respectively, under the programme.

To date, 177 posts have relocated from the Department's Dublin Offices to Carrick-on-Shannon and Sligo. A further 32 posts will decentralise from the during 2008 — 27 posts to Carrick-on-Shannon and 5 posts to Sligo. In addition, the Department has decentralised offices in Longford, Sligo, Letterkenny, Waterford, Dundalk and Roscommon and some 170 employees have transferred to these offices and other offices of the Department to fill vacancies created by the current decentralisation programme. Furthermore, a total of 206 employees of the Department have transferred to other Government Departments for the purposes of their decentralisation programmes.

The table below outlines the data requested:

Location	No. of posts announced to decentralise	No. transferred to new location	No. who have accepted offers of transfer	New recruits	No. who have been redeployed to other posts in Dublin
Buncrana	120	0	7	2	0
Carrickmacross	85	0	39	0	0
Carrick-on-Shannon	225	111	133	0	85
Donegal	230	0	46	7	0
Drogheda — HQ	215	0	154	0	0
Drogheda — ISD	225	0	34	0	0
Sligo	100	66	67	0	50

Location	No. of posts announced to decentralise	No. transferred to new location	No. who have relocation clauses in contracts	No. who have been redeployed to other posts in Dublin
Drogheda — CIB	47	0	19	0
Monaghan — CPA	25	0	6	0

### Departmental Bodies.

275. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the date of establishment of money advice and budgeting service; the purpose and role of this body; the number of members of the board of this body; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this body for each of the past five years; and if he will make a statement on the matter. [5351/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Money Advice and Budgeting Service (MABS) provides assistance to people who are over-indebted and need help and advice in coping with debt problems. The MABS was initiated in 1992 when the Budget provided for a special allocation of €330,000 (£260,000) for the establishment of five Money Advice and Budgeting Service (MABS) pilot projects around the country. Since 1992 the service has grown, and there are now 53 independent companies nationwide with voluntary boards of management and with money advice staff of 240 who operate the service. Membership of the voluntary boards of management of the MABS companies is a matter for the local community stakeholders.

Many voluntary and statutory bodies, such as the Society of St. Vincent de Paul and the credit unions, work closely with the service at local level. The Department provides funding and is responsible for policy development and the financial administration of the MABS. For

[Deputy Martin Cullen.]

2008, almost €18 million has been provided to fund the service. A National Advisory Committee advises the Department in relation to the MABS. This is an informal forum which is chaired by a Principal Officer in the Department. Participants in the forum are selected from time to time by the local MABS stakeholders. It includes representatives from the voluntary boards of management, staff of the MABS, the Citizens Information Board, the Irish League of Credit Unions and other interests in the service.

Expenditure on the MABS for each of the past five years is detailed in the table below.

MABS Expenditure 2003-2007

Year	Expenditure
	€m
2003	9.405
2004	11.397
2005	13.593
2006	13.577
2007	14.578

276. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the date of establishment of the social welfare benchmarking and indexation group; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5352/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Social Welfare Benchmarking and Indexation Working Group was established under the terms of the Programme for Prosperity and Fairness (PPF), in late 2000 and met for the first time on 17 December 2000. The group comprised some 16 members drawn from government departments and social partners. It was chaired by an independent chairperson, Professor Kieran Kennedy, former director of the Economic and Social Research Institute (ESRI). The members of the working group were nominated by their respective organisations. The secretariat was provided by the Department of Social, Community and Family Affairs.

The terms of reference of the group were to:

- i. examine the issues involved in developing a benchmark for adequacy of adult and child social welfare payments, including the implications of adopting a specific approach to the ongoing up-rating or indexation of payments, having regard to their long-term economic, budgetary, PRSI contribution, distributive and incentive implications, in light of trends in economic, demographic and labour market patterns; and
- ii. examine the issue of relative income poverty.

The group operated in parallel with the wider review of the National Anti-Poverty Strategy (NAPS) in accordance with the terms of the PPF. While the group was not a formal element of this wider review, it was intended that its work would help to advance consideration of the theme of income adequacy and income poverty measurement. The group concluded its work and produced its final report in September 2001. No expenditure has arisen in connection with the group in the past five years.

277. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the date of establishment of the social inclusion consultative group; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5353/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** A review of the National Anti Poverty Strategy (NAPS) was undertaken in 2001/2002 in line with a commitment in the Programme for Prosperity and Fairness. The revised NAPS that emerged from the review, Building an Inclusive Society, provided for new institutional arrangements to monitor its implementation. This included the setting up of the Social Inclusion Consultative Group which comprised some 25 members selected by their respective parent organisations. These were drawn from the social partners, the community and voluntary sector, government departments and agencies, including the Combat Poverty Agency, the Equality Authority and the Economic and Social Research Institute. The Group was co-chaired by the Office for Social Inclusion and the Department of the Taoiseach. The main task of the Group was to advise the newly established Office for Social Inclusion on implementation of the revised NAPS. The group met twice a year in each of the years 2003 to 2006. It incurred no expenditure other than administrative costs.

Towards 2016, published in June 2006, provides for a streamlined approach to monitoring and reporting progress on social inclusion policies across government departments, in relation to the agreement itself, the National Action Plan for Social Inclusion 2007-2016 and the social inclusion elements of the National Development Plan 2007-2013. A Steering Group established under Towards 2016 with representatives of the social partners and government departments has overall responsibility for monitoring implementation of all aspects of the social partnership agreement and the strategic plans. One outcome of this streamlined approach is that the functions of the Social Inclusion Consultative Group have been subsumed within the Towards 2016 Steering Group. As a result, the Consultative Group ceased to exist from September 2006.

*Question No. 278 answered with Question No. 166.*

### **Live Register.**

279. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of persons on the live register on 31 January 2008 and on the same date in each of the past five years; and if he will make a statement on the matter. [5543/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Live Register is not designed to measure unemployment. It includes part-time workers (those who work up to three days a week), seasonal and casual workers entitled to jobseeker's benefit or allowance. Unemployment is measured by the Quarterly National Household Survey and, according to the CSO, the latest seasonally adjusted figure, for June-August 2007, is 97,700.

2003	2004	2005	2006	2007	2008
170,701	174,529	160,543	160,139	158,752	181,449

The Live Register figures are collated in respect of the last Friday in each month and published by the Central Statistics Office (CSO). The live register figure for January 2008 was 181,449. The details for the month of January in each of the past five years are set out in tabular format above.



### Social Welfare Benefits.

280. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of persons in receipt of disability benefit or allowance at 31 January 2008 and at the same date in the proceeding five years; and if he will make a statement on the matter. [5544/08]

281. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of persons whose application for disability allowance or benefit or similar payments have been disallowed in each of the past 12 months; and if he will make a statement on the matter. [5545/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 280 and 281 together.

Disability allowance is a weekly allowance paid to people with a disability who are aged between 16 and 66 years. The allowance is subject to both a medical examination and a means test. The person must be suffering from an injury, disease, congenital deformity or physical or mental illness or defect which has continued or may reasonably be expected to continue for a period of a year. As a result of that condition the person would be substantially restricted in undertaking work which would otherwise be suitable having regard to the person's age, experience and qualifications.

The attached table shows the number of people in receipt of disability allowance, illness benefit and injury benefit over the past five years. The second table gives a breakdown of the number of claims for those three schemes which were refused each month in 2007, and 2008 to date.

Table 1

Date	Number in Receipt of		
	Disability Allowance	Illness Benefit	Injury Benefit
At 31 Jan 2008	89,371	71,805	316
At 31 Jan 2007	84,046	67,887	210
At 31 Jan 2006	79,770	63,181	212
At 31 Jan 2005	72,985	59,538	204
At 31 Jan 2004	68,271	57,062	426
At 31 Jan 2003	63,296	55,787	98

Table 2

Date	Applications not qualified or disallowed in the past 12 months		
	Disability Allowance	Illness Benefit	Injury Benefit
Jan-07	606	4,673	337
Feb-07	476	3,978	266
Mar-07	678	4,355	272
Apr-07	353	3,978	198
May-07	557	4,417	433
Jun-07	666	3,901	435
Jul-07	509	4,218	406
Aug-07	530	3,768	459

Date	Applications not qualified or disallowed in the past 12 months		
	Disability Allowance	Illness Benefit	Injury Benefit
Sep-07	493	3,951	380
Oct-07	675	4,611	426
Nov-07	719	4,664	398
Dec-07	275	2,796	283
TOTAL 2007	6,537	49,310	4,293
Jan-08	559	4,053	450

282. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of applications for respite grants that have been refused in each of the past 12 months; and if he will make a statement on the matter. [5546/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** In the last 12 months a total of 13,245 Respite Care Grant claims have been processed by the Department. Details of Respite Care Grant claims refused by month, totalling 1,397 for the 12-month period February 2007 to January 2008 are detailed in tabular form below.

Respite Care Grants refusals February 2007 to January 2008

Month	Claims Refused
February 2007	104
March	74
April	117
May	80
June	62
July	161
August	181
September	180
October	205
November	127
December	58
January 2008	48
Total	1,397

**Social Welfare Code.**

283. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs his plans to extend the carer's allowance significantly; and if he will make a statement on the matter. [5547/08]

284. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs his proposals to extend the carer's allowance by way of easing the means test thereby providing facilities to a greater number of people who might otherwise become institutionalised; and if he will make a statement on the matter. [5548/08]

285. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs his views on awarding contribution credits to carers who have provided care on a full-time basis to such

[Deputy Bernard J. Durkan.]

an extent that they themselves were prevented from entering the work force and as a consequence failed to qualify for a contributory pension; and if he will make a statement on the matter. [5549/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 283 to 285, inclusive, together.

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 greatly increased, qualifying conditions for carer's allowance have 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. The primary objective of the carer's allowance is to provide income support to low income carers and in line with other social assistance schemes, is means tested. This ensures scarce resources are directed at those in greatest need.

The carer's allowance means test is one of the more flexible tests in terms of the assessment of household incomes. The means test has been significantly eased over the years, most notably with regard to spouse's earnings. Since April 2007, the income disregard has been €320 per week for a single person and €640 per week for a couple. Budget 2008 provided for the disregards to be increased further to €332.50 per week for a single person and €665 per week for a couple from April 2008. These increases surpass the "Towards 2016" commitment to ensure those on average industrial earnings continue to qualify for a full carer's allowance.

In 2005, the respite care grant was extended to all people providing full time care regardless of their means or social insurance contributions. Since then, the grant has also been paid in respect of each care recipient. From June 2008, the grant will be €1,700 per year in respect of each care recipient. Credited contributions, or 'credits' as they are termed, are intended to protect the entitlements, particularly the pension rights, of employees and other persons participating in the social insurance system when they are ill or unemployed. A person who is providing full time care and attention to a person as a carer is awarded credits on the same basis as if they were out of the workforce due to illness or unemployment.

Under the current statutory provisions governing the award of credited contributions, recipients of the carer's allowance may be awarded credits if they switched to that payment from another credit-bearing payment such as jobseeker's allowance. From April 1999, formal provision was made for the award of credits to claimants of carer's allowance who have left insurable employment to engage in caring duties. People in receipt of carer's benefit or on carer's leave are awarded credits at the same rate as their last paid contribution. Recipients of carer's allowance, who are not entitled to credits, may be eligible for homemaker's disregards which preserve the carer's entitlement for contributory pension purposes.

The homemaker scheme provides that contribution years spent working in the home while caring on a full-time basis for a child up to 12 years of age or an incapacitated person will be disregarded in calculating a person's yearly average number of contributions for state pension (contributory) purposes. The provisions apply from the contribution year commencing on 6 April 1994 and up to 20 contribution years may be disregarded.

The award of credits is subject to certain conditions. For example, when a person has no paid or credited contributions for a period of two years, they cannot be awarded further credits until 26 contributions are paid. In recognition of their caring role, this rule will be waived where claimants of carer's allowance were eligible for homemakers disregards immediately prior to claiming carer's allowance. This, in effect, means that credits will be awarded where a person who has a gap of two years in their paid or credited contributions was eligible for

homemakers disregards before claiming carer's allowance. This will protect the position of people who did not give up work to become carers but may have qualified for homemakers disregards due to child-minding duties and who subsequently became carers after a two year period had expired.

From June 2006 the number of hours a person can engage in employment, self employment, education or training outside the home and still be eligible for carer's allowance, carer's benefit and the respite care grant was increased from 10 to 15 hours per week. Where a carer remains in employment he or she will continue to pay the appropriate social insurance contribution. I will keep the supports for carers available from my Department under review in order to continue to improve the schemes and ensure commitments on income support are delivered.

### **Bilateral Social Security Agreements.**

286. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if he will review the bilateral agreements with the objective of identifying those countries with which the arrangement is most satisfactory, those with which it is least satisfactory and identifying a resolution; and if he will make a statement on the matter. [5550/08]

287. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number and location of countries with which his Department has a bilateral agreement; and if he will make a statement on the matter. [5551/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** I propose to take Questions Nos. 286 and 287 together.

Ireland has social security agreements with Austria, Australia, Canada, New Zealand, the United Kingdom, the USA and Switzerland. These agreements came into effect between 1989 and 1999, except for that with the UK which covers the Isle of Man and Channel Islands and came into effect on 1st October 2007. Ireland also has a bilateral understanding with Quebec since 1 October 1994. In the cases of Austria and Switzerland the agreements have limited application as the EU Regulations normally apply in these cases. An agreement with the Republic of Korea was signed on 31st October 2007 and it is hoped to complete the necessary steps to bring it into effect within the next few months. The main purpose of the agreements is to protect the social security pension rights of workers who have worked both in Ireland and the other country to which the agreement applies.

All of these agreements are currently in operation and are generally working satisfactorily. However, the time taken to process claims that fall to be examined under bilateral agreements can be longer than that for standard Irish entitlements, reflecting the added complexity that arises in determining entitlements under these agreements.

Liaison procedures to ensure the secure transfer of personal data have been established with each country and are kept under constant review. Regular contact is made with the appropriate agencies to ensure the accuracy, completeness and timeliness of transfer of the information required to decide on claims. Where particular delays occur in the exchange of information, every effort is made to minimise processing times, while the overriding objective in dealing with these claims is to ensure that people receive their full and correct entitlements. Delays in processing applications do not ultimately result in any losses to pensioners in that those who qualify for payment have their claims backdated fully in accordance with the normal regulations for backdating pension claims. I am satisfied that overall the procedures are working effectively and efficiently.

### Social Welfare Code.

288. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if his attention has been drawn to the increased hardship arising from job losses resulting in an inability to meet mortgage or rent repayments and the necessity to favourably review rent or mortgage supports; and if he will make a statement on the matter. [5552/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The supplementary welfare allowance scheme (SWA) provides for a weekly or monthly supplement to be paid in respect of rent or mortgage interest to any person in the State whose means are insufficient to meet their needs. Rent supplements provide short-term assistance with reasonable accommodation costs of eligible persons living in private rented accommodation who are unable to provide for their accommodation costs from their own resources and who do not have accommodation available to them from another source. Similarly, mortgage interest supplement provides short-term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence.

Payment is normally calculated to ensure that the person, after payment of the rent or mortgage interest has a weekly income equal to the rate of supplementary welfare allowance appropriate to their circumstances, less €13. This €13 represents the minimum contribution which all applicants are required to pay towards rent or mortgage costs from their own resources. These arrangements ensure that tenants and home-owners have a minimally adequate income with which to meet their day-to-day needs after paying their rent or mortgage. Overall, I am satisfied that the current rules in relation to SWA scheme provides an adequate “safety net” within the overall social welfare system to ensure that people do not suffer hardship due to loss of employment.

289. **Deputy Joanna Tuffy** asked the Minister for Social and Family Affairs his views on extending the living alone allowance to include old aged pensioners whose only income is their retirement pension; if he has proposals to address this anomaly; and if he will make a statement on the matter. [5654/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The living alone increase is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people who are under 66 years of age who are living alone and receiving payments under one of a number of invalidity type schemes. While, as outlined, the increase is paid to those receiving invalidity type payments, it is primarily a benefit for those aged 66 or over. Accordingly, there are no plans to extend the payment to people receiving the State Pension (transition) or, indeed, to others who are under 66 years of age receiving other social welfare payments.

### Departmental Staff.

290. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6020/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** The Department has significant recognized internal expertise in procurement. It has not recruited specialists, either from the open market or by secondment, in the area of information technology procurement and/or capital project evaluation and management.

### Decentralisation Programme.

291. **Deputy Richard Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing, in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5298/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Following is the information requested by the Deputy.

Organisation	Posts to decentralise	No. moved	Assigned but not moved	New recruits	Staying in Dublin and reassigned
Pobal	40	25	0	24	0
Foras na Gaeilge	30	0	0	0	0

Pobal have filled 25 posts in Clifden, Co. Galway. The posts concerned were in respect of new business and all posts, except 1, were filled by way of local recruitment. The remaining 15 positions due to relocate to Clifden will be filled, again by local recruitment, when a permanent building is in place. This is expected in late 2009. In relation to Foras na Gaeilge, 5 posts have been identified as an initial decentralisation tranche from within the overall complement of 30 posts to be relocated in Gaoth Dobhair. It is hoped that the necessary approvals can be processed so that these 5 posts will be filled in the course of 2008. It is expected that posts will be filled mainly by new recruits.

### Departmental Bodies.

292. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the date of establishment of the national drugs strategy team; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5359/08]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** The National Drugs Strategy Team (NDST) was set up in late 1996 to help co-ordinate a response to the drug problem. The NDST is a cross-sectoral Team, with representatives from Government Departments and Agencies and from the community and voluntary sectors. The main purpose of the NDST is:

- to ensure effective co-ordination in implementing the Government's National Drugs Strategy;
- to oversee the work of Local and Regional Drugs Task Forces,
- to monitor developments at local level; and
- to contribute to the development of Government policy on drugs.

[Deputy Pat Carey.]

The NDST has a current membership of fifteen people, including the chairperson and director. These represent a range of Departments and Agencies, with two representatives each from the community and voluntary sectors. In my capacity as Minister responsible for the National Drugs Strategy, I appoint the Chairperson. The other members are nominated by their parent Department/Agency or Sector, on the basis of operating in this capacity for two and a half days per week. The salaries and other costs of the Statutory Representatives are borne by the parent Department or Agency. My Department engages the voluntary and community sector representatives on a contract basis and also covers the salaries and other costs of the Director and some of the staff, as well as administrative costs of the NDST.

My Department's expenditure in respect of the NDST from 2003-2007 is as follows:

2003	2004	2005	2006	2007
€0.24m	€0.25m	€0.40m	€0.40m	€0.43m

293. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the date of establishment of the national monitoring committee overseeing the operation of the RAPID programme; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5360/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The National Monitoring Committee, which is still in existence, was established when the RAPID Programme commenced in 2001. The role of the Committee is to support the achievement of greater co-ordination and coherence in actions between the different Departments and agencies with regard to the RAPID Programme. There are twenty-two members of the Committee including the State Sector and Social partners, all appointed by the Agencies/Departments interests that they represent. The Committee has an oversight role in the implementation of the Programme by the relevant lead agencies. The Committee does not have a funding allocation and does not directly incur expenditure.

294. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the date of establishment of Waterways Ireland; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5361/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Waterways Ireland is a North/South Implementation Body set up in December 1999 under the British-Irish Agreement Act 1999. Waterways Ireland has responsibility for the management, maintenance, development and restoration of certain inland navigable waterways, principally for recreational purposes, including:

- the Barrow Navigation
- the Erne System

- the Grand Canal
- the Lower Bann Navigation
- the Royal Canal
- the Shannon-Erne Waterway
- the Shannon Navigation.

In addition, approval has been granted to Waterways Ireland to proceed with the restoration of the stretch of Ulster Canal from Upper Lough Erne to Clones. Waterways Ireland does not have a board, but the body has a Chief Executive appointed by the North/South Ministerial Council (NSMC). Waterways Ireland is jointly funded by my Department and the Department of Culture, Arts and Leisure in Northern Ireland. The funding from my own Department for each of the last five years is as follows:

2003	2004	2005	2006	2007
€22.293m	€32.454m	€30.054m	€34.133m	€36.218m

295. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the number of board members of the Boord o Ulstér-Scotch who are appointed by himself; the person by whom the remaining board members are appointed; and if he will make a statement on the matter. [5362/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** There are eight members of the Agency's Board, four of whom are nominated by the Irish Government and four by the Northern Ireland Executive. Appointments are made formally by the North/South Ministerial Council.

296. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the date of establishment of each of the 14 local drugs task forces and ten regional drugs task forces; the purpose and role of these task forces; the number of members of the boards of these task forces; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; and if he will make a statement on the matter. [5363/08]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** Local Drugs Task Forces (LDTFs) were established in 1997 in the areas considered to be experiencing the worst levels of opiate misuse. Twelve areas in Dublin — Ballyfermot, Ballymun, Blanchardstown, the Canal Communities, Clondalkin, Dublin North Inner City, Dublin South Inner City, Dublin 12, Dún Laoghaire/Rathdown, Finglas-Cabra, North East Dublin and Tallaght — were involved, as well as Cork City. Bray was later added in 2000.

The ten Regional Drugs Task Forces (RDTFs) were set up under the National Drugs Strategy in 2003, covering all parts of the country not covered by an LDTF, thus achieving full coverage of the country. Their areas of operation generally correspond with the Health Board areas of that time. The RDTF areas are listed in Appendix 1. The main purpose of Drugs Task Forces was to assess the nature and extent of the illicit drug problems in their areas of operation, to develop action plans for a co-ordinated response to those problems and to oversee and monitor projects approved under these action plans. Each Drugs Task Force has an independent Chairperson and comprises representatives of Government Departments and Agen-



[Deputy Pat Carey.]

cies, elected public representatives and the community and voluntary sectors. The average membership is 21 for LDTFs and 28 for RDTFs. I do not make appointments to Drug Task Forces.

Appendix 1

Regional Drugs Task Forces

East Coast	Dún Laoghaire/Rathdown and Wicklow
Mid-West	Clare, Limerick and Tipperary NR
Midlands	Laois, Longford, Offaly and Westmeath
North East	East Cavan, Louth, Meath and Monaghan
North West	Donegal, Leitrim, Sligo and West Cavan
Northern Area	North Dublin City and Fingal
South Western	South Dublin City, South Dublin, Kildare and West Wicklow
South East	Carlow, Kilkenny, Tipperary SR, Waterford and Wexford
Southern	Cork and Kerry
Western	Galway, Mayo and Roscommon

297. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs, further to his reply to Parliamentary Questions Nos. 453, 454 and 455 of 5 February 2008, the number of advisory groups operating under the remit of his Department; the date of establishment of each of these groups; the purpose and role of each group; the number of members of the boards of these groups; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of each group for the past five years; and if he will make a statement on the matter. [5364/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As the Deputy will be aware, my Dept was established in June 2002. At present there are 5 advisory groups operating under the remit of my Department, detailed as follows.

*The National Advisory Committee on Drugs*

The National Advisory Committee on Drugs (NACD) was established in July 2000. The purpose of the NACD is to advise Government in relation to prevalence, prevention, treatment, rehabilitation and consequences of problem drug use in Ireland, based on its analysis of research findings and information available to it. Its role is to:

- review current information and research capacity;
- identify gaps in our knowledge and understanding;
- ensure better use of information available from all sectors;
- provide analysis and interpretation of research findings;
- respond to Government requests to research issues of relevance to policy;
- work with the Alcohol and Drugs Research Unit of the Health Research Board and assist with the establishment of a National Documentation Centre;
- implement the three year programme of research and evaluation, liaising with all the relevant agencies;

- co-ordinate and advise on appropriate research projects and commission research projects; and
- promote and encourage debate through the dissemination of research findings.

The Committee has a Chairperson and 18 ordinary members. Members serve at the invitation of the Minister of State with responsibility for the National Drugs Strategy and are drawn from the statutory, community, voluntary and academic sectors. The Minister of State invites nominations from the various sectors but has the scope to make one personal appointment to the committee. This option has not been exercised to date. NACD expenditure over the past five years is €5.17m.

#### *Audit Committee*

The Department's Audit Committee was established in 2001. In line with the Mullarkey Report 2002, the Audit Committee was established to provide objective advice and recommendations on the work of Internal Audit Unit. The Audit Committee acts as a support and a resource to the Unit in carrying out its work and advises the Management Advisory Committee in relation to the operation and development of the internal audit function in the Department. The Audit Committee comprises of 1 chairperson and 3 committee members, none of whom are appointed by myself. Board members are appointed by the Management Advisory Committee of my Department.

#### *Comhairle na Tuaithe*

Comhairle na Tuaithe was established in February 2004 to address the three priority areas of:

- Access to the countryside
- Developing a countryside code
- Developing a countryside recreation strategy

The membership of Comhairle na Tuaithe is 18, all of whom are appointed by myself. The total spend for Comhairle na Tuaithe since its establishment in 2004 to date is €211,200.07.

#### *Fóram na Gaeilge*

Fóram na Gaeilge was established in July 2004. The main purpose of the group is to advice the Government in relation to Irish Language Policy primarily in respect of the following issues;

- The preparation of the 20 year strategy for the Irish Language
- Short term priority strategy to maintain and promote Irish within the State
- Identify priorities in relation to the implementation of the Official Languages Act and the best and most practical ways to advance and implement same. The membership of Fóram na Gaeilge is 26, all of whom are appointed by myself.

#### *An Coimisiún Logainmneacha*

An Coimisiún Logainmneacha was established in 1946. The Commission supervises the research programme of the Placenames Branch of my Department, which undertakes research in order to establish the correct Irish language forms of the placenames of Ireland and to publish them for official and public use. The Commission also has a statutory advisory role in relation to Placenames Orders under Part 5 of the Official Languages Act 2003. The membership of An Coimisiún Logainmneacha is 12, all of whom are appointed by myself. Other than routine meeting expenses which are paid by my Department, neither Fóram na Gaeilge, the Audit Committee or An Coimisiún Logainmneacha is a funding body or incurs expenditure.

298. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the date of establishment of the national advisory committee on drugs; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5366/08]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** The National Advisory Committee on Drugs (NACD) was established in July 2000 under the auspices of the Department of Tourism, Sport & Recreation. Since June 2002, the NACD operates under the auspices of this Department. The mandate of the NACD has been extended to July 2008 to coincide with the National Drugs Strategy 2001-2008. Further information on the NACD, and its comprehensive array of publications, is available on its website [www.nacd.ie](http://www.nacd.ie)

The purpose of the NACD is to advise Government in relation to prevalence, prevention, treatment, rehabilitation and consequences of problem drug use in Ireland, based on its analysis of research findings and information available to it. Its role includes reviewing current information, identifying gaps in our knowledge and understanding and providing analysis and interpretation of research findings. The Committee has a chairperson and 18 ordinary members. Members are appointed by me and are drawn from the statutory, community, voluntary and academic sectors. Nominations are invited from the various sectors and there is the scope to make one personal appointment to the Committee. This option has not been exercised by me to date.

The NACD's expenditure over the past five years is as follows:

2007	2006	2005	2004	2003
€1.232m	€1.269m	€0.679m	€0.867m	€1.124m

### Departmental Staff.

299. **Deputy Richard Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6012/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** In my Department there have been no full-time specialists procured through open recruitment in the area of information technology procurement and capital project evaluation and management. Also, there have been no IT procurement specialists seconded between the public and private sectors.

### Compulsory Purchase Orders.

300. **Deputy Richard Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6128/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The appropriate use of compulsory purchase order powers is considered by my Department, Údarás na Gaeltachta and Waterways Ireland where relevant in the interest of securing a faster release of lands at a cost effective price. However, I am advised that the use of such powers has not increased since 2005.

### **Grant Payments.**

301. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food if a company (details supplied) received grants in 2007 under the dairy investment fund; and if, in the event of grants having been paid to the company, they will be reclaimed if the company lets staff go in 2008. [5564/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The company in question was approved a total of €18.25m in grant assistance in respect of three separate projects on investments totalling €45.6m under the 2007 Dairy Investment Fund. The primary consideration for establishing the Dairy Fund was to support capital investment in the dairy sector to ensure that Irish dairy products could be produced efficiently and competitively for export markets. An important element in evaluating the projects submitted under the Fund was the extent to which each project would maintain or increase employment within the company. If a situation arises whereby job losses can be directly attributable to the investment under the Dairy Fund, my Department in conjunction with Enterprise Ireland will seek a review with the company into the circumstances giving rise to the job losses.

It is a condition of the award of grant aid under the Dairy Fund 2007 that a company must not dispose of equipment or buildings, in respect of which grant aid has been paid, within a period of five years from the date of payment of the final aid instalment without the prior written authorisation of Enterprise Ireland. If there is a breach of this condition, the Company will be required to repay the grant. Also, where it has been determined that the categorisation of the output has changed from that originally agreed, a pro-rata repayment/reduction of grant support will apply.

### **Coastal Erosion.**

302. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 254 of 6 February 2008, if there are plans under the coastal protection programme 2008 to replace the structure known as the Model at Cloghauninchy, Quilty, County Clare; and if she will make a statement on the matter. [5619/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** I refer to my reply of 6th February 2008 to Parliamentary Question No. 254, which set out the current position regarding Coast Protection at Quilty, Co. Clare. However, having consulted with my Department's Engineers, I understand that in this case the Deputy's question relates to a specific structure (a sluice valve) owned by the Office of Public Works. Therefore, I would advise the Deputy to contact the OPW directly in relation to this matter.

### **Decentralisation Programme.**

303. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food if she will present in tabular form the progress at the end of 2007 in respect of units or agencies under her Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who

[Deputy Richard Bruton.]

have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5295/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The position regarding my Department's progress is as follows.

Location	Posts due to decentralise	Moved to the new location	Assigned but not moved	New recruits
Portlaoise	600	253	85	16
Fermoy	100	0	24	0
Macroom	100	0	25	0
Clonakilty	91	81	0	7

To the end of 2007, 15 staff from the Department were assigned to posts under the 'Dublin Arrangements'.

#### **Grant Payments.**

304. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the reason for the hold up in REP scheme payments to farmers in County Mayo; when they will be receiving same; and if she will make a statement on the matter. [5317/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** In the course of the ongoing discussions on the payment arrangements for REPS 4, the European Commission raised questions early in January 2008 about the established practice of paying REPS 2 and REPS 3 farmers at the beginning of each contract year. At that stage, some €6 million had already been paid to REPS 2 and REPS 3 farmers since 1 January 2008.

My officials have argued strongly with the Commission that the practice of paying at the start of the contract year is well established and one of which the Commission is well aware. My Department's position was outlined in considerable detail at a meeting with the Commission in Brussels on 25 January. When Commissioner Fischer Boel was in Dublin two weeks ago to attend the Annual General Meeting of the IFA, I took the opportunity to make the same points directly to her and I emphasised the seriousness with which I regarded the situation. I am continuing, along with my officials, to press for a quick resolution to the issue and high-level contacts are ongoing with the Commission. However, until the matter is clarified, my Department is not in a position to release any further payments under REPS 2 and REPS 3. Payments to REPS 4 farmers under contracts which commenced in 2007 are beginning to issue this week.

#### **Departmental Bodies.**

305. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the date of establishment of Relay — Research for Food Industry; the purpose and role of this body; the number of members of the board of this body; the number of whom are appointed by her Department; the person by whom the remaining board members are appointed by; the amount of financial support provided by the Government to this body for each of the past five years; and if she will make a statement on the matter. [5323/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** RELAY, established in 2001, is the national dissemination service charged with communicating the results of publicly funded food research to the Irish food industry. Its primary responsibility is to disseminate the

research outputs from the Food Institutional Research Measure (FIRM), funded by my Department.

RELAY has established itself as the main source of food research information in Ireland and currently has over 1,500 organisations, 3,860 company contacts and 330 researchers on its database. RELAY tailors the methods of communication to provide stakeholders with easy access to research information. Through its website [www.relayresearch.ie](http://www.relayresearch.ie) and targeted use of e-mail, industry contacts are provided with user-friendly updates on every FIRM funded project. RELAY hosts workshops on the latest topics in food research and conducts face-to-face meetings with industry to learn about current research from institutions and universities. RELAY also provides food companies with access to specific researchers to help them meet their R&D needs. The dissemination service, which is carried out by three disseminators and two support staff based in Teagasc and University College Cork, is funded under the FIRM programme. A steering group, appointed by my Department and composed of representatives of the various stakeholders, oversees the work of the RELAY service. The financial support provided by my Department to RELAY in the period 2003-2007 is as follows:

Year	2003	2004	2005	2006	2007
Amount	€519,379	€461,846	€457,159	€163,548	€366,063

306. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the date of establishment of the Food Agency Co-Operation Council; the purpose and role of the council; the number of board members of the council; the number of whom are appointed by her Department; the person by whom the remaining board members are appointed by; the amount of financial support provided by the Government to this committee for each of the past five years; and if she will make a statement on the matter. [5324/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Food Agency Co-operation Council (FACC) was established under the aegis of my Department in 2000 to promote the fullest possible practical co-operation between the State Agencies involved in the food industry in the interests of the optimum development of the industry. The Council, which was comprised of senior executives of the various state agencies involved in the food industry, met on 20 occasions between 2000 and 2003 under the independent Chairmanship of Mr Padraic White. There was no financial support provided in respect of the work of the Council. Payments totalling €15,200 were made to Mr. White in recognition of his work as Chairperson over the four year period.

307. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the date of establishment of the Farm Animal Welfare Advisory Council; the purpose and role of the council; the number of board members of the council; the number of whom are appointed by her Department; the person by whom the remaining board members are appointed by; the amount of financial support provided by the Government to this council for each of the past five years; and if she will make a statement on the matter. [5325/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Farm Animal Welfare Advisory Council (FAWAC) was established in February 2002 on a non-statutory basis. It has been instrumental in promoting animal welfare in a practical way and providing a forum for different interest groups to meet, exchange views and reach consensus on the broad mandate of challenges facing farm animal welfare. Its terms of reference are:

[Deputy Mary Coughlan.]

- To identify ways in which the welfare of farm animals can be further improved and to prioritise areas requiring attention.
- At the request of the Minister/Department, to consider and advise on proposals for EU and national legislation relating to farm animals.
- To consider ways of increasing public awareness and development and dissemination of information relating to welfare of farm animals at home and abroad.
- To provide any other advice relevant to the welfare of farm animals as the Minister may seek from time to time.

All members of Council are appointed by me and include representatives from the following organisations:

- The Irish Farmers Association
- The Irish Creamery Milk Suppliers Association
- The Irish Co-operative Organisation Society/Compassion in World Farming
- The Irish Society for the Prevention of Cruelty to Animals
- Wexford Society for Prevention of Cruelty to Animals
- The Committee for Irish Livestock, Dealers, Exporters, Hauliers and Shippers
- Veterinary Ireland
- Teagasc
- Department of Agriculture and Rural Development (DARDNI), Northern Ireland
- Faculty of Veterinary Medicine, UCD Department of Agriculture, Fisheries and Food

FAWAC is chaired by Professor Patrick Fottrell, former President of the National University of Ireland, Galway and secretariat assistance is provided by my Department. The total amount of financial support provided to date is €313,000. This funding includes expenditure on publications, meetings, subsistence and ex-gratia payments and is broken down as follows:

2003	2004	2005	2006	2007
€48,000	€76,000	€29,000	€79,000	€81,000

308. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the date of establishment of the consumer liaison panel; the purpose and role of the panel; the number of members of the panel; the number of whom are appointed by her Department; the persons by whom the remaining board members are appointed by; the amount of financial support provided by the Government to this panel for each of the past five year; and if she will make a statement on the matter. [5326/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Consumer Liaison Panel was established in January 2002 to strengthen communication between the consumer and my Department. It is a Standing Panel which operates independently of the Department and meets as it considers necessary to liaise on general consumer issues in relation to the

activities of the Department and to comment on the flow of information both to and from the public. It does not have a set annual budget.

There are currently eight members on the Panel, nominated by organizations to represent the consumer base of those organizations. The Panel consists of representatives of the Consumers' Association of Ireland, the Irish Congress of Trade Unions, the Irish Countrywomen's Association, Voluntary and Community Sector Platform, RGDATA and consumer representatives of major food retail outlets. The Chair is nominated by the Minister, this position is currently vacant. A representative of the Department also sits on the Panel as a facilitator and the Department provides secretariat and back-up services. My Department is currently in the process of reviewing the activities of the Panel in accordance with the commitment set out in the Agri-Vision 2015 Action Plan.

Financial support towards the running costs of the Panel is provided by my Department. The breakdown of costs of the Panel during the past five years is set out below.

Year	€
2003	13,760.07
2004	5,416.79
2005	7,054.71
2006	817.92
2007	1,199.99

309. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the date of establishment of the animal remedies consultative committee; the purpose and role of the committee; the number of members of the committee; the number of whom are appointed by her Department; the persons by whom the remaining board members are appointed by; the amount of financial support provided by the Government to this committee for each of the past five years; and if she will make a statement on the matter. [5327/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The Animal Remedies Consultative Committee was originally provided for under the Animal Remedies Act 1956 to advise and assist the Minister for Agriculture in the making of regulations under that Act. With the replacement of the 1956 Act by the Animal Remedies Act 1993, the Committee, as currently constituted, came into being on 15 June 1994. The nine member Committee is appointed by the Minister for Agriculture, Fisheries and Food. Seven of these appointments, however, are made, as prescribed by Section 3(2)(a) of the Act, on the basis of nominations as follows:

1 from the Minister for Health and Children

1 from the Pharmaceutical Society of Ireland

1 from the Veterinary Council of Ireland

1 1 from organizations engaged the manufacture, distribution, sale or supply of animal remedies

1 from organizations concerned with livestock farming or the keeping or rearing of animals or use of animal remedies

1 from organizations concerned with production of food of animal origin or development of the food industry



[Deputy Mary Coughlan.]

1 from organizations concerned with consumer interests.

In line with its remit, the Committee is only convened when consideration is being given to the making of regulations under the Act, which results in infrequent meetings. The total amount of expenditure arising from the activities of the Committee for each of the last 5 years is as follows:

Year	Amount
	€
2003	Nil
2004	Nil
2005	991
2006	585
2007	Nil

### Legal Proceedings.

310. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food, further to her reply to Parliamentary Question No. 469 of 5 February 2008, if an official of her Department involved in this case is referred to in the reply; and if she will make a statement on the matter. [5377/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** I am not a party to the proceedings referred to in the question. Resolution of those proceedings is a private law matter for the parties to the proceedings. I am advised that an appeal is pending and consequently it would not be appropriate for me to comment further in relation to litigation in which I am not involved.

### Rural Environment Protection Scheme.

311. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food the number of farmers in REP scheme two whose plans have expired since the termination of the receipt of the REP scheme three plan in late 2006; the numbers for each month up to February 2008; and if she will make a statement on the matter. [5378/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** 4,376 REPS 2 contracts have terminated since REPS 3 closed for new applications in October, 2006. The statistical breakdown requested is provided in the table below:

Year	Month	REPS 2 plans ended
2006	November	361
2006	December	8
2007	January	312
2007	February	308
2007	March	121
2007	April	281
2007	May	572

Year	Month	REPS 2 plans ended
2007	June	215
2007	July	211
2007	August	157
2007	September	258
2007	October	271
2007	November	289
2007	December	394
2008	January	313
2008	February	305

### Foreshore Licences.

312. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food if her Department has received all outstanding information from Mayo County Council; if Dúchas has completed its work on a slipway development (details supplied) in County Mayo; and when she will be in a position to issue a foreshore licence. [5391/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** An application was made to my Department by Mayo County Council on 30 May 2007 for a foreshore lease to facilitate construction of a slipway at Kilcummin, Co Mayo. The application was circulated to the Department's consultees for assessment and comment. The Development Applications Unit of the Department of the Environment, Heritage and Local Government has requested that a full underwater archaeological assessment of the area be carried out. This request has been communicated to Mayo County Council. The archaeological assessment will require examination and approval by the Department of the Environment, Heritage and Local Government. Responses are also awaited from the Valuation Office and my Department's Engineering Division. As soon as the necessary information becomes available, every effort will be made to finalise the lease.

### Harbours and Piers.

313. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food if her Department has received all outstanding information from Mayo County Council in relation to a harbour development (details supplied) in County Mayo; and the status of the scheme. [5392/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Purteen Harbour is owned by Mayo County Council and responsibility for its repair and maintenance rests with the Local Authority in the first instance. In December 2007 my Department invited Mayo County Council to submit its proposals for inclusion in the Fishery Harbours & Coastal Infrastructure Development Programme for 2008. An application for funding for the assessment of development options for the Harbour was included in the submission received from Mayo County Council. The Fishery Harbours & Coastal Infrastructure Development Programme for 2008 is currently being finalised and the application from Mayo County Council will be given due consideration subject to the availability of Exchequer funding and overall national priorities.

### Grant Payments.

314. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when

[Deputy Paul Connaughton.]

a person (details supplied) in County Galway will receive their REP scheme payment; and if she will make a statement on the matter. [5398/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The person named is a participant in REPS 3 but I understand that processing of her most recent payment application has not yet been finalised in my Department's local office. In the course of the ongoing discussions on the payment arrangements for REPS 4, the European Commission raised questions early in January 2008 about the established practice of paying REPS 2 and REPS 3 farmers at the beginning of each contract year. At that stage, some €6 million had already been paid to REPS 2 and REPS 3 farmers since 1 January 2008.

My officials have argued strongly with the Commission that the practice of paying at the start of the contract year is well established and one of which the Commission is well aware. My Department's position was outlined in considerable detail at a meeting with the Commission in Brussels on 25 January. When Commissioner Fischer Boel was in Dublin two weeks ago to attend the Annual General Meeting of the IFA, I took the opportunity to make the same points directly to her and I emphasised the seriousness with which I regarded the situation. I am continuing, along with my officials, to press for a quick resolution to the issue and high-level contacts are ongoing with the Commission. However, until the matter is clarified, my Department is not in a position to release any further payments under REPS 2 and REPS 3. Payments to REPS 4 farmers under contracts which commenced in 2007 are beginning to issue this week.

315. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when single payments will be made to a person (details supplied) in County Limerick; and if she will make a statement on the matter. [5408/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** An application under the Single Payment Scheme was received from the person named on the 14th April 2007. As part of the control procedures under EU legislation governing the Single Payment Scheme, the application was selected for and was the subject of satellite eligibility and on the spot animal identification and registration inspections. All outstanding issues are now resolved and full payment will issue shortly.

316. **Deputy Eamon Scanlon** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Leitrim will receive payment due to them. [5416/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** An application under the 2007 Single Payment Scheme / Disadvantaged Areas Scheme was received from the person named on 26 March 2007. The application has been fully processed and payments have issued as follows: Single Payment Scheme (Advance): €2,258.07, dated 16 October 2007; Single Payment Scheme (Balance): €2,258.07, dated 3 December 2007; Disadvantaged Areas Scheme: €4,456.75, dated 12 September 2007.

317. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Wexford has not received full payment of their single farm payment; when full payment will be made; and if she will make a statement on the matter. [5418/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The person named applied for Category B of the 2005 National Reserve which catered for farmers who made an

investment in production capacity in a farming sector for which a direct payment under Live-stock Premia and/or Arable Aid schemes would have been payable during the reference period 2000-2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments. The application was in respect of leased land and the person named was successful under this category. A letter outlining this decision issued to him on 24 November 2007.

The person named also applied for an allocation of entitlements from the 2006 National Reserve under Category B. Category B of the 2006 National Reserve catered for farmers who commenced farming after 31 December, 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year. The person named was also successful under this category and a letter outlining this decision issued to him on 29 January 2008. All monies due in respect of the first allocation from the National Reserve for the years 2005, 2006 and 2007 have already issued to the person named. A top-up payment due in respect of the allocation from the 2006 National Reserve will issue shortly.

318. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Wexford has not received full payment of their single farm payment; if full payment will be made; and if she will make a statement on the matter. [5419/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The person named and his brother established entitlements during the reference period 2000-2002 and in 2005 they applied to transfer by way of lease 6.69 entitlements to the son of the person named. The person named and his brother received full payment on the remaining entitlements for 2005. In May 2006 an application was received to transfer a further 5.67 entitlements by way of lease again to the son of the person named. A request was received by letter dated 14 November 2006, to withdraw this transfer. This request was granted and the Department did not transfer the 5.67 entitlements.

In April 2007 the joint ownership between the person named and his brother was ended and the herd number was registered in the joint names of the person named and his wife. Documentation was received in December 2007 signed by all parties to have the position regarding the entitlements reviewed. In the course of this review it appears that the person named may have wished to rescind the 2005 lease arrangement and not the 2006 transfer as requested in November 2006. My Department is in direct contact with the person named to clarify all issues associated with the ownership and lease of the entitlements since 2005. If necessary an official from my Department will meet the person named as there seems to be some confusion as to what exactly is required. Following this clarification any payment due will issue to the parties concerned.

319. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the number of REP scheme claims that have been cleared by local agriculture, environment and structure offices and are awaiting payment from the Wexford section of her Department; if she will provide details on a county basis and indicate if the claimants are participants in REP scheme 2 or REP scheme 3; the total amount to be paid out; and if she will make a statement on the matter. [5492/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Up to 10 February 2008, 4,895 payments to farmers in REPS 2 and REPS 3 were approved. A number of payments to farmers with contracts commencing in 2007 had also been processed. The total amount provided for REPS under Ireland's Rural Development Programme during the period 2007-

[Deputy Mary Coughlan.]

2013 is €2.968 billion. In relation to REPS 2 and REPS 3 the information requested is set out in tabular form.

County	Payments approved for REPS 2 participants	Payments approved for REPS 3 participants
Carlow	0	68
Cavan	16	189
Clare	10	189
Cork	8	277
Donegal	36	321
Dublin	2	13
Galway	45	577
Kerry	32	305
Kildare	1	58
Kilkenny	4	130
Laois	1	66
Leitrim	8	191
Limerick	9	181
Longford	13	110
Louth	3	20
Mayo	50	354
Meath	2	63
Monaghan	8	145
Offaly	10	117
Roscommon	3	185
Sligo	10	172
Tipperary NR	3	173
Tipperary SR	1	94
Waterford	10	153
Westmeath	5	199
Wexford	4	196
Wicklow	2	53

### **Rural Environment Protection Scheme.**

320. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the budget allocated to the REP scheme programme; and the total amount of funding paid out to date in both REP scheme two and three; and the number of participants in each scheme on a county basis. [5493/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** A record level of funding — €2.968 billion — has been provided for REPS under Ireland's Rural Development Programme over the seven years 2007-2013. The Government's commitment to the Scheme is clearly evident in the provision of €1.599 billion in national funding. I am confident that funds will be available to meet all commitments arising under the Scheme this year in line with the existing practice of paying REPS farmers at the start of each contract year. Some €6 million had been paid to participants in REPS 2 and REPS 3 this year, up to the point in early January when the Commission raised questions about the established practice of paying REPS farmers at the beginning of each contract year. Until this matter is clarified, my Department is not in

a position to release any further payments under REPS 2 and REPS 3. The following table shows the number of active participants in each scheme, on a county basis.

County	REPS 2	REPS 3
Carlow	24	584
Cavan	182	1,954
Clare	183	2,476
Cork	333	3,836
Donegal	444	3,619
Dublin	8	104
Galway	748	5,350
Kerry	333	2,916
Kildare	46	574
Kilkenny	33	867
Laois	65	1,130
Leitrim	322	2,735
Limerick	100	1,695
Longford	199	874
Louth	37	324
Mayo	740	5,340
Meath	67	1,131
Monaghan	138	1,696
Offaly	116	1,308
Roscommon	169	1,382
Sligo	246	1,594
Tipperary (NR)	64	1,395
Tipperary (SR)	75	1,354
Waterford	84	1,767
Westmeath	102	1,293
Wexford	76	1,271
Wicklow	33	738

321. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if there is money in place to meet REP scheme two and three claims that are awaiting payment in her Department; and if she will make a statement on the matter. [5494/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** I am confident that the available funding will be sufficient to meet all commitments arising under the Scheme in line with the practice of paying REPS farmers at the start of each contract year.

322. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food her plans to lift the suspension of REP scheme payments; and if she will make a statement on the matter. [5495/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** In the course of the ongoing discussions on the payment arrangements for REPS 4, the European Commission raised questions early in January 2008 about the established practice of paying REPS 2 and REPS 3 farmers at the beginning of each contract year. At that stage, some €6 million had already been paid to REPS 2 and REPS 3 farmers since 1 January 2008.

My officials have argued strongly with the Commission that the practice of paying at the start of the contract year is well established and one of which the Commission is well aware. My

[Deputy Mary Coughlan.]

Department's position was outlined in considerable detail at a meeting with the Commission in Brussels on 25 January. When Commissioner Fischer Boel was in Dublin two weeks ago to attend the Annual General Meeting of the IFA, I took the opportunity to make the same points directly to her and I emphasised the seriousness with which I regarded the situation. I am continuing, along with my officials, to press for a quick resolution to the issue and high-level contacts are ongoing with the Commission. However, until the matter is clarified, my Department is not in a position to release any further payments under REPS 2 and REPS 3. Payments to REPS 4 farmers under contracts which commenced in 2007 are beginning to issue this week.

#### **Grant Payments.**

323. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 273 of 28 September 2006, the grant aid returned to her Department by the company; and if she will make a statement on the matter. [5565/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** My Department, in conjunction with Enterprise Ireland, examined the position regarding contingent liabilities arising from the closure of the plant in question at Rooskey, Co. Roscommon. Having regard to all the factors involved, including the company's significant capital investment in the Irish pork sector and the retention of cannery operations at Rooskey for a number of years, agreement was given by my Department to the assignment of the remaining contingent liabilities at Rooskey to the new assets at the company's plants in Roscrea and Edenderry.

#### **Grant Payments.**

324. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the grant aid committed to the redevelopment of a plant (details supplied) in County Mayo; and if she will make a statement on the matter. [5568/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** My Department has not committed any grant aid for the redevelopment of the plant in question.

#### **Departmental Staff.**

325. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by her as part of the improved value from capital projects. [6009/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** My Department has a number of internal staff who are qualified and experienced in the area of information technology procurement. These staff have successfully procured and delivered a substantial number of large ICT capital projects; examples include the Single Payment Scheme and the Animal Health Computer System. Consequently, my Department had no vacancies for a full-time specialist in the area of information technology procurement, nor have any IT procurement specialists been seconded between my Department and the private sector. With regard to evaluation and management of capital projects, no full-time specialists have been recruited into my Department, nor have any such specialists been seconded between my Department and the private sector.

### Compulsory Purchase Orders.

326. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food if the use of compulsory purchase order powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if she has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6125/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** To date I have not had occasion to exercise compulsory purchase powers in the affairs of my Department.

### Decentralisation Programme.

327. **Deputy Richard Bruton** asked the Minister for Education and Science if she will present in tabular form the progress at the end of 2007 in respect of units or agencies under her Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5300/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The following is the information requested by the Deputy in tabular form. As my Department is scheduled to decentralise in full the officers opting to remain in Dublin who have been assigned to posts remaining in Dublin have transferred out of my Department.

#### Department of Education & Science

	A	B	C		
Position @ 31 Dec 2007	Posts to decentralise	Posts held by officers who will decentralise	Posts decentralised	No of new recruits included in B & C	No of officers wishing to remain in Dublin who have transferred to posts remaining in Dublin
Department of Education & Science	404	149	13	45	48

#### State Bodies in the Education Sector

	A	B	C	
Position @ 31 Dec 2007	Posts to decentralise	Posts held by staff who will decentralise	Posts decentralised	No of new recruits included in B & C
Higher Education Authority (HEA)	64	22	0	
National Council for Curriculum & Assessment (NCCA)	35	19	0	
National Education Welfare Board (NEWB)	14	11	0	
National Qualifications Authority of Ireland (NQAI)	18	6	0	
Further Education & Training Awards Council (FETAC)	44	4	0	
Higher Education Training & Awards Council (HETAC)	34	6	0	
Total	209	68	0	40 <sup>1</sup>

<sup>1</sup>On the basis of the information provided by these bodies to the Department of Education & Science it is known that at least 40 posts assigned to staff who will decentralise in them are held by relatively new recruits. Not all of the bodies have provided full data on this issue — the figure of 40 may rise when such data is provided.



### Special Educational Needs.

328. **Deputy Terence Flanagan** asked the Minister for Education and Science if she will guarantee that the existing home tuition allowance payable to parents of autistic children who attend a school in an area (details supplied) in Dublin 3 will remain in place; and if she will make a statement on the matter. [5382/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The Home tuition scheme provides funding to parents to provide education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement. Home tuition funding cannot be provided indefinitely in respect of children who have school placements available to them. A suitable school place is available for each of the children attending this centre. Officials in my Department have now written to the parents of the children attending the centre in question in relation to the Home Tuition Scheme.

As the Deputy will be aware, the Government believes that as each child with autism is unique, they should have access to a range of different approaches to meet their individual needs. This view is informed by advice received from international experts on autism, the National Educational Psychological Service and the Inspectorate. An analysis of research — including the report of the Irish Task Force on Autism — supports this approach too, while Autism societies in other countries also caution against relying on just one method. By enabling children in special classes to have access to a range of methods, including Applied Behavioural Analysis, the Government is doing what we are advised is in the best interests of such children.

The Department of Education and Science has supported the use of ABA for many years and training is provided for teachers in its use. However, the Department does not accept—based on research, advice and best practice—that it should be the only method used. While ABA can address certain needs — in particular behaviour — other methods, such as TEACCH and PECS are just as important — in particular in developing children’s communication and speech skills. It is important that children have access to a range of methods so that their broader needs can be met.

Hundreds of children with autism are integrated into mainstream schools and hundreds more are in autism specific classes. More than 275 autism-specific classes have now been approved around the country, while more are being set up all the time. A testament to the scale of progress being made in this area is the fact that the number of such classes has increased by over 40% in the past year alone. There are a maximum of 6 children in each special class with a teacher and at least 2 Special Needs Assistants. Extra assistants are provided where the children need them. A child can have his/her own SNA if needed. Children in special classes have the benefit of fully-qualified teachers who are trained in educating and developing children generally and who have access to additional training in autism-specific approaches, including ABA. The level of such training available to teachers has improved dramatically in recent years and is a major priority for the Government. Children in special classes also have the option, where possible and appropriate, of full or partial integration into mainstream classes and of interaction with other pupils.

As I have already explained, the Department of Education and Science and the National Council for Special Education have been working hard to ensure that all children with autism have access to a range of approaches in special classes. A number of years ago, before this extensive network was in place, some centres were approved for funding under an ABA pilot programme. The Government is committed to long-term funding for these pilots subject to agreement on certain standards such as appropriate qualifications for staff and the type of

educational programme available to the children. Discussions have taken place with Irish Autism Action with a view to advancing this commitment as soon as possible.

Other centres, including the one referred to by the Deputy, are seeking to be funded under the pilot scheme. However, now that a national network of special classes is available, new centres will not be brought into the pilot programme. We are determined instead to ensure that each child has access to the autism-specific education that is now being made available to schools throughout the country. I would again point out that appropriate placements are available in local schools for the children currently attending the centre in question.

### **Schools Building Projects.**

329. **Deputy Dara Calleary** asked the Minister for Education and Science the position regarding the development of a school (details supplied) in County Mayo. [5390/08]

**Minister for Education and Science (Deputy Mary Hanafin):** An application was submitted to the Department under the Small Schools Scheme 2007 by the school referred to by the Deputy. Due to the volume of applications received in my Department it was not possible to allocate funding to all proposed projects and the school referred to was not successful.

### **Higher Education Grants.**

330. **Deputy Fergus O'Dowd** asked the Minister for Education and Science the reason a person (details supplied) in County Louth has not been granted a higher education grant; and if she will make a statement on the matter. [5402/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The decision on eligibility for third level grants is a matter for the relevant assessing authority — i.e. the local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required. If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department. Alternatively, as already indicated, the local authority or VEC may, itself, in exceptional circumstances, seek clarification on issues from, my Department. Louth County Council, the assessing body in the case referred to by the Deputy, contacted my Department in respect of this application. They requested further documentation from the applicant in order to complete the assessment process. The information was not submitted and, consequently, the application expired. I understand Louth County Council have written to the applicant to advise them that as the information requested was not submitted the application is now considered closed for the 2007/08 academic year.

### **Schools Building Projects.**

331. **Deputy Paul Kehoe** asked the Minister for Education and Science when her Department officials will visit proposed sites for a new school (details supplied) in County Wexford; and if she will make a statement on the matter. [5420/08]

**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

[Deputy Mary Hanafin.]

school to which he refers. The project has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a Band 2 rating. Progress on the proposed works is being considered in the context of the multi-annual School Building and Modernisation programme consistent with that Band rating.

332. **Deputy Paul Kehoe** asked the Minister for Education and Science the position of the application for a school extension at a school (details supplied) in County Wexford; and if she will make a statement on the matter. [5421/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I can confirm that my Department is in receipt of an application for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a band 2 rating. Progress on the project in question will be considered in the context of my Department's multi-annual School Building and Modernisation Programme consistent with its Band Rating.

333. **Deputy Paul Kehoe** asked the Minister for Education and Science the schools that benefitted from the school modernisation programme each year since the beginning of this programme; and if she will make a statement on the matter. [5422/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The information sought by the Deputy is not readily available, however, I am satisfied that existing school infrastructure has been dramatically improved in recent years. During the period of the last National Development Plan 2000-2006 my Department accelerated the school building programme with record levels of investment and the streamlining of delivery systems. An aggregate total of well over €2.6 billion was invested in upgrading existing school infrastructure and providing new school accommodation at both first and second-level. This programme delivered over 7,800 building projects in addition to investment in site purchases; the annual minor works grant to all primary schools, science and technology initiatives, contingency works and grants for the purchase of furniture and equipment including improving equipment needed for new technologies and ICT.

Innovations in the delivery of school buildings such as Generic Repeat Designs and the use of the Design and Build model ensure that new school buildings are delivered in the fastest time-frame possible. My Department also adopted a policy of devolving much greater authority to local school management boards to manage and deliver smaller building projects, thereby freeing my Department to concentrate on the larger scale projects. My Department has improved forward planning through greater cooperation between the Department of Education and Local Authorities and the publication of 10-year Area Development Plans.

The budget for 2007 was the first year of the roll out of the new NDP 2007-2013 which will involve an investment of over €4.5 billion in school building infrastructure over the coming years to ensure that school places are available where needed. This investment will be the largest in the history of the State and will enable my Department to continue to take a proactive approach to the provision of modern school accommodation particularly in developing areas and the upgrade of existing accommodation. Construction in 2007 alone involved over 1500 building projects which will deliver over 700 classrooms to provide permanent accommodation for over 17,500 pupils, mainly in developing areas. The main focus of the school building programme for 2008 and subsequent years is to deliver additional capacity in the rapidly developing areas. I am conscious of the need to provide more school places quickly and these are being delivered.

334. **Deputy Paul Kehoe** asked the Minister for Education and Science her plans for secondary education in an area (details supplied) in County Wexford; and if she will make a statement on the matter. [5423/08]

335. **Deputy Paul Kehoe** asked the Minister for Education and Science her plans for primary education in an area (details supplied) in County Wexford; and if she will make a statement on the matter. [5424/08]

337. **Deputy Paul Kehoe** asked the Minister for Education and Science if she will meet with the principal and chairman of the board of management of a school (details supplied) in County Wexford; and if she will make a statement on the matter. [5426/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 334, 335 and 337 together.

In accordance with my recent announcement, a new 8 classroom primary school is being provided, subject to Planning Permission, in the area referred to by the Deputy, to open in September 2008. The school is capable of being expanded to 16 classrooms and the timing of the delivery of this expansion will be decided in the context of an updated review by my officials of the demand for primary accommodation in the town which will be undertaken over the coming months. Contracts for Sale for the primary school site have been signed and it is expected that the sale will close shortly.

A review of post primary school provision in the Enniscorthy area is currently at an advanced stage and, when completed, decisions will be taken regarding the future development of post-primary education facilities in the area and officials will be in contact with the relevant schools, as appropriate.

#### **Schools Recognition.**

336. **Deputy Paul Kehoe** asked the Minister for Education and Science the contact her Department had with the proposed school (details supplied) in County Wexford; the reason this application has not proceeded; if she will be giving this application the go ahead to take pupils in September 2009; and if she will make a statement on the matter. [5425/08]

**Minister for Education and Science (Deputy Mary Hanafin):** There is an open and transparent time bound process in place for the recognition of new primary schools. This annual process is administered by the New Schools Advisory Committee (NSAC) which is an independent body. The process commences with the lodgement of Notices of Intention to establish new schools from individual Patron Bodies followed thereafter by full formal applications. In the case in question, while a Notice of Intention to establish a new school was received, this was not followed up by the requisite formal application.

*Question No. 337 answered with Question No. 334.*

#### **Water Conservation Schemes.**

338. **Deputy John Curran** asked the Minister for Education and Science if there are grants available from her Department that would assist schools to fund the installation of rainwater collection systems or to fund other water conservation systems. [5432/08]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department does not have any request for funding for rain water harvesting on file. However, I am anxious to enable schools to conserve water and keep their bills as low as possible. An information package is

[Deputy Mary Hanafin.]

currently being prepared for schools on the most appropriate measures to minimise excess consumption of water and to reduce wastage where it exists. As part of this exercise, technical guidance and specifications for the most common problems that are likely to arise in this area will be provided.

Rainwater harvesting systems have real potential to reduce schools future water bills in conjunction with other technologies. The demand for water in schools must be minimised firstly through push type spray taps, low flushing toilets, urinal controls, repairing leaks, etc, then the potential for rainwater harvesting can be maximised by reducing the amount of mains water used to flush toilets. (Typically this would be about two thirds of the water used in a school). In that context my Department has selected Stamullen National School, Co Meath where a new 16 classroom GRD school is under construction to trial a rainwater harvesting system and are reviewing the suitability of other potential locations currently at early construction stage for such systems. While fitting the systems in new schools during construction is relatively straight forward, retrofitting them in existing schools is much more difficult and very expensive because of the various dedicated pipe work systems and the amount of builders work and making good that would be required in each instance.

In November 2007 the Minister for Environment, Heritage and Local Government, Mr. John Gormley TD, through Dublin City Council, launched a "Conserve Water in Schools' campaign which involved giving all schools in Dublin City a present of a water butt to collect rain water for use in school gardens and free "hippo bags" to put in toilet cisterns that will automatically reduce the amount of water used with each flush. A "Conserve Water in Schools Resource Pack" was launched which shows children how they can get involved in conserving water and put a stop to water wastage in their schools. The school pack shows children how to audit the amount of water used in their school and how to devise a plan of action to reduce water usage and to stop wastage. Action sheets in the pack encourage pupils to keep up their good water conservation habits and show them how to monitor and evaluate their own school's Plan of Action on an ongoing basis. All schools everywhere can get involved by downloading the schools' pack from the council's website, [www.dublincity.ie](http://www.dublincity.ie).

### **Schools Building Projects.**

339. **Deputy Michael Ring** asked the Minister for Education and Science the number of Gaelscoileanna that have been approved for new schools on a county basis. [5471/08]

340. **Deputy Michael Ring** asked the Minister for Education and Science the breakdown of the stage of each application for a new school for each Gaelscoil on a county basis. [5472/08]

341. **Deputy Michael Ring** asked the Minister for Education and Science the number of Gaelscoileanna on a county basis that have applied for new buildings in the past two years. [5473/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 339 to 341, inclusive, together.

The information sought by the Deputy is not readily available. However, if the Deputy has a query in relation to a specific school he can contact my officials in the Department who will be happy to assist in this regard. In general new gaelscoileanna initially operate with provisional recognition from my Department. During the period of provisional recognition, it is the responsibility of the school patron to provide interim accommodation. This accommodation must be capable of fully meeting the needs of the developing school until permanent recognit-

ion has been secured and my Department is in a position to provide permanent accommodation. While schools with temporary recognition do not qualify for capital funding, my Department does provide grant aid for the rental of interim accommodation.

A school may be granted permanent recognition when it has complied with all the conditions of temporary recognition. The period of temporary recognition may vary from school to school. As soon as permanent recognition is granted by my Department a school may apply for a new school building.

### **Special Educational Needs.**

342. **Deputy Joe Costello** asked the Minister for Education and Science the reason a special needs assistant was withdrawn from a person (details supplied) in Dublin 7 who suffered brain damage at birth, suffers from cerebral palsy, epilepsy and seizures and is in need of speech therapy; and if she will make a statement on the matter. [5480/08]

**Minister for Education and Science (Deputy Mary Hanafin):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special needs. SNAs are sanctioned to schools specifically to assist in the care of pupils and students with disabilities in an educational context. The SENOs operate within the policy outlined in my Department's circular for allocating such support.

My officials have been in contact with the NCSE and I understand that SNA support has not been withdrawn from the pupil referred to by the Deputy. The pupil currently has access to SNA support in the school on a full time basis. I am also informed that the SENO is reviewing the general SNA allocation in the school and that the parents and school will be notified of the outcome of the review when completed.

### **School Transport.**

343. **Deputy Fergus O'Dowd** asked the Minister for Education and Science if free transport will be approved for a child with special needs (details supplied) in County Louth who is attending a primary school; and if she will make a statement on the matter. [5490/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The School Transport Section of my Department has no record of an application for school transport for the pupil, referred to by the Deputy, in the details supplied. The National Council for Special Education has responsibility, through its network of Special Educational Needs Organisers (SENOs), for the establishment of special education facilities and for allocating resource teachers and special needs assistants to schools to support children with special needs. The parents/guardians of the pupil in question should liaise, in the first instance, with the local SENO. The provision of school transport will be considered upon receipt of the SENO's report.

### **Schools Building Projects.**

344. **Deputy James Reilly** asked the Minister for Education and Science her plans for new schools in the Balbriggan area and in particular her Department's plans to accommodate schools (details supplied) in County Dublin; the reason the school lands at Castlelands north of Balbriggan are not used to accommodate the schools; and if she will make a statement on the matter. [5491/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The Department of Education and Science, in conjunction with Fingal County Council, has identified sites in Balbriggan for the provision of primary school accommodation. Planning applications have been lodged to provide accommodation at two sites in the area, one to cater for one temporary sixteen classroom school on the Naul Road and a second to provide two permanent eight classroom schools at Castlelands. It is planned to deliver these schools for September 2008. Details on the schools to be accommodated at these sites will be confirmed in the coming weeks.

The Department recently received a Notification of Intention to grant Planning Permission from Fingal County Council for temporary accommodation on a further site at Bremore, Flemington. However, an appeal by a third party has been made to An Bord Pleanála. It will not, now, be possible to deliver the planned temporary accommodation for the schools in question on that site in the time-frame required. My officials are examining other options for these schools.

### **School Accommodation.**

345. **Deputy Róisín Shortall** asked the Minister for Education and Science if her attention has been drawn to the severe accommodation problems in a school (details supplied) in Dublin 11; the position in relation to the negotiations between her Department and the authorities of another school in relation to the acquisition of that building for use by the Gaelscoil; and if she will make a statement on the matter. [5496/08]

**Minister for Education and Science (Deputy Mary Hanafin):** My Department has identified a suitable site for the school in question and negotiations are ongoing for the acquisition of same. When the site is secured, the proposed building project for the school will be considered for progression in the context of my Departments Multi-Annual School Building and Modernisation Programme.

### **Residential Institutions Redress Scheme.**

346. **Deputy Willie Penrose** asked the Minister for Education and Science if, in the context of persons who were in residential institutions and who were abused and who have been granted awards by the residential redress board, there is a specific education fund available for children of such persons in order to enable them to pursue third level qualifications; and if she will make a statement on the matter. [5533/08]

**Minister for Education and Science (Deputy Mary Hanafin):** Under the terms of the Indemnity Agreement dated 5th June 2002 reached between the State and 18 religious congregations, there is provision for the sum of €12.7m to be used for former residents and their families to facilitate them in accessing educational services and programmes. On 17th February 2006, I formally established the Education Finance Board as a statutory body as provided for in the Commission to Inquire into Child Abuse (Amendment) Act, 2005.

The functions of the Board are: to pay grants to former residents of institutions and specific relatives to assist them in availing of certain educational programmes; to provide information in relation to educational services for which grants are payable; to determine and publish the criteria for the payment of such grants. The Board is entirely independent in the performance of its functions and consists of a Chairperson and 8 ordinary members, four of whom are former residents. You may wish to note that the Board's website, [educationfinanceboard.com](http://educationfinanceboard.com), contains all relevant criteria and information together with the necessary application forms for persons who may wish to avail of the fund.

### **Schools Building Projects.**

347. **Deputy Charlie O'Connor** asked the Minister for Education and Science if her attention has been drawn to concerns being expressed around Tallaght regarding the urgent need for redevelopment of a complex (details supplied) in Dublin 24; if she will give assurances on the matter; and if she will make a statement on the matter. [5555/08]

**Minister for Education and Science (Deputy Mary Hanafin):** Applications for large scale capital funding are assessed against published prioritisation criteria and assigned a Band rating. Progress on individual projects, such as the project in question, will be considered in the context of my Department's multi-Annual School Building and Modernisation Programme consistent with the assigned Band rating.

### **School Accommodation.**

348. **Deputy Ruairí Quinn** asked the Minister for Education and Science if the technical assessment recommended by the commission on school accommodation has been completed for a school (details supplied) in County Dublin; and if she will make a statement on the matter. [5620/08]

349. **Deputy Ruairí Quinn** asked the Minister for Education and Science if the technical assessment recommended by the commission on school accommodation has been completed for a school (details supplied) in County Dublin; and if she will make a statement on the matter. [5621/08]

350. **Deputy Ruairí Quinn** asked the Minister for Education and Science if the technical assessment recommended by the commission on school accommodation has been completed for a school (details supplied) in County Dublin; and if she will make a statement on the matter. [5622/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 348 to 350, inclusive, together.

The Department has carried out an extensive study on educational requirements for Swords for the medium to long term. This study has been formalised and included in the "Draft Area Development Plan for North Dublin, East Meath and South Louth" which was published in January 2007. The Commission on School Accommodation has completed a public consultation process on foot of this draft Plan and its final report was published last September. The recommendations in the report will be used to inform capital investment decisions in the areas covered including Swords for the foreseeable future.

There is no doubt that additional post primary places will be needed in the coming years in the area concerned and the Department is already taking action under the Fingal School Model process to ensure that these will be delivered commensurate with the need. Technical assessments will be carried out in the context of the overall development of future second-level education in the area. In the meantime, the Department is satisfied that, between them, the four existing post primary schools have adequate provision to cater for current demand.

351. **Deputy Ruairí Quinn** asked the Minister for Education and Science if her Department and Fingal County Council have completed the steps to reserve a site for a post-primary school (details supplied) as recommended by the commission on school accommodation; and if she will make a statement on the matter. [5623/08]



353. **Deputy Ruairí Quinn** asked the Minister for Education and Science if her Department in conjunction with Fingal County Council, has acquired a site for a primary school (details supplied); the location of the site; the plans in place for the construction of a new school as recommended by the commission on school accommodation and the remainder of the site to be used for a 16 classroom school with provision for expansion; and if she will make a statement on the matter. [5625/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 351 and 353 together.

I wish to advise the Deputy that sites have been identified for the areas in question and will be acquired in the context of my Departments Multi-Annual School Building and Modernisation Programme.

352. **Deputy Ruairí Quinn** asked the Minister for Education and Science if the board of management of a primary school (details supplied) has made a formal application for an extension to the school to become an eight classroom school; and if she will make a statement on the matter. [5624/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I can confirm that the school to which the Deputy refers has made an application to the Department for major capital works for an eight classroom school. The application has been assessed in accordance with the published prioritisation criteria and was assigned a band 2 rating. The proposed project will be considered in the context of the overall primary school accommodation needs in the area in question and the multi annual school building and modernisation programme.

*Question No. 353 answered with Question No. 351*

### **Schools Building Projects.**

354. **Deputy Finian McGrath** asked the Minister for Education and Science the timeframe for a school (details supplied) in County Leitrim to go to design; the timeframe for completion of same. [5630/08]

**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 for the school referred to by the Deputy. 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.

355. **Deputy Ulick Burke** asked the Minister for Education and Science the position regarding sanction approval and starting date for the promised extension to a school (details supplied) in County Galway which is overcrowded. [5636/08]

**Minister for Education and Science (Deputy Mary Hanafin):** This project has been approved to start architectural planning. The further progression of the project will be considered in the context of my Department's School Building and Modernisation Programme.

356. **Deputy Ulick Burke** asked the Minister for Education and Science her plans to provide a general purpose hall at a school (details supplied) in County Galway; and if she will make a statement on the matter. [5637/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The school referred to by the Deputy made an application for capital funding towards the provision of additional accommodation. An assessment of projected enrolment trends, demographic trends and housing developments in the area was carried out in order to determine the long term accommodation needs of the school. This has been finalised and notified to the school. The proposed building project will be considered in the context of my Department's multi-annual School Building and Modernisation.

### **Special Educational Needs.**

357. **Deputy Enda Kenny** asked the Minister for Education and Science the number of cases for review that have been taken by the National Council for Special Education to date arising from a request by parents following assessment of their children; and if she will make a statement on the matter. [5642/08]

358. **Deputy Enda Kenny** asked the Minister for Education and Science the number, in respect of the Special Education Appeals Board, of meetings held by the board since its inaugural meeting; the number of cases examined by the board to date; the number of cases waiting for decision; the relevant sections of the Education for Persons with Special Educational Needs Act 2004 that remain to be commenced to enable appeals to be undertaken by the Special Education Appeals Board; and if she will make a statement on the matter. [5643/08]

359. **Deputy Enda Kenny** asked the Minister for Education and Science the number of cases where the National Council for Special Education has overturned or changed a decision taken by a special education needs organiser in relation to the assessment needs of a child; and if she will make a statement on the matter. [5644/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 357 to 359, inclusive, together.

As the Deputy will be aware, the Education for Persons with Special Educational Needs (EPSEN) Act, 2004 provides for an educational assessment for children with special educational needs and the entitlement to an education plan to meet those needs. As the Deputy will also be aware, many sections of the Act have already commenced and, as I have previously indicated, it is my view that the full commencement of the Act will require the five year implementation period provided for in the legislation. The significant progress that continues to be made to establish the foundations for the full implementation of the Act should be acknowledged. In particular, the appointment of the inaugural Special Education Appeals Board which I formally established in April 2007 under Section 36 of the Act.

The Board has not heard appeals to date and no appeals decisions are pending as the sections of the Act that provide for assessment and education planning and the associated appeals provisions have not yet been commenced. However, the appointment of the Special Education Appeals Board from an early stage will ensure that appropriate appellant structures and processes are in place to hear appeals once the relevant sections of the EPSEN Act are commenced. The Board comprises a Chairperson and two ordinary members, all of whom have a special interest in, or knowledge of, education and in particular the education of persons with special educational needs.

The Board is continuing to identify the resources and processes it will need to put in place to ensure that it will be ready to fulfil its role once the relevant sections of the Act are commenced. Information in relation to review decisions made by the National Council for Special Education has been requested from the Council and I will forward it to the Deputy directly on receipt.

### **Educational Disadvantage.**

360. **Deputy Finian McGrath** asked the Minister for Education and Science the time frame for the mid-term review of schools not included in DEIS; and if she will make a statement on the matter. [5645/08]

**Minister for Education and Science (Deputy Mary Hanafin):** DEIS provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). The DEIS plan also states that as well as provision being made for schools with a concentrated level of disadvantage, a measure of financial support will also continue to be provided for other primary schools where the level of disadvantage is more dispersed. The process of identifying primary and second-level schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of the Department and was supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate. As a result of the identification and review process, 873 schools have been included in the SSP under the DEIS initiative. These comprised 670 primary schools (338 urban schools and 332 rural schools) and 203 second-level schools. The next identification process is scheduled to be held in 2009/2010.

In the interim, the Department has put in place separate arrangements for new schools (including those created through amalgamation), which opened in 2005/2006 or thereafter up to the time of the next identification process in 2009/2010. The Department will also consider, during the course of the current school year, the situation of schools located in certain communities that have experienced significant socio-economic decline since the commencement of DEIS.

### **Departmental Staff.**

361. **Deputy Richard Bruton** asked the Minister for Education and Science the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by her as part of the improved value from capital projects. [6014/08]

**Minister for Education and Science (Deputy Mary Hanafin):** Under the terms of the Department of Finance guidelines for the appraisal and management of capital expenditure proposals in the public sector, the recruitment of full-time specialists as referred to by the Deputy is only required in certain circumstances. To date it has not been necessary to appoint a full-time specialist by way of open recruitment or through secondment from the private sector to work on any I.T. projects for my Department. In addition to this it has not been necessary to date for my Department to engage any procurement and capital project evaluation specialist on a full-time basis, for any capital projects currently being undertaken by my Department. In respect of my Department's Public Private Partnership projects the National Development Finance Agency undertakes the procurement, financial and legal evaluation for each project.

### **Compulsory Purchase Orders.**

362. **Deputy Richard Bruton** asked the Minister for Education and Science if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if she has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6130/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The Department does not have the authority to use compulsory purchase orders in relation to matters arising from site acquisitions. The Property Management Section of the Office of Public Works acts on behalf of the Department in relation to site acquisitions generally. In certain circumstances local authorities also acquire sites on behalf of my Department. The use of compulsory purchase procedures can be quite protracted and it would not necessarily mean the faster acquisition of sites. Neither would compulsory purchase orders mean the acquisition of sites at a price below market value. Where no alternative course of action exists, my Department may ask that CPOs be used.

#### **Decentralisation Programme.**

363. **Deputy Richard Bruton** asked the Minister for Defence if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5299/08]

**Minister for Defence (Deputy Willie O’Dea):** The information requested by the Deputy in relation to progress on the decentralisation of civil servants in my Department to Newbridge as at 31 December 2007 is set out hereunder:

Number of Posts	200
Number of Personnel moved to new location	Nil
Number assigned but have not moved	141
New recruits	Nil
Personnel assigned to other posts within Dublin	46

In addition to the civil servants, 43 military personnel will also be located in Newbridge. A further 335 military personnel together with 78 support staff will decentralise to the new Defence Forces Headquarters building in the Curragh Camp.

#### **Departmental Bodies.**

364. **Deputy Leo Varadkar** asked the Minister for Defence the date of establishment of the Defence Forces canteen board; if this board is still in existence; the purpose and role of this board; the number of members of the board; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5365/08]

**Minister for Defence (Deputy Willie O’Dea):** The Defence Forces Canteen Board was established in 1944 in order to provide canteens for members of the Defence Forces. Messes for private soldiers were established informally in 1990 as a result of the report of the Gleeson Commission, and then formally established in 1997. In 1991, as part of an overall review of mess administration it was recommended that the most efficient method of exercising supervisory control over the new and existing messes was through the centralised control of the Defence Forces Canteen Board. By 1999 all Officers’ NCOs’ and Privates’ messes, currently numbering 65, were under the centralised control of the Canteen Board. While each mess operates under the control of a local Mess Committee, the Defence Forces Canteen Board exercises supervisory and financial control over the operation of the bars in all military messes throughout the Defence Forces. The Board also manages 5 dry canteens. The total annual turnover of the

[Deputy Willie O’Dea.]

Board is currently in excess of €5million and it has a staff of 22, many of whom are part time. The Canteen Board returns the profit made by each mess to that mess.

Defence Forces regulation Q.11 Part II specifies that the Board shall consist of not less than four and not more than seven serving officers of the Defence Forces and shall include a chairman, a general manager and a secretary. The members of the Board are appointed by the Chief of Staff, after consultation with the Minister. The chairman is normally the Deputy Chief of Staff (Support). The Deputy Chief of Staff (Support) furnishes his recommendations to the Chief of Staff as to the other officers to be appointed members, specifying those whom he recommends for appointment as General Manager and Secretary.

It has been normal practice for the Board to be composed of seven (7) members. Apart from the Chairman, these include the General Manager and the Secretary. The four other members are normally the Second-in-Command/Executive Officer of each of the three Brigades and the DF Training Centre. The Board members, other than the General Manager and Secretary, carry out their Board functions in addition to their primary duties.

The Defence Forces Canteen Board Annual Report and the report of the Comptroller and Auditor General are laid before the Houses of the Oireachtas each year. These contain detailed financial information of the Board’s operations for the year. A summary of the Profit and Loss Account figures for 2002 to 2006 is presented below (the 2007 accounts are not yet finalised):

Summary Profit & Loss figures (€) for 2002-2006

Year	Sales	Cost of Sales	Total Income	Returns to messes	Operating Expenses	Surplus /(Deficit)
2002	5,435,817	4,279,482	1,496,865	1,055,680	465,075	(23,890)
2003	5,384,995	4,184,695	1,589,528	1,080,271	478,515	30,742
2004	4,699,169	3,611,975	1,517,081	972,514	527,368	17,199
2005	4,430,989	3,378,493	1,493,715	910,693	554,609	28,413
2006	4,266,922	3,213,339	1,507,334	915,771	556,777	34,786

My Department provides an annual subvention to finance the workings of the Defence Forces Canteen Board. Over the last five years the following amounts have been provided:

Year	Subvention (€)
2003	375,000
2004	425,000
2005	435,000
2006	445,000
2007	462,000

### Departmental Staff.

365. **Deputy Richard Bruton** asked the Minister for Defence the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6013/08]

**Minister for Defence (Deputy Willie O’Dea):** Both my Department and the Defence Forces are allocated limited capital sums for ICT expenditure, mostly in support of existing applications and infrastructure. As these are significantly below the thresholds for major projects, the need for specialist recruitment has not yet arisen. I am, however, open to all support options as necessary.

### Compulsory Purchase Orders.

366. **Deputy Richard Bruton** asked the Minister for Defence if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6129/08]

**Minister for Defence (Deputy Willie O’Dea):** My Department does not avail of compulsory purchase orders to secure lands. As a result there has been no change in the manner of the use of compulsory purchase orders since 2005.

### Decentralisation Programme.

367. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5306/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I would refer the Deputy to my reply of 30th January 2008 to Parliamentary Question Ref No. 2608/08, which provides a comprehensive progress report on my Department’s decentralisation programme. The table attached provides the additional information requested by the Deputy in respect of staff assignments.

Division/Agency	Number assigned yet to decentralise	Number of New Recruits	Number remaining & assigned to Dublin posts
Irish Prison Service	4	2	84
Property Registration Authority	51	7	*
Office of the Data Protection Commissioner	0	0	12
Private Security Authority	0	0	0
Irish Naturalisation Immigration Service	40	0	*
Sections of Garda HQ			
(1) GCVU	0	24	19
(2) FCPS	8	0	45
National Property Services Regulatory Authority	0	0	0
Garda Civilian Human Resources Directorate	0	0	3
Office of the Director of Probation Service	7	0	*
Equality Authority	21	0	*
Garda Ombudsman Commission	7	0	*
Equality Tribunal	3	0	*

\*Because the decentralisation process is at various stages of completion for different agencies, the re-assignment of officers wishing to remain in Dublin has not been completed.

### Departmental Bodies.

368. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of Commission for the Victims of the Northern Ireland Conflict; if this commission is still in existence; the purpose and role of this commission; the number of members of the board of this commission; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this commission for each of the past five years; and if he will make a statement on the matter. [5336/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Remembrance Commission was established in October 2003 and remains in existence. The Commission administers the Scheme of Acknowledgement, Remembrance and Assistance to Victims in this Jurisdiction of the Conflict in Northern Ireland. Under the Scheme, the Commission makes payments to persons injured, or to the survivors of persons fatally injured, since 1969 as a direct result of the conflict in Northern Ireland, where the injury or death occurred in this jurisdiction or where the victim was normally resident in this jurisdiction at the time of their injury or death. The Commission may also make payments to victims or surviving families who have had to move their normal place of residence from Northern Ireland or this jurisdiction as a direct consequence of the conflict and wish to return. In addition the Commission makes payments to victim support groups for the purpose of meeting the counselling needs of victims or members of surviving families in this jurisdiction as a direct result of the conflict. It also assists the provision of memorials and other forms of commemoration.

There are five members of the Commission, all of whom are appointed by the Minister for Justice, Equality and Law Reform.

The Commission's expenditure in each year of its existence is as follows:

Year	€
2003	63,000
2004	2,193,790
2005	1,363,538
2006	1,920,114
2007	1,285,270
2008 (to date)	58,462

369. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of the Garda complaints tribunal; if this tribunal is still in existence; the purpose and role of this tribunal; the number of members of the board of this tribunal; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this tribunal for each of the past five years; and if he will make a statement on the matter. [5337/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Garda Síochána (Complaints) Act 1986 provided for the establishment of the Garda Síochána Complaints Board. The Board was established on 6 April 1987. The Act of 1986 also provided for the establishment of a Tribunal to hear and determine cases where the Board considers that a breach of discipline (which the Board does not consider to be minor and appropriate to be dealt with by the Commissioner) may be disclosed.

This Garda Síochána Complaints Tribunal is still in existence — its function being to hear and determine those cases which remained within the sphere of competence of the Garda

Síochána Complaints Board in accordance with section 111 of the Garda Síochána Act 2005 and which were referred to it by the Board.

In accordance with the Second Schedule to the Act of 1986 the Tribunal is a three person body which is appointed by the Board from time to time to hear and determine cases. Two persons must be members of the Board and a third must be a member of the Garda Síochána, not below the rank of chief superintendent, who is nominated by the Garda Commissioner. In accordance with the First Schedule to the Act of 1986 the members of the Board are appointed by the Government. The Board comprises a Chairman and eight ordinary members (the Chairman and at least three of whom are solicitors or barristers of not less than ten years standing). Expenditure by the Garda Síochána Complaints Board on Tribunals and Appeals over the last five years is set out in the following table.

Year	Expenditure
	€
2003	69,495
2004	26,106
2005	28,446
2006	26,898
2007	Not Available

370. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of the Registration of Title Rules Committee; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5338/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I can inform the Deputy that the Local Registration of Title Rules Committee was established under Sections 73 and 74 of the Courts of Justice Act 1936 and became the Registration of Title Rules Committee on 4 July 1964 under Section 126 of the Registration of Title Act 1964. The Registration of Titles Rules Committee is no longer in existence. It has been replaced by the Registration of Deeds and Titles Rules Committee which was established on 4 November 2006 under Sections 48, 72 and 74 of the Registration of Deeds and Title Act 2006.

The purpose of the Registration of Deeds and Title Rules Committee is to make, with the agreement of the Minister for Justice, Equality and Law Reform, general rules for carrying into effect the objectives of the Registration of Deeds and Title Act 2006. In accordance with Section 74 of the Registration of Deeds and Title Act 2006 the Committee consists of:

- (a) the judge of the High Court for the time being assigned for that purpose by the President of the High Court, (currently Judge Mary Laffoy)
- (b) the chairperson of the Authority, (currently Gerard McCaughey)
- (c) the Chief Executive of the Authority, (currently Catherine Treacy)
- (d) a practising barrister nominated by the General Council of the Bar of Ireland (currently James Dwyer, Senior Council), and



[Deputy Brian Lenihan.]

- (e) a practising solicitor nominated by the Council of the Law Society of Ireland (currently Owen M. Binchy, Solicitor).

The Registration of Title Rules Committee and the new Registration of Deeds and Title Rules Committee have had no expenditure over the past five years. No salary is payable to the Registration of Deeds and Title Rules Committee and no claims for expenses have been made by the Committee Members.

371. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of the Circuit Court Rules Committee; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5340/08]

373. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of the District Court Rules Committee; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5342/08]

378. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of Superior Court Rules Committee; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5347/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I propose to take Questions Nos. 371, 373 and 378 together.

The District, Circuit and Superior Court Rules Committees are established under the Courts of Justice Act 1936, as amended. The Committees each make rules, with the concurrence of the Minister for Justice, Equality and Law Reform, relating to the conduct of proceedings in the District, Circuit and Superior Courts. The Committees are extant. The Committees comprise, generally, members of the judiciary and the legal professions. The expenditure for the past 5 years is set out in the attached tables.

Table A: District Court

Period	Amount (€)
January 2003 to December 2003	20,515.51
January 2004 to November 2004	31,844.17
December 2004 to November 2005	71,101.71
December 2005 to November 2006	37,750.09
December 2006 to November 2007	63,756.60
Total Expenditure 2003 to 2007	224,968.08

In addition to the expenditure outlined in the table above, a sum of €9,701.32 was incurred in the period 1st August to 30th November, 2007 due to the update of bench books.

Table B: Circuit Court

Period	Amount (€)
February 2003 to March 2006	8,101.98
April 2006 to November 2006	44,542.37
December 2006 to November 2007	31,896.44
Total Expenditure 2003 to 2007	84,540.79

Table C: Superior Courts

Period	Amount (€)
January 2004 to November 2004	64,385.69
December 2004 to November 2005	90,763.78
December 2005 to November 2006	46,984.79
December 2006 to November 2007	53,726.56
Total Expenditure 2003 to 2007	255,860.82

Travel and subsistence payments amounting to €5,639 were also made in respect of the Superior Court Rules Committee during the period January 2003 to July 2006.

### Departmental Bodies.

372. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of the committee on court practice and procedure; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5341/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Committee on Court Practice and Procedure, which is still in existence, was established by the Minister for Justice on 13 April, 1962. Its main purpose is to examine and make recommendations on the operations of the Courts. The members are appointed by the Minister. The Committee currently comprises 4 Judges, 4 solicitors/barristers and 4 lay members. The expenditure for the past five years is as follows:

Year	Amount
	€
2007	Nil
2006	Nil
2005	7,047.44
2004	3,036.19
2003	24,206.32

*Question No. 373 answered with Question No. 371.*

374. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of the implementation advisory group to facilitate the implementation of the provisions of the Garda Síochána Bill; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5343/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The group referred to by the Deputy was established in April 2005 to review preparations for the timely implementation of the Garda Síochána Bill (now the Garda Síochána Act 2005), with particular reference to the

- (i) establishment of the Garda Síochána Ombudsman Commission,
- (ii) establishment of the Garda Síochána Inspectorate, and
- (iii) development of guidelines to enable the establishment of Joint Policing Committees.

The group was asked to report on progress to the Minister for Justice, Equality and Law Reform at the time not later than 31st December 2005. The group completed its task within the specified timeframe and ceased to exist at that stage, i.e., 23rd December 2005. There were 6 members of the group who were all appointed by the then Minister for Justice, Equality and Law Reform. The amount expended by my Department in relation to this group was approximately €40,000.

375. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of Irish Legal Terms Advisory Committee; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5344/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I can inform the Deputy that the Irish Legal Terms Advisory Committee, which was established under the Irish Legal Terms Act 1945 and met for the first time on 12 January, 1946, is still in existence. The purpose and role of the committee are to assist and advise the Minister for Justice, Equality and Law Reform in the preparation of legal terms orders, which provide standard equivalents in the Irish language for certain terms, and to advise the Minister in relation to the preparation and publication of forms and precedents in the Irish language of legal instruments and documents. The committee is comprised of the following Government nominees, as well as a practising barrister nominated by the Bar Council, and a practising solicitor nominated by the Law Society:

- a Supreme or High Court judge;
- a Circuit Court judge;
- a District Court justice;
- a member of the Oireachtas translation staff; and
- such other person or persons as the Government may nominate.

There are currently three serving members of the committee, each of whom was appointed by the Government in May 2001. The terms of office of the other committee members ceased in May 2006. The filling of committee vacancies is currently under consideration. The committee, which last met in late 2005, incurred negligible expenses over the past five years.

376. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of the Judicial Appointments Advisory Board; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; and if he will make a statement on the matter. [5345/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Judicial Appointments Advisory Board was established on 8 March 1996 under the provisions of the Courts and Courts Officers Act 1995. The Board consists of 10 members, namely, the Chief Justice, the Presidents of the High Court, Circuit Court and District Court, the Attorney General, one person nominated by each of the Bar Council and the Law Society and three persons nominated by the Minister for Justice, Equality and Law Reform. The Board, which is still in existence, was established for the purposes of identifying persons and informing the Government of the suitability of those persons for appointment to judicial office.

377. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of national consultative committee on racism and inter-culturalism; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by the himself; the person by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5346/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** Following the European Year Against Racism in 1997, the National Consultative Committee on Racism and Interculturalism (NCCRI) was established in January 1998 as an independent expert body focussing on the combating of racism and promoting interculturalism. The NCCRI is a partnership body which brings together government and non-government organisations to contribute to policy and legislative developments and to encourage integrated actions towards acknowledging, celebrating and accommodating cultural diversity. It is involved in addressing racism at national, European and international levels. The NCCRI provides technical advice to Government and non-government organisations to assist them in implementing anti-racism and intercultural strategies.

The NCCRI operates under a Partnership Board representing three Government Departments (Justice, Equality & Law Reform, Social and Family Affairs and Foreign Affairs) and eighteen others. The non-government representatives are, in the main, nominated for appointment by a community grouping and then appointed by the Board of the NCCRI. In certain cases, the articles of association of the Committee enable the Board to make appointments of its own volition, from named groupings in society. Annual expenditure in 2003, 2004, 2005 and 2006 was €556,095, €628,474, €798,279, and €1,006,621 respectively. The figure for 2007 is not available as the audit is not yet completed. Funding is a combination of public body funding and contracts earned.

*Question No. 378 answered with Question No. 371.*

379. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the date of establishment of the asylum seekers task force; if this body is still in existence; the purpose and role of this body; the number of members of the board of this body; the number

[Deputy Leo Varadkar.]

of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this body for each of the past five years; and if he will make a statement on the matter. [5350/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Asylum Seekers Task force was the name given to the Asylum Operations Division in the Department prior to the commencement in full of the Refugee Act 1996, as amended, in 2000, which saw the establishment of the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT) to investigate applications for refugee status and appeals against refusals to recommend refugee status respectively. Both ORAC and RAT are now part of the Irish Naturalisation and Immigration Service (INIS), which was established in 2005 by decision of Government in order to provide a 'one stop shop' in relation to asylum, immigration, citizenship and visas. With effect from 2006 subhead D1 of the Justice Vote was renamed from Asylum Seekers Task Force to Irish Naturalisation and Immigration Service to reflect the establishment of INIS.

Subhead D2 of the Justice Vote relates to funding of the Refugee Legal Service (RLS). The RLS is a specialised office established by the Legal Aid Board (which itself is an independent statutory body) and the use of 'Asylum Seekers Task Force' has been perpetuated in how this sub-head is described in part. For the Deputy's information the funding expended in each of the last five years in subhead D1 is as follows:

Year	€000
2007	65,040*
2006	52,511
2005	43,258
2004	35,588
2003	34,774

\*Figure for 2007 is provisional and subject to change until publication of the 2007 Appropriation Accounts later this year.

380. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform the number of staff working in the Property Services Regulatory Authority with a breakdown of their job descriptions; and if he will make a statement on the matter. [5381/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I wish to refer the Deputy to my response to Parliamentary Questions Numbers 188, 189 and 191 of 7 February, 2008 which set out the background to the publication of the General Scheme of the Property Services Regulatory Authority Bill. The Bill, which will establish the Authority on a statutory basis, is currently being drafted in the Attorney General's Office and it is anticipated that it will be published in final form later this year. Pending enactment of the legislation, an Implementation Group has been established to assist and advise on practical matters relating to the establishment of the new Authority and a Chief Executive designate has been appointed and is working closely with the Implementation Group in making arrangements for the establishment of the Authority and its structures. Two Higher Executive Officers, one Executive Officer and two Clerical Officers have been assigned from my Department to work with the implementation team on establishing the basic organisational structures, systems, procedures, protocols, rule and regulations, which are fundamental to the long term functioning of the Authority.

The new Authority will be unique internationally in the scope of its remit, responsibilities and powers and in that it will perform the dual role of regulator and ombudsman for the

property services industry. It is important therefore that its structures, systems, procedures and rules and regulations be based on solid foundations and be put in place before it is established on a statutory basis. To this end the implementation team has:

- successfully completed the necessary arrangements for the acquisition and fitting out of accommodation for the Authority in Navan, Co. Meath;
- drawn up a Code of Practice for Auctioneers and Estate Agents, which identifies the key principles and values that should guide the day to day practice of service providers. The Code incorporates a complaints system which will enable complaints concerning non-compliance with the Code to be investigated;
- established and published a National Public Register of all licensed Auctioneers and House Agents. This register will be added to on an ongoing basis and will, once the new legislation is in place, include Management Agents;
- developed and put in place financial and accounting systems for the Authority;
- designed and developed a website as part of the education and awareness function;
- developed and implemented an office, file management and data management system suitable for the Authority's long term needs.

In addition to the foregoing the implementation team is currently working on:

- designing and developing computerised licensing and complaints databases;
- drafting Codes of Practice for Management Agents and Letting Agents;
- preparing public information material on the provision of property services, including the purchase and sale of property;
- reviewing all aspects of the work undertaken by Property Services Providers in Ireland and equivalent services in appropriate comparable jurisdictions for the purpose of prescribing the minimum education/qualification requirements necessary for the grant of licences;
- establishing protocols for the vetting by the Garda Síochána of all applicants for licences;
- drafting rules and regulations governing the complaints procedures;
- drafting rules and regulations for the carrying out of investigations, inspections and audits of Property Services Providers' practices;
- drafting rules and regulations governing the operation of Property Services Providers' accounting procedures including the manner of keeping all accounting records;
- drafting rules and regulations governing the operation of client accounts;
- prescribing the rights, duties and responsibilities of Property Services Providers in relation to monies received, held, controlled or paid in connection with the provision of property services;
- prescribing the rules governing the auditing of Property Services Providers' accounts;

[Deputy Brian Lenihan.]

- developing the systems, procedures rules and regulations necessary for the establishment of a Compensation Fund, including prescribing the level of contribution which Property Services Providers are required to pay to the Fund, the manner of reporting of losses sustained by clients, the procedures for applications for grants from the Fund and the manner of investment of Fund moneys;
- prescribing rules and regulations governing the level of professional indemnity insurance which a Property Services Provider must have in place including the minimum levels of risk cover necessary, approved indemnity terms, audit reports and manner of maintaining insurance records.

The aim is to ensure that the complex systems, procedures, rules, regulations and protocols outlined above are developed as soon as possible in order to ensure that, once the legislation is passed, the Authority will be able to commence enforcement of the new regulatory regime at an early date.

### **Police Co-operation.**

381. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 231 of 31 January 2008 in relation to protocols, if he will make a statement listing and describing the agreements governing co-operation between the PSNI and An Garda Síochána; and if he will make a statement on the matter. [5383/08]

382. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will make a statement detailing the accountability mechanisms in place to govern the actions of the seconded police officers referred to by him in his answer to Parliamentary Question No. 231 of 31 January 2008 and in particular if the Garda Ombudsman Commission has jurisdiction to hear complaints from members of the public in the 26 counties regarding the seconded members of the PSNI operating here and vice versa. [5384/08]

383. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the exchange of personnel between the PSNI and An Garda Síochána tends to be geographically-based or specialty-based or both. [5385/08]

384. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the date on which the protocols referred to by him in his answer to Parliamentary Question No. 231 of 31 January 2008 took effect; and the number of Garda officers and PSNI officers who have been seconded on foot of each protocol since that date. [5386/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I propose to take Questions Nos. 381 to 384, inclusive, together.

An Garda Síochána has a close and ongoing working relationship with the Police Service of Northern Ireland (PSNI) which operates on a number of levels including: (1) Mutual Assistance; (2) Police to Police basis; (3) Memoranda of Understanding / Protocols and Agreements and also through legislation where there is a North / South context. There are well-established liaison mechanisms in place between An Garda Síochána and the PSNI to counter the threat from terrorism and develop counter-terrorism strategies and other initiatives to combat organised criminal activity. Meetings are regularly held between Investigation Teams and other Specialist Units which are targeting criminals who frequently operate on both sides of the land border shared by the two Police Services. The following statutes deal with co-operation

between An Garda Síochána and other police forces, including the PSNI. Part VII of the Criminal Justice Act, 1994 as amended

The provisions of this Part of the Act set out the manner in which Mutual Assistance Requests are executed in this Jurisdiction. All requests are channelled through the Central Authority for Mutual Assistance at the Department of Justice, Equality and Law Reform. This legislation allows Ireland to:

- take evidence in connection with criminal investigations or proceedings in another country;
- search for and seize material on behalf of another country;
- serve a witness summons or any other court process on a person in Ireland to appear as a defendant or as a witness in another country;
- serve a document recording a court decision on a person in Ireland;
- transfer a person imprisoned in Ireland to another country to give evidence in criminal proceedings there, to be identified there, or to assist proceedings there.

The Police Service of Northern Ireland (PSNI), through the Northern Ireland Office and the Home Office, may send a request for information / evidence relating to criminal investigations to the Central Authority for Mutual Assistance at this Department. In many cases the Garda Síochána Mutual Assistance Section will provide information to the Central Authority in answer to these queries. The transfer of information / evidence through the Central Authority is governed by various conventions such as The Council of Europe Convention on Mutual Assistance in Criminal Matters (1959) and its additional Protocols 1978.

#### *Police to Police requests*

Some requests for assistance in investigations can be executed exclusively on the basis of police to police cooperation. The forms of cooperation which can be obtained through police channels include interviewing witnesses or suspects in criminal investigations where the person to be interviewed is willing to cooperate and provide an unsworn statement.

#### *The European Arrest Warrant Act, 2003 and the Extradition Act, 1965*

The European Arrest Warrant Act, 2003 and the Extradition Act, 1965, as amended, make provision to deal with the arrest and the extradition of suspects to and from the State in accordance with the provisions of this legislation.

#### *Criminal Justice (Joint Investigation Teams) Act, 2004*

This Act provides the terms under which Joint Investigation Teams can be established, under the Act. Section 3 deals with requests to another State to establish a Joint Investigation Team and Section 4 deals with requests from another member State to establish a Joint Investigation Team. The Act also deals with the membership and terms and conditions of membership of Joint Investigation Teams (Section 6), the operation of Joint Investigation Teams (Section 7), Agreements to establish Joint Investigation Teams (Section 8), Participants in a Joint Investigation Team (Section 9) and the use of information (Section 11).

#### *Accountability Mechanisms*

Sections 53 to 56 of the Garda Síochána Acts 2005-2007 deal with the secondment of members of the Police Service of Northern Ireland to certain ranks in the Garda Síochána and vice versa. Section 56 in particular and Paragraph 49 of Part 6 of SI 214 of 2007, (Garda



[Deputy Brian Lenihan.]

Síochána Discipline Regulations 2007) deal with a breach of discipline by seconded members of the Police Service of Northern Ireland.

Joint Protocols between An Garda Síochána the PSNI in respect of exchanges and secondment of personnel between the two Forces.

On 21 February 2005, the Commissioner of An Garda Síochána and the Chief Constable of the Police Service of Northern Ireland signed two Protocols in respect of secondments and exchanges of personnel between the two Forces. One Protocol between the Commissioner of An Garda Síochána and the Chief Constable of the Police Service of Northern Ireland deals with secondments with policing powers for the further improvement of bilateral cooperation between their respective services. It is expected that Secondments will commence in the near future in respect of the Superintendent rank of An Garda Síochána.

The other Protocol between the Commissioner of An Garda Síochána and the Chief Constable of the Police Service of Northern Ireland deals with personnel exchanges took effect on 21 February 2005. Fourteen members of An Garda Síochána have entered exchange programmes with the Police Service of Northern Ireland to date. Eighteen members of the Police Service of Northern Ireland have entered exchange programmes with An Garda Síochána to date. Exchange programmes are ongoing. Currently, the exchange of personnel between the PSNI and An Garda Síochána is not geographically based. It is, however, based on specialised areas of work.

### **Sexual Offences.**

385. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if, under the terms of the memorandum of understanding on information sharing arrangements between Ireland and the UK relating to sex offenders signed on 27 November 2006, An Garda Síochána is automatically notified by the PSNI when an individual convicted of a sexual offence in the Six Counties and who is subject to the provisions of the Sex Offenders Act 2001 either works in or moves to the 26 Counties and vice versa. [5387/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** On 27 November, 2006 a Memorandum of Understanding (MOU) on information sharing arrangements between Ireland and the UK relating to sex offenders was signed. In accordance with the MOU An Garda Síochána are notified by the Police Service of Northern Ireland when they become aware that a convicted sex offender is travelling or has travelled from Northern Ireland to this jurisdiction. Likewise, An Garda Síochána notify the PSNI when they become aware that a convicted sex offender is travelling or has travelled from this jurisdiction to Northern Ireland.

### **Illegal Immigrants.**

386. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the official figures on which he bases his view that marriages of convenience are being increasingly availed of to avoid removal from the State. [5396/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** Marriages of convenience for the purpose of circumventing normal immigration controls are experienced by immigration jurisdictions worldwide. The contracting of marriages in order to gain an immigration advantage represents a significant challenge to immigration authorities. This has been clearly recognised in international instruments such as the “European Union Directive on the Rights of Citizens of the Union and their Family Members to Move and Reside Freely within

the European Union”, which identifies marriages of convenience as an abuse of the rights contained in that Directive.

Marriages of convenience are of their very nature difficult to detect. Final determination as to the validity of marriage based claims in this area can only be made after an in depth examination of the particular circumstances of each individual case. The Irish Naturalisation and Immigration Service of my Department has growing experience of marriages being entered into for the sole purpose of enabling the foreign national spouse to enter and/or remain in the State. The fact that in many cases where a suspicion arises as to the bona fides of the marriage the foreign national may in fact be unlawfully in the State or residing in the State on the basis of a temporary or limited permission is a significant factor in this regard.

While there are no definitive figures, the information available to me does indicate that there are significant numbers of cases where such an inference can be drawn having regard to the numbers refused or the doubts expressed as to the bona fides of a marriage. With regard to applications for residence on the sole basis of marriage to Irish nationals, 14 applications were refused in 2007 on the basis that the deciding officer was not satisfied as to the bona fides of the marriage in question with a further 53 applications abandoned. With regard to applications for residence on foot of marriage to a Union citizen approximately 30% of those cases involved persons who were illegally present in the State or on a temporary or limited permissions thereby giving rise to a suspicion that the marriage is one of convenience for the purpose of circumventing immigration controls. Further indicators of a problem are to be found in highly unusual patterns of marriages and intelligence in relation to inducements being offered in certain European Union Member States for their nationals to marry third country nationals.

#### **Citizenship Applications.**

387. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the length of time it takes to process a naturalisation application; the reason for the amount of time it takes to process such an application; his plans to reduce this processing time; and if he will make a statement on the matter. [5405/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The existing processing time for applications for certificates of naturalisation is approximately thirty months and this is primarily due to the significant increase in the volume of applications received in the last number of years. The procedures employed to assess an applicant for naturalisation are as set out in summary form below.

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 necessary. 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

[Deputy Brian Lenihan.]

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 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 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, recently allocated additional resources to the Citizenship section of my Department as well as instructed my officials to undertake a review of the various processes in order that these might be streamlined further where possible.

### **Residency Permits.**

388. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the length of time it takes to process a long term residence application; the reason for the amount of time it takes to process such an application; his plans to reduce this processing time; and if he will make a statement on the matter. [5406/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** Long term residency is an administrative scheme that was introduced in May 2004 and is focused on persons who have been legally resident in the State for over five years on the basis of work permit / work authorisation / work visa conditions. Such persons 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.

In addition to long term residency, the staff in General Immigration Division process a wide variety of applications from non-EEA nationals seeking to reside in the State on various grounds. Applications for long term residency received in July 2006 are currently being dealt with. There has been a continuous increase in the number of applications being received since the introduction of the long term residency scheme in May 2004. However, the Deputy will appreciate that these applications are dealt with in the context of the overall workload facing the Irish Naturalisation and Immigration Service at any given time. The administrative scheme for long term residency will be established on a statutory basis in accordance with the Immigration, Residence and Protection Bill.

### **Garda Stations.**

389. **Deputy Michael Noonan** asked the Minister for Justice, Equality and Law Reform his views on the establishment of a Garda station in the western suburbs of Limerick city in the general neighbourhood of the Mid-West Regional Hospital; if he will consult with the Garda Commissioner on this matter at the earliest possible date; and if he will make a statement on the matter. [5428/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** In accordance with section 22 of the Garda Síochána Act 2005, proposals in relation to the opening and closing of Garda stations are a matter, in the first instance, for the Garda Commissioner in the context of the Annual Policing Plan.

I am informed by the Garda authorities that the western suburbs of Limerick City are covered by Roxboro Road Garda Station. As of 31 December last the personnel strength of Roxboro Road Garda Station was 127 (all ranks) which represents an increase of almost 40% on the December, 2002 figure. I am further informed by the Garda authorities that the policing arrangements in place in the area are adequate and allow for the effective policing of the Raheen and Dooradoyle suburbs and that the establishment of a Garda Station in the western suburbs area would necessitate the deployment of additional Garda personnel on indoor administrative duties who may be more effectively deployed on outdoor policing duties. The assignment of Garda personnel is continually monitored and reviewed to ensure that optimum use is made of Garda resources and the best possible Garda service is provided to the public.

**Drug Seizures.**

390. **Deputy John Curran** asked the Minister for Justice, Equality and Law Reform the monetary value of drug seizures carried out by the Garda in the Clondalkin Garda district in 2005, 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [5429/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in touch with the Deputy in relation to this matter when the information becomes available.

391. **Deputy John Curran** asked the Minister for Justice, Equality and Law Reform the monetary value of drug seizures carried out by the Garda in the Dublin metropolitan region in 2005, 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [5430/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in touch with the Deputy in relation to this matter when the information becomes available.

392. **Deputy John Curran** asked the Minister for Justice, Equality and Law Reform the monetary value of drug seizures nationally carried out by the Garda in 2005, 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [5431/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that the monetary value of the seizures made of the main categories of illegal drugs for the years 2005, 2006, 2007 and to date in 2008 is as per the following tables:

\*Drug Seizures in 2008

Drug Type	Quantity	Street Value
		€
Heroin	49kgs	9,900,000
Cannabis Resin	1.6 Tonne	11,000,000
Cannabis Herb	62kgs	722,000
Ecstasy Tablets	19,100 tablets	191,000

[Deputy Brian Lenihan.]

Drug Type	Quantity	Street Value
		€
*Cocaine	13kgs	910,000
	Total	22,723,000

## \*Drug Seizures in 2007

Drug Type	Quantity	Street Value
		€
Heroin	125.2 Kgs	24,920,000
Cannabis Resin	1.7 Tonne	12,416,000
Cannabis Herb	1.76 Tonne	3,676,000
Ecstasy Tablets	360,279 tablets	3,602,000
*Cocaine	1.7 tonne	119,480,000
Amphetamine	34 kgs	510,000
	Total	164,604,000

## Drug Seizures in 2006

Drug Type	Quantity	Street Value
Heroin	128.097kgs	25,600,000
Cannabis Resin	6.9 Tonne	48,300,000
Cannabis Herb	289.2kgs	578,000
Ecstasy Tablets	146,013 tablets	1,460,000
Cocaine	190.2kgs	13,300,000
Amphetamine	38kgs	570,000
	Total	99,814,000

## Drug Seizures in 2005

Drug Type	Quantity	Street Value
Heroin	32,283g	6,456,600
Cannabis Resin	6,259,750g	43,818,250
Cannabis Herb	150,401g	300,802
Ecstasy	327,179 tablets 3,444g	3,306,230
Cocaine	229,388g	16,057,160
Amphetamine	10,515g 19,452 tablets	449,505
	Total	71,170,000

\* Figures for 2007 and 2008 are provisional only.

### **Joint Policing Committees.**

393. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform when joint policing committees will be rolled out throughout the State and County Louth in particular; if County Louth will be considered for a single JPC or if several JPCs are envisaged for the county; when these decisions will be made and announced; and if he will make a statement on the matter. [5465/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Joint Policing Committees currently established in a pilot phase operate under revised guidelines issued by my predecessor as Minister for Justice, Equality and Law Reform in May 2007, following consultations with the Ministers for the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs. The guidelines provide for a Committee for the Drogheda Borough Council area as part of the pilot phase. The purpose of the pilot phase is to gain experience from the operation of a number of Committees in a variety of local authority areas before rolling them out to all local authority areas in the State.

The experience gained from the operation of the Committees is currently being evaluated. As a first step in this evaluation my colleague the Minister for the Environment, Heritage and Local Government and I held a consultation seminar on 29 November, 2007 with participants in the pilot Committees to consider the lessons from their operation to date in preparation for the roll out. The seminar was a very useful exercise and following on from it work has commenced on revising the guidelines in the light of the experience gained to date. Following consultation with my Ministerial colleagues I intend to issue guidelines to enable the roll out of the Committees to take place as soon as possible. The Garda Síochána Act 2005 provides for the establishment of a Committee in each local authority area in the State. There will therefore be four Committees established in County Louth.

### **Crime Levels.**

394. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of heroin incidents in Tipperary south each year since 2002. [5617/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in touch with the Deputy in relation to this matter when the information becomes available.

### **Prisoner Releases.**

395. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform the reason that prisoners with an improved behaviour record are being refused sensible pre-release courses (details supplied). [5650/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The person referred to by the Deputy was convicted of manslaughter in December 2002 and received a 14 year prison sentence. This term of imprisonment was subsequently reduced to eight years at the Court of Criminal Appeal in 2004. He is due for release in December, 2008. The Deputy will be aware of the Parole Board, which was established in order to review the cases of long term prisoners having regard to issues such as the prisoner's progress to date, the degree to which the prisoner has engaged with the various therapeutic services, the potential danger to the public and how best to proceed with the future administration of the sentence.

This individual's case was most recently reviewed by the Parole Board in July 2007. At that review the Board recommended that he should remain in closed prison conditions pending his

[Deputy Brian Lenihan.]

next review and should engage with the therapeutic services on outstanding areas of concern. I concurred with the Board's findings. I understand that his next review is scheduled to take place in May 2008 and it will be determined at that stage whether a pre-release course is appropriate in this case.

### **Departmental Staff.**

396. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6019/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** My Department has not to date recruited any specialists in IT procurement or capital project evaluation and management. I can also confirm that no such specialists have been seconded into my Department from the private sector.

### **Compulsory Purchase Orders.**

397. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6135/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I wish to inform the Deputy that no compulsory purchase orders have been required to be made by my Department in respect of its accommodation requirements since 2005.

### **Grant Payments.**

398. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the grants available from his Department for the provision of skateboard parks; the number of such grants drawn down in 2004, 2005, 2006, and 2007; and if he will make a statement on the matter. [5319/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Grant aid of €2.049m in respect of 21 skateparks was announced by my predecessor in November 2005. Local authorities drew down grant aid in respect of three of these projects in 2006 and a further nine in 2007. A total of €1.065m in respect of nine projects remained to be drawn down at the end of 2007.

### **Decentralisation Programme.**

399. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5302/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The information requested in relation to my Department and agencies under its aegis is set out in the following table.

	No. of Posts to be Decentralised	No. of Posts Moved to Location	No. Assigned to Posts but Not Moved	No. of Staff Assigned who are New Recruits	No. staying in Dublin Assigned to Dublin Posts
<i>Department:</i>					
Wexford	270	40	58	45	16
Kilkenny	62	0	25	25	
New Ross	125	0	15	13	
Waterford	225	0	25	22	
<i>Agencies:</i>					
NBA	48	0	28	25	0
LGCSB	91	0	49	20	0

**Water Quality.**

400. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to remedy the remaining deficiencies in public and group water supplies, as identified recently by the Environmental Protection Agency; and if he will make a statement on the matter. [5321/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department's Water Services Investment Programme 2007 to 2009 includes 300 projects with an estimated value of €2.3bn to improve the extent and quality of our public water supply infrastructure. The Programme is available in the Oireachtas Library. The Environmental Protection Agency's recent publication "The Provision and Quality of Drinking Water in Ireland — A Report for the Years 2006-2007" identified 339 public water supply schemes that require detailed profiling from catchment to consumer to determine whether the supply needs to be replaced or upgraded, or where operational practices need to be improved to ensure that the water supplied to the general public is clean and wholesome.

The Agency has asked the local authorities concerned to draw up action plans to address the issues raised in each of these cases. My Department is simultaneously assessing the implications for the Water Services Investment and Rural Water Programmes. The objective is to develop an agreed set of remedial measures that will be implemented as quickly as possible. In publishing the Water Services Investment Programme 2007 — 2009 in September 2007, I indicated that a contingency funding arrangement was being put in place which will be available to address any necessary remedial measures involving infrastructural improvements.

Insofar as group water schemes are concerned, rapid progress is being achieved with the major upgrading programme to bring the sector into full compliance with national and European drinking water standards. By the end of 2007, improvement works on 70% of the schemes involved had been completed with the remaining schemes either in progress or due to come on stream in 2008. This progress will be reflected in future EPA reports on drinking water.

The Drinking Water (No 2) Regulations, 2007, strengthen the enforcement provisions in relation to drinking water standards and provide for the supervision of local authority drinking water supplies by the EPA. Local authorities continue to be responsible for supervising group water scheme supplies but all monitoring programmes are now subject to approval by the



[Deputy John Gormley.]

Agency. The Agency is required to supervise the performance by local authorities of their monitoring functions. Penalties for non-compliance with the requirements of the Regulations have been increased considerably with the inclusion of indictable offence provisions, and supervisory authorities now have powers of direct intervention if necessary to ensure compliance.

### **Departmental Bodies.**

401. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the date of establishment of the Environmental Information Service; if this group is still in existence; the purpose and role of this group; the number of members of the board of this group; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this group for each of the past five years; and if he will make a statement on the matter. [5367/08]

403. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the date of establishment of the national Traveller accommodation committee; if this committee is still in existence; the purpose and role of this committee; the number of members of the board of this committee; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this committee for each of the past five years; and if he will make a statement on the matter. [5369/08]

405. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the date of establishment of the designated areas appeals board; if this board is still in existence; the purpose and role of this board; the number of members of the board; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this board for each of the past five years; and if he will make a statement on the matter. [5372/08]

406. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the date of establishment of the task force on special aid for the elderly; if this task force is still in existence; the purpose and role of this task force; the number of members of the task force; the expenditure of this task force for each of the past five years; and if he will make a statement on the matter. [5373/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 401, 403, 405 and 406 together.

The information requested is set out in the table. The bodies concerned are still in existence.

Name of Body	Established	Purpose and Role	Board Members	Expenditure by Year
ENFO — Information on the Environment	1990	Provides an environmental information service and promotes environmental awareness	N/A	€705,639 — 2003 €789,302 — 2004 €882,128 — 2005 €913,196 — 2006 €935,240 — 2007
National Traveller Accommodation Consultative Committee	1999	Advises the Minister on the provision of accommodation for Travellers	11 members including the Chairman who is appointed by the Minister. The 10 ordinary members are appointed by the Minister following the receipt of nominations From Local Authorities, Government Departments and Traveller Organisations.	€17,091 — 2003 €19,552 — 2004 €20,773 — 2005 €6,961 — 2006 €13,893 — 2007
Designated Areas Appeals Advisory Board	1998	Makes recommendations where landowners object to the inclusion, or exclusion of their land from proposed Special Areas of Conservation, Special Protection Areas or Natural Heritage Areas.	5 members including the Chairman. The Chairman is appointed by the Minister and 2 members are nominated by environmental interests and 2 members are nominated by landowners interests.	€33,868 — 2003 €72,559 — 2004 €64,102 — 2005 €89,886 — 2006 €160,841 — 2007
Task Force on Special Housing Aid for the Elderly	1982	Operates in an advisory capacity on funding and/or policy matters relating to the Special Housing Aid for the Elderly Scheme	7 members	€11,536,000 — 2003 €15,600,000 — 2004 €16,536,000 — 2005 €22,012,000 — 2006 €19,132,000 — 2007

[Deputy John Gormley.]

402. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the date of establishment of Met Éireann; the number of members of the board of this body; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this body for each of the past five years; and if he will make a statement on the matter. [5368/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Meteorological Service, later renamed Met Éireann, was established in December 1936 and, since its transfer to my Department in 2002, is an integral part of the Department. It has no Board of Directors. Funding provision is made within my Department's Vote, the details of which are published in the Estimates Volumes for the Department — copies of which are available in the Oireachtas Library.

*Question No. 403 answered with Question No. 401.*

404. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the date of establishment of the Referendum Commission; if this commission is still in existence; the purpose and role of this commission; the number of members of the board of this commission; the number of whom are appointed by himself; the person by whom the remaining board members are appointed; the expenditure of this commission for each of the past five years; and if he will make a statement on the matter. [5370/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Section 2 of the Referendum Act 1998 provides that the Minister for the Environment, Heritage and Local Government may establish a Referendum Commission not earlier than the date on which a Bill proposing to amend the Constitution is initiated in the Dáil. It also provides that any such Commission is chaired by a former judge of the Supreme Court or High Court or a judge of the High Court, nominated by the Chief Justice, and that the ordinary members are the Comptroller and Auditor General, the Ombudsman, the Clerk of Dáil Éireann and the Clerk of Seanad Éireann.

A Referendum Commission has the statutory function to explain the subject matter of a referendum to the electorate, to provide any other relevant information which it considers appropriate, to promote public awareness of the referendum and to encourage the electorate to vote at the poll. Section 14 of the Act provides that a Commission stands dissolved one month after submission by it to the Minister of a report in relation to its work in respect of a particular referendum. A Referendum Commission was established in respect of the Citizenship Referendum which was held on 11 June 2004. Details of the costs involved, which were met by the sponsoring Department, are set out in the published report of the Commission on the referendum concerning the 27th Amendment of the Constitution, copies of which are available in the Oireachtas Library.

*Questions Nos. 405 and 406 answered with Question No. 401.*

#### **Local Authority Funding.**

407. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government if any local authority has sought funding for the provision of initiating community garden allotment schemes within their authority; his views on such applications; and if he will make a statement on the matter. [5400/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I have had no application for funding from local authorities for community garden allotment schemes.

### Social and Affordable Housing.

408. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government the number of people on social housing lists in Dublin for the past five years; and if he will make a statement on the matter. [5403/08]

409. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government the number of people on social housing lists in Dublin who were allocated houses over the past five years; and if he will make a statement on the matter. [5404/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 408 and 409 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. In relation to the Dublin region, the following table gives the number of households on the waiting lists of the four Dublin housing authorities.

Housing Authority	Net Need 2005
Dublin City Council	5,617
Dun Laoghaire Rathdown County Council	2,395
Fingal County Council	1,976
South Dublin County Council	1,658
Total (Dublin Region)	11,646

More detailed data in relation to these assessments for each housing authority are available on my Department’s website at [www.enviro.ie](http://www.enviro.ie) The next statutory assessment of housing need is due to be undertaken by housing authorities in March 2008. My Department does not collect data on the number of applicants allocated houses by housing authorities.

### Urban Renewal Schemes.

410. **Deputy Eamon Scanlon** asked the Minister for the Environment, Heritage and Local Government when an application under the rural renewal scheme will be awarded for a person (details supplied) in County Sligo; and if he will make a statement on the matter. [5417/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe):** A further inspection of this property was carried out last week and a Certificate of Reasonable Cost will issue very shortly.

### Environmental Policy.

411. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the recent changes in the motor tax and VRT regimes that will result in a shift in the market towards diesel powered cars; his views on this contention; the projections his Department has made of the increase in diesel fuelled cars over the next five years; the environmental and public health consequences of a greater dependence

[Deputy Phil Hogan.]

on diesel as a fuel to power motor vehicles; and if he will make a statement on the matter. [5528/08]

412. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the steps that can be taken to reduce the harmful effect on health of an increased use of diesel as a fuel to power motor vehicles; if any filters can be fitted to vehicles to address these impacts; if such filters are fitted as standard on diesel cars or as an optional extra; if such filters will be made mandatory to coincide with the coming into effect of the new motor tax and VRT rules; and if he will make a statement on the matter. [5529/08]

413. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his views on whether the changes to motor tax and VRT announced in budget 2008 are more likely to favour a growth in diesel cars as opposed to biofuel or hybrid cars due to the removal of the 50% VRT rebate; if this is in the best interests of the environment and public health; and if he will make a statement on the matter. [5530/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 411 to 413, inclusive, together.

The rebalancing of VRT and motor tax on cars registered from 1 July 2008 is designed to lower the levels of CO<sub>2</sub> emissions from the use of private cars. It is generally accepted that a diesel-powered car has a lower level of CO<sub>2</sub> emissions than its petrol equivalent. While historically diesel cars have had higher emissions of NO<sub>x</sub> and particulate matter than their petrol equivalent, the European Union has progressively introduced robust emissions standards for vehicles since 1993, known as Euro standards. These standards have substantially reduced NO<sub>x</sub> and particulate matter from passenger cars and heavy goods vehicles, particularly those with diesel engines. Euro 5 will enter into force in September 2009 and makes it obligatory to have a particle filter for all diesel cars of new models, and also specifies the same particulate matter standards for both petrol and diesel engines. More stringent Euro 6 standards will come into effect in 2014.

I am satisfied therefore that the rebalancing of VRT and motor tax will not have adverse environmental or public health consequences. The rebalancing of VRT and motor tax does not favour engine size, fuel or the technology of a vehicle, but is focused on CO<sub>2</sub> emissions. Notwithstanding this, I understand that the Minister for Finance has included a provision in the Finance Bill 2008, which will extend the existing 50% VRT relief for series production hybrid and flexible fuel cars until 30 June 2008, and replace it with a VRT relief of up to €2,500 for such cars from 1 July 2008.

#### **Health and Safety Regulations.**

414. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he will quantify in financial terms the estimated cost to local authorities in respect of the implementation of new health and safety regulations in 2008; if he has allocated the necessary additional finances to cover the costs associated with these new requirements; and if his attention has been drawn to the difficulties being encountered by some local authorities in respect of their implementation. [5531/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I am satisfied that the record level of funding that is available to local authorities in 2008 through

grants from central government and income from local sources will enable them to provide an acceptable level of services to their customers while meeting all reasonable demands, including requirements for health and safety. Assessments of the funding needs of local authorities for future years will be carried out as required and these assessments will continue to have regard to all factors affecting such needs.

### **Housing Management Companies.**

415. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government if he will revise the conditions applying to estate management companies as these conditions are proving a serious hindrance to the sale of property in many housing estates throughout the country; and if he will make a statement on the matter. [5638/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In Circular Letter PD 5/06, issued in July 2006, my Department told planning authorities that conditions requiring management companies should not be attached to planning permissions for traditional housing estates — that is, estates of houses with individual private gardens — except in very specific circumstances, e.g. if a particular service or facility is provided for residents' use only, such as a playground. Section 180 of the Planning and Development Act 2000, requires planning authorities to commence taking in charge procedures in relation to residential developments, finished or unfinished, where certain conditions have been met.

My Department will shortly issue updated policy guidance to planning authorities on the taking in charge of residential estates, including the limited circumstances where it may be appropriate to condition a management company. In relation to the regulation of management companies, issues relating to multi-unit developments — including the structure and governance of property management companies — were identified in the Law Reform Commission's Consultation Paper on Multi-Unit Developments, which was published in December 2006. Following this, the Government approved the establishment of a high-level, interdepartmental committee chaired by the Department of Justice, Equality and Law Reform to assist in the development of a coherent and comprehensive legislative response to the difficulties arising in relation to property management companies.

The Law Reform Commission will publish its final report as soon as possible, and the reform proposals contained in the report will be examined by the interdepartmental committee. Any necessary legislation relating to the regulation of management companies will be progressed by the Department of Justice, Equality and Law Reform, with the Department of Enterprise, Trade and Employment being involved in relation to any company law aspects.

### **Water and Sewerage Schemes.**

416. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government if his Department has received plans from Galway County Council for a sewerage scheme for Kinvara, County Galway; and if he will make a statement on the matter. [5639/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Kinvara Sewerage Scheme is included in my Department's Water Services Investment Programme 2007 — 2009 as a scheme to start construction in 2008. My Department approved Galway County Council's Preliminary Report for the scheme in December 2006. In accordance with devolved procedures for schemes costing less than €5m, the Council may advance the

[Deputy John Gormley.]

scheme through the procurement and construction stages without further reference to my Department.

### **Social and Affordable Housing.**

417. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government if he will revise guideline criteria and income limits for affordable housing in view of the downturn in house prices and the greater demand for this scheme, recognising the difficulty in availability of mortgage finance in the private sector; and if he will make a statement on the matter. [5640/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe):** Eligibility for the affordable housing schemes is determined on the basis that applicants are in need of housing and cannot afford to purchase a house outright on the open market. Any downturn in house prices improves affordability in the market and would, therefore, be expected to reduce demand for the affordable housing schemes. Applicants for affordable housing under Part V of the Planning and Development Acts 2000 to 2006 or the Affordable Housing Initiative satisfy the income eligibility requirement if the mortgage repayments for suitable accommodation available in the market would exceed 35% of their net income. There are no plans to change this approach, which provides a mechanism for taking into account up to date net incomes, house prices and mortgage servicing costs in determining an applicant’s eligibility.

In the case of the Shared Ownership and the 1999 Affordable Housing Schemes, the annual income limit for a single income household is €40,000, while the annual limit for a two income household is €100,000, using the formula of  $2\frac{1}{2}$  times the main income plus once the secondary income. The limits for these schemes are kept under review to ensure they are meeting the needs of the target groups for which they are intended. My Department is currently completing such a review and I expect to be in a position to announce the outcome shortly.

### **Water and Sewerage Schemes.**

418. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government if his Department has received the preliminary report for the Gort regional water supply; when Galway County Council will get approval to advance the project in view of the fact that all project development in the town of Gort is restricted until a proper water supply is provided. [5641/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Gort Regional Water Supply Scheme is included in my Department’s Water Services Investment Programme 2007 — 2009 as a scheme to start construction in 2009. My Department is awaiting Galway County Council’s revised Preliminary Report for the scheme.

### **Local Government.**

419. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government if he will provide details of each of the ministerial orders made under section 24 of the Local Government Act 1994 and Part V of the Local Government Act 1991, relating to the fixing of the number of council members in a local electoral area. [5652/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The information requested is set out in the following table.

Local Authority	S.I. Number	Title
<i>City Councils:</i>		
Cork	S.I. No. 299 of 1998	Cork County Borough Local Electoral Areas Order 1998
Dublin	S.I. No. 386 of 1998	County Borough of Dublin Local Electoral Areas Order 1998
Galway	S.I. No. 337 of 1998	Galway County Borough Local Electoral Areas Order 1998
Limerick	S.I. No. 298 of 1998	Limerick County Borough Local Electoral Areas Order 1998
Waterford	S.I. No. 342 of 1998	Waterford County Borough Local Electoral Areas Order 1998
<i>County Councils:</i>		
Carlow	S.I. No. 407 of 1998	County of Carlow Electoral Areas Order 1998
Cavan	S.I. No. 408 of 1998	County of Cavan Local Electoral Areas Order 1998
Clare	S.I. No. 335 of 1998	County of Clare Local Electoral Areas Order 1998
Cork	S.I. No. 309 of 1998	County of Cork Local Electoral Areas Order 1998
Donegal	S.I. No. 297 of 1998	County of Donegal Local Electoral Areas Order 1998
Dún Laoghaire-Rathdown	S.I. No. 341 of 1998	County of Dun Laoghaire-Rathdown Local Electoral Areas Order 1998
Fingal	S.I. No. 387 of 1998	County of Fingal Local Electoral Areas Order 1998
Galway	S.I. No. 296 of 1998	County of Galway Local Electoral Areas Order 1998
Kerry	S.I. No. 302 of 1998	County of Kerry Local Electoral Areas Order 1998
Kildare	S.I. No. 336 of 1998	County of Kildare Local Electoral Areas Order 1998
Kilkenny	S.I. No. 301 of 1998	County of Kilkenny Local Electoral Areas Order 1998
Laois	S.I. No. 339 of 1998	County of Laoighis Local Electoral Areas Order 1998
Leitrim	S.I. No. 334 of 1998	County of Leitrim Local Electoral Areas Order 1998
Limerick	S.I. No. 303 of 1998	County of Limerick Local Electoral Areas Order 1998
Longford	S.I. No. 291 of 1998	County of Longford Local Electoral Areas Order 1998
Louth	S.I. No. 369 of 1998	County of Louth Local Electoral Areas Order 1998
Mayo	S.I. No. 435 of 1998	County of Mayo Local Electoral Areas Order 1998
Meath	S.I. No. 310 of 1998	County of Meath Local Electoral Areas Order 1998
Monaghan	S.I. No. 290 of 1998	County of Monaghan Local Electoral Areas Order 1998
North Tipperary	S.I. No. 300 of 1998	County of Tipperary (North Riding) Local Electoral Areas Order 1998



[Deputy John Gormley.]

Local Authority	S.I. Number	Title
Offaly	S.I. No. 289 of 1998	County of Offaly Local Electoral Areas Order 1998
Roscommon	S.I. No. 287 of 1998	County of Roscommon Local Electoral Areas Order 1998
Sligo	S.I. No. 333 of 1998	County of Sligo Local Electoral Areas Order 1998
South Dublin	S.I. No. 347 of 1998	County of South Dublin Local Electoral Areas Order 1998
South Tipperary	S.I. No. 288 of 1998	County of Tipperary (South Riding) Local Electoral Areas Order 1998
Waterford	S.I. No. 338 of 1998	County of Waterford Local Electoral Areas Order 1998
Westmeath	S.I. No. 340 of 1998	County of Westmeath Local Electoral Areas Order 1998
Wexford	S.I. No. 414 of 1998	County of Wexford Local Electoral Areas Order 1998
Wicklow	S.I. No. 311 of 1998	County of Wicklow Local Electoral Areas Order 1998
<i>Borough Councils:</i>		
Drogheda	S.I. No. 370 of 1998	Borough of Drogheda Local Electoral Areas Order 1998
Sligo	S.I. No. 112 of 1994	Borough of Sligo Local Electoral Areas Order 1994(made under the Local Government Act 1941)
<i>Town Councils:</i>		
Bray	S.I. No. 406 of 1998	Bray Urban District Local Electoral Areas Order 1998
Dundalk	S.I. No. 359 of 1998	Dundalk Urban District Local Electoral Areas Order 1998

420. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the respective dates when the number of council members were last fixed in respect of each city and county council and in each case to provide the legal reference for the ministerial order. [5653/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The number of elected members in each local authority is set out in section 21 and schedule 7 of the Local Government Act 2001.

#### **Departmental Staff.**

421. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6016/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** No full-time specialists have been openly recruited to date by my Department in the areas of

information technology procurement and capital project evaluation and management. There have been no secondments of IT procurement specialists between my Department and the private sector or vice versa.

### Compulsory Purchase Orders.

422. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6132/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Pursuant to section 214 of the Planning and Development Act 2000, I have no function in relation to the compulsory acquisition of land by a local authority and consequently I have no information on the extent to which powers of compulsory acquisition are being utilised by such authorities.

### Decentralisation Programme.

423. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources if he will present in tabular form the progress at the end of 2007 in respect of units or agencies under his Department which are due to decentralise showing in respect of each the number of posts to be decentralised, the number who have moved to the new location, the number who have been assigned to the decentralised post but have not moved, the number of staff who have been assigned who are new recruits and the number who have opted to stay in Dublin who have been assigned to other posts within Dublin. [5297/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The headquarters of my Department is due to relocate to Cavan under the Government's decentralisation programme. Three of the State Bodies under the aegis of my Department, the Central Fisheries Board, Sustainable Energy Ireland and Ordnance Survey Ireland are scheduled to decentralise to Carrick-on-Shannon, Dundalk and Dungarvan respectively. The following table sets out the progress made to the end of 2007 for each organisation:

Organisation	Decentralising to	Number of posts due to decentralise	Number of staff who have moved to the decentralised location	Number of staff assigned to decentralise (not in location)	Number of staff decentralised/ assigned to decentralise who are new recruits	Number of staff who have opted to stay in Dublin who have been assigned to Dublin based posts
Department of Communications, Energy & Natural Resources	Cavan	300	45	57	11	47
Sustainable Energy Ireland	Dundalk	38	2	19	16	0
Central Fisheries Board.	Carrick-on-Shannon	62	0	21	19	0
Ordnance Survey of Ireland.	Dungarvan	200	0	57	16	0

### Departmental Bodies.

424. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the position regarding bodies (details supplied); if each body is still in existence; the status of each; the role of each; the staff numbers of each; and the budget for each. [5399/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In the time available, it has not been possible to identify and assemble the information requested. My Department is compiling the relevant data sought by the Deputy in this regard, and I shall forward it to him as soon as possible.

#### **Telecommunications Services.**

425. **Deputy Brendan Howlin** asked the Minister for Communications, Energy and Natural Resources the name of each town with an operational metropolitan area network; the number and name of towns to be provided with a MANs network; the number of customers connected to each MANs network at present; the cost of the connection to each MANs; and if he will make a statement on the matter. [5466/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Under Phase I of the Metropolitan Area Networks (MANs) Programme twenty-seven MANs have been constructed. All twenty-seven are operational and open for business in Carlow, Cork, Letterkenny, Gweedore, Galway, Kilkenny, Portlaoise, Carrick-on-Shannon, Manorhamilton, Limerick, Ballina, Kiltimagh, Tullamore, Roscommon, Clonmel, Dungarvan, Waterford, Mullingar, Athlone, Wexford, Dundalk, Drogheda, Carrickmacross, Monaghan, Cavan, Kingscourt and Sligo. Service providers are deemed as “customers” of the MANs. In other words, a Service Provider, as a customer of a MAN, uses the MAN to offer services on to the Service Provider’s own customers. 28 service providers are offering services on the Phase I MANs, using them to compete for voice and data services over a range of platforms including:

- Unbundled local loop;
- Mobile wireless;
- Fixed wireless;
- Cable;
- Partial private circuits; and
- Directly connected fibre.

The cost to service providers of connecting to the suite of products and services offered by the MANs are available from eNet, ([www.enet.ie](http://www.enet.ie)), the Management Services Entity that manage, market, operate and maintain the networks on behalf of the State.

Under Phase II of the MANs Programme sixty-six towns will be provided with a MAN. These are detailed in the following table. My Department is currently undertaking a Value for Money and policy review on the first phase of the MANs Programme, which is due to be published in the coming weeks. Additionally, a draft policy paper on Next Generation Broadband Networks is being prepared by my Department. This paper will consider the optimum role for Government in facilitating the roll out of high speed broadband networks. I expect to publish this paper for public consultation in the coming months. Both the review and the policy paper will help to inform decisions on future investment by Government in broadband infrastructure programme and other communications initiatives.

Region	MAN	Town
Cork	Bantry	Bantry
Cork	Blarney	Blarney
Cork	Carrigaline Loop	Carrigaline
Cork	Carrigaline Loop	Passage West
Cork	Carrigaline Loop	Ringaskiddy
Cork	Charleville	Charleville
Cork	Dunmanway	Dunmanway
Cork	Fermoy	Fermoy
Cork	Kanturk	Kanturk
Cork	Kinsale	Kinsale
Cork	Middleton	Middleton
Cork	Mitchelstown	Mitchelstown
Cork	Skibbereen	Skibbereen
Cork	Youghal	Youghal
Donegal	Ballybofey/Stranorlar	Ballybofey
Donegal	Ballybofey/Stranorlar	Stranorlar
Donegal	Ballyshannon	Ballyshannon
Donegal	Buncrana	Buncrana
Donegal	Bundoran	Bundoran
Donegal	Carndonagh	Carndonagh
Donegal	Donegal Town	Donegal Town
Galway	Athenry	Athenry
Galway	Ballinasloe	Ballinasloe
Galway	Clifden	Clifden
Galway	Gort	Gort
Galway	Loughrea	Loughrea
Longford	Longford	Longford
Meath	Dunboyne / Clonee	Dunboyne
Meath	Dunboyne / Clonee	Clonee
Meath	Dunshaughlin	Dunshaughlin
Meath	Kells	Kells
Meath	Navan	Navan
Meath	Trim	Trim
Midlands	Edenderry	Edenderry
North East	Ardee	Ardee
North East	Bailieborough	Bailieborough
North East	Castleblaney	Castleblaney
North East	Clones	Clones
North East	Cootehill	Cootehill
Fingal	Donabate/Portrane	Donabate
Fingal	Donabate/Portrane	Portrane
Fingal	Lusk	Lusk
Fingal	Skerries	Skerries
Wicklow	Blessington	Blessington
Wicklow	Kilcoole/Newtownmountkennedy	Kilcoole
Wicklow	Kilcoole/Newtownmountkennedy	Newtownmountkennedy
SERA	Cahir	Cahir

[Deputy Eamon Ryan.]

Region	MAN	Town
SERA	Cashel	Cashel
SERA	Carrick on Suir	Carrick on Suir
SERA	Tipperary	Tipperary
SERA	Thomastown	Thomastown
Mayo	Ballinasloe	Ballinasloe
Mayo	Knock Airport	Knock Airport
Mayo	Claremorris	Claremorris
Kerry	Killarney	Killarney
Kerry	Castleisland	Castleisland
Kerry	Tralee	Tralee
Kerry	Listowel	Listowel
Shannon	Abbeyfeale	Abbeyfeale
Shannon	Banagher	Banagher
Shannon	Birr	Birr
Shannon	Kilrush	Kilrush
Shannon	Nenagh	Nenagh
Shannon	Newcastlewest	Newcastlewest
Shannon	Roscrea	Roscrea
Shannon	Templemore	Templemore
13 Regions	60 MANs	66 Towns

426. **Deputy Brendan Howlin** asked the Minister for Communications, Energy and Natural Resources when it is intended to provided a MANs network for the towns of Enniscorthy, New Ross and Gorey in County Wexford; and if he will make a statement on the matter. [5467/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In March 2002 the Government approved the design and construction of fibre optic Metropolitan Area Networks (MANs) using Government and European Regional Development Fund (ERDF) funding under the National Development Plan 2000-2006. Phase I of this Programme delivered fibre optic networks to 27 towns and cities throughout the country, which were built on time and under budget. eNet, the Management Services Entity for Phase I, is currently managing those completed networks.

In planning the second phase of the MANs programme, a review of the availability of DSL broadband in the regions showed that over 90 towns with a population of 1,500 and above did not have a broadband service provided by the private sector, and these towns were targeted for the provision of MANs under Phase II. The towns of Gorey, Enniscorthy and New Ross all had DSL available and were not deemed to be the most needful for MANs infrastructure at that time. These towns have been identified as candidates for a possible third phase of the MANs programme.

My Department is currently undertaking a Value for Money and Policy Review on the first phase of the MANs Programme, which is due to be published in the coming weeks. Additionally, a draft policy paper on Next Generation Broadband Networks is being prepared by my Department. This paper will consider the optimum role for Government in facilitating the roll out of high speed broadband networks. I expect to publish this paper for public consultation in the coming months. Both the review and the policy paper will help to inform decisions on

future investment by Government in broadband infrastructure and other communications initiatives.

### **Grant Payments.**

427. **Deputy Johnny Brady** asked the Minister for Communications, Energy and Natural Resources the number of applications received in 2007 for grants for the provision of energy saving solar panels and wood chip boilers. [5526/08]

428. **Deputy Johnny Brady** asked the Minister for Communications, Energy and Natural Resources the estimated number of applications expected by his Department for energy saving products, that is, solar panels, wood chip boilers and geothermal units in 2008. [5527/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 427 and 428 together.

Sustainable Energy Ireland (SEI) currently has two programmes that provide financial supports to those interested in renewable energy based heating systems. The Greener Homes Scheme aimed at householders grant aids the installation of geothermal heat pump, wood pellet or solar thermal systems for space heating and/or hot water. The Renewable Heat (ReHeat) Deployment Programme provides assistance for the deployment of renewable heating systems in industrial, commercial, public and community premises in Ireland. Under the ReHeat Deployment programme, grants are available for the deployment of renewable heating systems including boilers fuelled by wood chips and/or wood pellets, solar thermal systems and geothermal heat pumps. These systems are typically significantly larger than those installed under the Greener Homes Scheme.

The number of approved applications under the Greener Homes Scheme in 2007 was 9,453. The number of approved applications under the ReHeat Scheme in 2007 was 158. To date in 2008, SEI is approving, on average, 200 applications per week under the Greener Homes Scheme. To date in 2008, SEI is approving, on average, 5-6 applications per week under the ReHeat Scheme.

### **Mine Sites.**

429. **Deputy Ulick Burke** asked the Minister for Communications, Energy and Natural Resources if he has received a request from the Minister for the Environment, Heritage and Local Government to provide funding for the rehabilitation of the old Tynagh Mines, Loughrea, County Galway following a meeting (details supplied); and if he will make a statement on the matter. [5635/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I have not received a request from the Minister for Environment, Heritage & Local Government to fund the rehabilitation of the former mine site at Tynagh. The site is being included in the national inventory of inactive and abandoned mine sites being prepared by the Environmental Protection Agency in conjunction with the Geological Survey of Ireland. The inventory will ensure that Ireland complies with Article 20 of Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the Management of Waste from Extractive Industries and amending Directive 2004/35/EC. It is scheduled for completion later this year, and it would be premature for me to make any comment on its conclusions at this stage. The inventory will, of course, be published as required by the Directive.

**Departmental Staff.**

430. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources the number of full-time specialists who have been procured through open recruitment in the area of information technology procurement and capital project evaluation and management; and the number of IT procurement specialists who have been seconded between the public and private sectors, as proposed by him as part of the improved value from capital projects. [6011/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department has not procured, through open recruitment or on secondment, any specialist staff as outlined in the Deputy's Question.

**Compulsory Purchase Orders.**

431. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources if the use of compulsory purchase orders powers has increased since the advice of the Minister for Finance to Departments on this matter in 2005; the details of the increase; if he has secured faster release of lands and a more cost effective price for all forms of public infrastructure; and the savings secured. [6127/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I have been informed by my Department that compulsory purchase order powers have not been used in the Department from 2005 to date.