



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 14 February 2008.

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DÁIL ÉIREANN

Déardaoin, 14 Feabhra 2008.
Thursday, 14 February 2008.

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

Paidir.
Prayer.

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. Before dealing with the Order of Business, I propose to deal with a request to move the adjournment of the Dáil under Standing Order 32.

Deputy Seymour Crawford: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of national and local importance, namely, the urgent need for a debate on all aspects of agriculture in light of the fact that Grove Turkeys in Monaghan has paid off 130 workers, creating major problems for 85 turkey farms; 60,000 farmers are not receiving REPS on which they depend to meet repayments and living expenses; the pig and poultry industry is in chaos; and the Government's failure to introduce legislation in respect of the labelling of most meat products. I hope the Ceann Comhairle can agree to my request to debate this urgent matter.

An Ceann Comhairle: Tar éis breithniú a dhéanamh ar an ní ardaithe ag an Teachta, níl sé in ord faoi Bhuan-Ordú 32. Having considered the matter raised, it is not in order under Standing Order 32.

Order of Business.

The Tánaiste: It is proposed to take No. 10a, motion re referral to the joint committee of proposed approval by Dáil Éireann of the Limerick City Boundary Alteration Order 2008; No. 10b, Finance Bill 2008 — allocation of time motion for select committee; 10c, Finance Bill 2008 — Financial Resolutions; No. 15, Control of Exports Bill 2007 [*Seanad*] — Order for Report, Report and Final Stages, to adjourn at 1 p.m. if not previously concluded; and No. 3, Immigration, Residence and Protection Bill 2008 — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that Nos. 10a, 10b and 10c shall be decided without debate. In the case of No. 10c, Financial Resolutions Nos. 1 to 35 shall be moved together and decided by one question which shall be put by the Chair.

An Ceann Comhairle: Is the proposal for dealing with Nos. 10a, 10b and 10c without debate agreed? Agreed.

Deputy Enda Kenny: We should be honoured the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, is here this morning to represent the Green Party. I

[Deputy Enda Kenny.]

am aware today is Valentine's Day but I was going to say, had the Minister, Deputy Ryan, not come into the House today, that it would be easier to find a green man on Venus than a Green Party Minister in the Dáil.

Today it is the turn of the Progressive Democrats Party, which supports the Government, to absent itself from the House.

Deputy Phil Hogan: There are not too many of them.

Deputy Enda Kenny: Also, four Ministers are absent who are not paired. However, one cannot control them all. The Tánaiste and Minister for Finance, Deputy Cowen, will recall that there was a time when it was obligatory for Members to attend the House for the Order of Business.

Deputy Fergus O'Dowd: The boys rose to the party.

Deputy Enda Kenny: I wish to raise a couple of matters with the Minister. It is a source of regret to me that the Minister for Education and Science was not present for the Dáil vote last night on the Fine Gael motion on autism moved by Deputy Brian Hayes.

Deputies: Hear, hear.

Deputy Enda Kenny: I want to state publicly that I admire the spirit of Deputy O'Rourke. It is a pity it was not matched by three or four members of the Fianna Fáil Party who could have stood up for children challenged in this way. This would have sent to the Minister for Education and Science a direction that this type of Thatcher-like approach to the process of education should be more flexible. This is a cause of regret. The Government has disappointed many parents around the country.

We learned today from the national newspapers that almost 300 prisoners who are on the run are either on temporary release or absent from low security prisons. The Ceann Comhairle is thinking of stopping me.

An Ceann Comhairle: I do not want to stop the Deputy but he is completely out of order.

Deputy Enda Kenny: I know; I am on the run.

(Interruptions).

An Ceann Comhairle: It is a curved ball.

Deputy Tom Kitt: We could spot Deputy Kenny anywhere in that tie.

An Ceann Comhairle: The Deputy is out on the sideline somewhere.

Deputy Enda Kenny: What action will the Government take to assist the Garda Síochána in ensuring these people serve their due sentences——

An Ceann Comhairle: The Deputy is not in order. He must ask relevant questions on the Order of Business. It is not possible for Deputy Kenny to continue with this matter.

Deputy Enda Kenny: ——whether in low security prisons or from absconding while on temporary release? One person has been on temporary release from prison since 1992.

Will the Tánaiste say if the Government intends to make any amendment in respect of the pharmacy (No. 1) Bill or pharmacy (No. 2) Bill to introduce an arbitration system to ensure there will not be chaos after 1 March?

Deputy Bernard J. Durkan: Hear, hear.

Deputy Enda Kenny: Thousands of people are concerned about whether they will be able to get their prescribed medicines after this date.

The Tánaiste: It is not possible to indicate at this stage when the pharmacy Bill will be brought forward. On the matter raised by Deputy Kenny in respect of newspaper coverage, this issue relates to 272 prisoners out of a total prison population of 150,000 during a 16-year period. Deputies will be interested to know that the use of temporary release has decreased significantly from 20% when the Rainbow Coalition was in power to 5% under this Government.

Deputy Eamon Gilmore: The Joint Committee on Health and Children is meeting today for the third day in succession to deal with the continuing problem that no agreement has been reached between the Health Service Executive and pharmacists in respect of the terms of their contract. This could result in many medical card holders being unable to obtain their prescriptions from 1 March.

An Ceann Comhairle: That is not in order.

Deputy Eamon Gilmore: This is in order.

Deputy P. J. Sheehan: Nothing is in order in this House.

Deputy Eamon Gilmore: It has been under consideration by a committee of the House for three days in succession, which is unprecedented. Will the Government provide some time in this House next week to consider a report from the health committee about its deliberations on this matter and afford all Members the opportunity to discuss this important matter? It causes considerable anxiety, particularly to older people who are concerned they will not get their prescriptions from 1 March. All Members should have an opportunity to consider the health committee's report and I ask that it be brought here next week.

Deputies: Hear, hear.

Deputy Eamon Gilmore: May I ask the Tánaiste about a matter on which I asked him before, his Ethics in Public Office (Amendment) Bill, which passed all Stages in the Seanad last July? It provides for an arrangement whereby if somebody offers an officeholder money or a large gift and the recipient is in doubt about whether he or she should accept it, he or she could go to the Standards in Public Office Commission for advice. That Bill has passed all Stages in the Seanad. I asked the Tánaiste two weeks ago when he intended to bring it to this House. He was to consult the Government Chief Whip on that and I ask him when the Second Stage of that Bill will be debated. A report from the Standards in Public Office Commission last July recommended a number of changes to the ethics legislation. When does the Government intend to bring forward legislation to give effect to the recommendations of the Standards in Public Office Commission?

The Tánaiste: On the Deputy's second point, I would be amenable to inserting some of the recommendations into the Bill he mentioned earlier. That is why I am having amendments

[The Tánaiste.]

drawn up to take on some of those recommendations and incorporate them into the Bill under discussion.

Deputy Eamon Gilmore: Could the Tánaiste answer the first part of the second matter and all parts of the first matter? When will he bring in the Second Stage of the Bill, whereby people in doubt about accepting money from strangers can go to the Standards in Public Office Commission to get advice about it? Will he allow time for a debate on the health committee's report?

The Tánaiste: I have just explained the procedure to the Deputy. He asked a question and then criticised me for letting him know when I will take some of the recommendations made by the Standards in Public Office Commission last summer.

Deputy Eamon Gilmore: I only asked the question.

The Tánaiste: I answered the question but if I get a smart answer I have to give Deputy Gilmore a smart answer back.

Deputy Eamon Gilmore: My answer was not smart.

The Tánaiste: It was a smart answer. Deputy Gilmore is trying to get a line in the newspaper.

Deputy Willie Penrose: The Tánaiste is all right. We are not in the lobbies.

The Tánaiste: Deputy Gilmore need not worry. He will achieve double digits eventually. He will break through that 10% mark any time soon. Recommendations were made, some of which I wish to incorporate. Those amendments are being prepared. When they are finalised and incorporated into the Bill it can come to the House and be dealt with comprehensively. I thought that was a comprehensive way to deal with it.

Deputy Eamon Gilmore: Is the Ethics in Public Office Bill that was passed by the Seanad being withdrawn for a second Bill to be prepared?

Deputy Martin Cullen: There is something wrong with Deputy Gilmore's hearing too.

Deputy Eamon Gilmore: Will the Bill that was passed by the Seanad be brought to the House?

Deputy Martin Cullen: Yes.

The Tánaiste: Yes, with Government amendments. It will incorporate some of the recommendations of the Standards in Public Office Commission and when enacted here will return to the Seanad to take on those amendments.

Deputy Eamon Gilmore: May I ask two questions arising from that?

The Tánaiste: Two more.

Deputy Eamon Gilmore: Has the Government approved that course of action? When will it appear in this House?

The Tánaiste: The Government has approved that course of action in principle. Work continues on some technical amendments and they will be provided as soon as possible. Once I have that I can come to the House with the incorporated Bill. I cannot say much more about it.

Deputy Eamon Gilmore: I invite the Tánaiste to answer my first question, whether he will provide time next week for a debate on the health committee's report on the row involving pharmacists and the HSE.

An Ceann Comhairle: As Deputy Gilmore knows, that is a matter for the Whips.

The Tánaiste: How the House orders its business is a matter for the Whips, as the Ceann Comhairle said.

Deputy Emmet Stagg: The Opposition Whips are amenable.

The Tánaiste: The Taoiseach dealt with this matter comprehensively during Question Time yesterday.

Deputy Emmet Stagg: Then the answer is no.

Deputy Liz McManus: Does that mean there will be no debate?

Deputy Seymour Crawford: I thank Deputy Eamon Ryan for agreeing to an independent study on the EirGrid proposal. When will the electricity regulation (EirGrid) (amendment) Bill come before the House?

I wish the Minister for Health and Children would agree to an independent study on the pharmacists issue.

As I said in my request under Standing Order 32, there is a crisis in the agriculture sector. The only Bill relevant to the sector is the animal health Bill. If there is to be no debate on agriculture, can that animal health Bill be brought in so we can have an opportunity to discuss the crisis?

There is a crisis in dentistry. Young people cannot get their free entitlements for dentures and one family told me it was costing them €500 to have two teeth seen to. When will the dentists Bill be brought into the House so we can discuss that issue?

The Tánaiste: It is not possible to say when the dentists or animal health Bills will come into the House but the electricity regulation (EirGrid) (amendment) Bill will be published this session.

Deputy Bernard J. Durkan: Now that Irish criminals are enhancing their image on a daily basis internationally, could I again ask the Tánaiste whether it is intended to provide for the miscellaneous changes to the criminal law and give effect to a number of international instruments, such as extradition, with a view to curtailing the activity of such people? This is urgent and it is clearly recognised internationally that a large number of Irish drug baron exiles reside in the various hot spots all over the world and have a very high quality of life.

The Tánaiste: The criminal law (miscellaneous provisions) Bill will be published some time later this year.

Deputy Bernard J. Durkan: That is a vague and nebulous reply.

Deputy Michael Noonan: The House has agreed to an extension of the Limerick urban boundary, which will have knock-on effects on local election boundaries. The Minister for the Environment, Heritage and Local Government has established two committees to redraw local election boundaries. Part of the terms of reference for those committees is that the chairman Mr. Niall Callan must take cognisance of constituency boundaries. Does that mean the existing constituencies or the new constituencies which have not yet been implemented? Submissions close by early March and people are unsure how to frame their submissions. Do the terms of reference refer to existing or new boundaries and will the Government give a commitment to bring forward the legislation enacting the new Dáil constituency arrangements before the committee addresses the submissions?

The Tánaiste: A debate in the House on the Electoral Commission's report is the first step to be taken before taking any legislation on it. There has been much comment on it from all sides of the House and it would be good to have the views of the House expressed in a debate.

Regarding the correct answer to the Deputy's first question, I presume it is in relation to the new boundaries. However, I will have to clarify that and will confirm with the Deputy exactly what is the position. The purpose of the order is in the interests of convenient and effective local government, in order to address the geographical divorcement of the relevant areas from Limerick County Council and to assist in the implementation of the Fitzgerald report. The order provides for the extension of the administrative boundary of Limerick City Council, which was one of the recommendations of that report. Regarding the specific question the Deputy asked about the boundary, I will ask the Minister for the Environment, Heritage and Local Government to contact him directly.

Deputy Michael Noonan: I ask the Tánaiste to deal with this as a matter of urgency. I am sure it is the case in Fianna Fáil, as it is in all other parties, that various units of political organisations are drawing up submissions on boundaries now, on a national basis. On the face of it, it looks as if the submissions to align the local areas to Dáil constituencies relates to the existing constituency boundaries. That is the sense of it but all of that will have changed very quickly, after the submissions have been made.

The Tánaiste: It is best to get clarification from the line Minister and I will ask him to communicate with all Deputies.

Deputy Michael D. Higgins: Before Christmas, and again in this session, Government spokespersons committed themselves to introducing legislation, following a review of the Competition Authority. This arose in the context of the discussion of the Competition (Amendment) Bill 2007. The Government indicated that a review of the Competition Authority's powers and functions was under way. When can we expect that legislation? I ask the question because of the urgency that attaches to it in view of the fact the HSE is choosing to ignore the Fennelly judgment in the case against the Irish League of Credit Unions. Mr. Justice Fennelly upheld the appeal by the Irish League of Credit Unions and on behalf of the Supreme Court stated that where there was no issue relating to the economy or the abuse of a dominant position, the Competition Authority had no role. This is precisely one of the roadblocks in the pharmacy dispute.

When we addressed this issue substantively in my Private Member's Bill before Christmas, Government spokespersons indicated they would respond to issues such as this with their own legislation. My legislation, on behalf of the Labour Party, was voted down. When it is proposed to circulate heads of a Bill? What is the position regarding the review? When may we expect legislation? Does the Tánaiste agree the elimination of this roadblock would have enabled

people, as is usual in most democracies, to be collectively represented? Mr. Justice Fennelly was explicit on this issue. He argued that the straying of the Competition Authority into another area is unhelpful. I also object to the abuse of power by the HSE, which probably contacted the authority and asked it to use powers it does not have.

It would be enormously helpful if the Tánaiste would indicate when the Government proposes to clarify the role of the Competition Authority or alternatively, if it proposes to bring forward trade union legislation that would copperfasten the right to collective representation and ensure it can never be struck down by quangos.

The Tánaiste: I am not aware of the debate which took place but I take it that the Minister for Enterprise, Trade and Employment, Deputy Micheál Martin, and other Government spokespersons were talking about the general regulatory review that is being undertaken at present. If that is the case, the first report on that is due in July. I am not aware of any impending legislation coming before the Cabinet in terms of heads of a Bill concerning the specific matter raised by the Deputy. I can only take the matter up with the relevant Minister and ask him to relay to the Deputy information on the present position.

Deputy Fergus O'Dowd: In view of the publicly expressed comments of the chairman of the Road Safety Authority regarding the purchase and implementation of the proposed new speed cameras, for which tenders have been invited, I ask the Tánaiste to confirm that the tenders will proceed and the cameras will be purchased and put in place as soon as possible.

An Ceann Comhairle: No, he cannot because it is not in order.

Deputy Fergus O'Dowd: I raise the matter in the context of the national road safety strategy. This is the place for a debate. The chairman of the authority has expressed his concerns. Can the Tánaiste respond as to what he will do about it?

An Ceann Comhairle: Questions must relate to legislation. I call Deputy Ciarán Lynch. Apologies, Deputy Broughan wishes to make a point on the same matter.

Deputy Thomas P. Broughan: Given that the Tánaiste did not include funding for this in the Estimates for 2008 for the Department of Justice, Equality and Law Reform, is his Department effectively acting as a roadblock regarding the implementation of speed cameras?

An Ceann Comhairle: Deputy Broughan raised the matter of speed cameras last night and was allowed to do so. I call Deputy Ciarán Lynch. The Deputy had a good innings.

The Tánaiste: It is never any other way.

Deputy Ciarán Lynch: In the context of the Finance Bill and a reply to a parliamentary question which I received yesterday, it has been brought to my attention that tenants living in this country who are paying rent directly to a landlord living outside the State are liable for the taxation owed by that landlord. When I asked the Minister for Finance yesterday how much money was collected, how many tenants were affected, how many had defaulted and about any aspect of the mechanics of this provision in the Finance Bill, he was not able to provide me with any information. The response was that the Department is completely and utterly unaware. The unfairness of a tenant being liable for tax owed by his or her landlord harks back to the 18th century and the time of absentee landlords. I ask the Minister to re-examine the legislation and abolish the relevant section, which is obviously serving no purpose. There is no information available as to whether it is actually working. It must be changed and

[Deputy Ciarán Lynch.]

I ask the Minister to reconsider the legislation which is completely unfair and iniquitous in that it lays liability on the tenant for the landlord's tax liabilities.

An Ceann Comhairle: This does not relate to legislation which is promised.

The Tánaiste: In response to the Deputy, we look forward to him joining us for the Committee Stage of the Finance Bill, when we can discuss these matters.

Deputy Brendan Howlin: The first matter I wish to raise relates to secondary legislation, namely the guidelines issued to the boundary commission, which is examining the local boundaries for the 2009 local elections. The commission is precluded from considering the possibility of equalising representation as between counties but a gross inequality now exists in that regard. Has the matter been considered and if so, why has it been ruled out? Has the Government received legal advice on the constitutionality of such a discrepancy regarding the representation of people who ultimately are the electors for a House of the Oireachtas?

The Tánaiste will be aware that I introduced on behalf of the Labour Party, on two separate occasions, in the current and previous Dáil, a Civil Unions Bill. The first was agreed by the House, but with a date of implementation beyond the lifetime of that Dáil, which was a disreputable way of voting it down. When it was introduced again in this Dáil, a commitment was given that the Government would produce its own legislation in this session, that is, the first session of 2008. It is not on the legislative programme for this session. When will the Government's civil partnership Bill be introduced?

11 o'clock

The Tánaiste: I understand it will be introduced some time this year. It is not on the legislative list at present. Draft heads of the Bill are in preparation in the Department and its expected publication date is 2008.

Deputy Brendan Howlin: The commitment was that it would be done by March of this year. Has that now been abandoned?

The Tánaiste: As the Deputy will know from his time as a Minister, it is not a question of abandoning legislation but of preparing it properly and producing it on time, if possible. It may be that the promised date may not be met.

Deputy Michael D. Higgins: The Government might have anticipated that.

The Tánaiste: The Government remains committed to bringing forward a civil partnership Bill as soon as possible, given the drafting requirements that are involved.

Deputy Liz McManus: It is not as if we are coming down with legislation.

The Tánaiste: Regarding the first matter raised by Deputy Howlin, his question will have to be directed to the line Minister for a detailed reply. I am not aware of any constitutional issue arising but I will ask the Minister to consult with Deputy Howlin, having heard what he has raised this morning.

Deputy James Bannon: Does the Minister for the Environment, Heritage and Local Government intend to introduce legislation to further increase landfill rates, which are reported to be rising from €15 to €20 per tonne? Such charges will help to reduce the dumping of biodegradable waste and lessen the threat of EU fines. However, it will place a greater burden on the taxpayer and cripple business and industry.

An Ceann Comhairle: Is legislation promised in this area?

The Tánaiste: No, legislation is not promised or necessary. A parliamentary question to the Minister might elicit the information.

Deputy Joan Burton: From the Tánaiste's form and good mood, he must be aware that it is St. Valentine's Day. Is he aware that thousands of people, hopefully including himself, will go out for meals tonight and that many of the country's restaurant workers will not be on proper wages and conditions, including the minimum wage? Last week, I brought to the Tánaiste's attention the case of a worker in an Indian restaurant who was awarded substantial damages because he had no rights or good working conditions.

An Ceann Comhairle: Is legislation promised in this area?

Deputy Joan Burton: The Government has repeatedly promised the social partners and trade unions an employment agencies Bill to regulate the plight of foreign workers. Just as people want to know from where the food they eat in restaurants comes — we hope it is from Ireland — they want to see signs that restaurant workers are getting fair wages and conditions when we are privileged enough to sit down to dine. Where is the Bill?

The Tánaiste: There has been a protracted consultation process to try to get agreement on this matter. Preliminary advice from the Attorney General's office has been received in respect of the extent of licensing of employment agencies having regard to Article 49 of the EU treaty on related matters. The Bill is not before the House and the social partners have not signed off on what we are trying to achieve. The discussions are continuing and will probably form part of the discussions that will shortly commence in respect of pay issues.

An Ceann Comhairle: On that romantic note, we will move to the first motion.

Limerick City Boundary Alteration Order 2008: Referral to Joint Committee.

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

That the proposal that Dáil Éireann approves the following Order in draft:

Limerick City Boundary Alteration Order 2008,

copies of which were laid in draft form before Dáil Éireann on 12th February 2008, be referred to the Joint Committee on the Environment, Heritage and Local Government in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than 27th February, 2008, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Finance Bill 2008: Allocation of Time.

Tánaiste and Minister for Finance (Deputy Brian Cowen): I move:

That, notwithstanding anything in Standing Orders:

(1) The proceedings in the Select Committee on Finance and the Public Service on the Finance Bill 2008 shall be brought to a conclusion in accordance with the following timetable:

[Deputy Brian Cowen.]

Date:	Proceedings:	To conclude not later than:
Tuesday, 19th February	Chapters 1 and 2 (part) of Part 1 (sections 1 to 13)	2 p.m.
	Chapters 2 (contd.) and 3 (part) of Part 1 (sections 14 to 25)	5.30 p.m.
	Chapter 3 (contd.) of Part 1 (including sections 26 to 38)	8 p.m.
Wednesday, 20th February	Chapters 4 and 5 of Part 1 (including sections 39 to 50)	1 p.m.
	Parts 2 and 3 (including sections 51 to 100)	5 p.m.
	Parts 4 and 5 (including sections 101 to 120)	8 p.m.
Thursday, 21st February	Part 6 (sections 121 to 133), the Schedules and the Title	5 p.m.

and where proceedings have not concluded by the stated time, they shall be brought to a conclusion by one Question, which shall be put from the Chair, and which shall, in relation to amendments, include only those set down or accepted by the Tánaiste and Minister for Finance or a Minister of State, nominated as substitute on his behalf, and the Question shall dispose of all amendments addressed to the Part of the Bill to which they refer.

(2) Where a division is claimed on the proceedings on the Finance Bill 2008, in the Select Committee on Finance and the Public Service, other than on a Question put as provided for in accordance with paragraph (1), the taking of such division and the putting of any Question contingent thereon shall be postponed until—

(a) immediately before the time next appointed for the putting of a Question in accordance with paragraph (1), or

(b) in the event of such Question not being put, when proceedings in Committee on the matters which would have been decided by the putting of such Question have been otherwise completed.

(3) The Select Committee shall, in accordance with Standing Order 87, send a message to the Dáil in relation to the completion of its consideration of the Finance Bill 2008, not later than Thursday, 21st February, 2008.

Question put and agreed to.

Financial Resolutions: Motion.

Tánaiste and Minister for Finance (Deputy Brian Cowen): I move:

1. THAT section 187 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for exemption from income tax and associated marginal relief, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

2. THAT Schedule 13 to the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains the list of accountable persons for the purposes of the scheme of withholding tax on fees for professional services, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

3. THAT the Taxes Consolidation Act 1997 (No. 39 of 1997), be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide for the

amendment of the tax treatment of convertible securities acquired by directors and employees.

4. THAT the Taxes Consolidation Act 1997 (No. 39 of 1997), be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide for salary sacrifice arrangements which are approved of by the Revenue Commissioners.

5. THAT section 485G of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for miscellaneous matters in relation to the limitation on the amount of certain reliefs used by certain high income individuals, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

6. THAT section 81A of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for a restriction of deductions for employee benefit contributions made by an employer, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

7. THAT the Taxes Consolidation Act 1997 (No. 39 of 1997), in so far as it relates to the schemes of capital allowances for qualifying hospitals, qualifying mental health centres, qualifying tourism facilities under the mid-Shannon Corridor Tourism Infrastructure Investment Scheme and qualifying childcare premises, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

8. THAT the Taxes Consolidation Act 1997 (No. 39 of 1997), be amended in the manner and to the extent specified in the Act giving rise to this Resolution to provide for the scheme of capital allowances and expenses for business cars.

9. THAT Chapter 6 of Part 4 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides a number of general computational rules for Schedule D which apply for both income tax and corporation tax, be amended, by making taxation provisions relating to equalisation reserves for credit insurance and reinsurance business of companies, in the manner and to the extent specified in the Act giving effect to this Resolution.

10. THAT section 768 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which deals with tax relief for certain expenditure on "know-how" that is bought by a person for use in a trade carried on by that person, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

11. THAT Chapter 6 of Part 4 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides a number of general computational rules for the charge to tax under Schedule D, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

12. THAT Part 24 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for taxation of profits in respect of Irish oil and gas exploration and production, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

13. THAT Chapter 9 of Part 6 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which sets out the tax treatment of an acquisition by a company of its own shares, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

14. THAT Schedule 24 to the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides the mechanism for determining the amount of credit to be given against Irish tax

[Deputy Brian Cowen.]

in respect of foreign tax suffered, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

15. THAT Chapter 6 of Part 19 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for the capital gains tax treatment of transfers of business assets, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

16. THAT section 603A of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides, subject to certain criteria, exemption from capital gains tax in respect of any gain on a disposal of a site by a parent to his or her child, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

17. THAT provision be made in the Act giving effect to this Resolution for imposing a duty of excise, to be known as electricity tax, in accordance with the provisions of that Act, on electricity supplied in the State to consumers.

18. THAT section 96 of the Finance Act 1999 (No. 2 of 1999), which specifies rates of mineral oil tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

19. THAT in Chapter 1 of Part 2 of the Finance Act 1999 (No. 2 of 1999)—

(a) provision be made for the use of heavy oil in private pleasure navigation and private pleasure flying,

(b) section 99, which relates to passenger road services, be deleted, and

(c) section 100(1), which relates to reliefs from mineral oil tax for certain mineral oils, be amended,

in the manner and to the extent specified in the Act giving effect to this Resolution.

20. THAT the duty of excise imposed by section 43 of the Finance (1909-10) Act 1910 on the licences for the sale of intoxicating liquor be charged, levied and paid, as respects any retailer's off-licence, at the rates specified in the Act giving effect to this Resolution in lieu of the rates specified in column (3) of Part I of the Sixth Schedule to the Finance Act 1992 (No. 9 of 1992).

21. THAT section 132 of the Finance Act 1992 (No. 9 of 1992), which provides for the charging of vehicle registration tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

22. THAT section 134 of the Finance Act 1992 (No. 9 of 1992), which provides for permanent reliefs from the payment of vehicle registration tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

23. THAT section 135C of the Finance Act 1992 (No. 9 of 1992), which provides for the remission or repayment in respect of vehicle registration tax on certain hybrid electric vehicles, flexible fuel vehicles, electric vehicles or electric motorcycles, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

24. That in the Value-Added Tax Act 1972 (No. 22 of 1972)—

(a) each of the following be amended:

- (i) section 1, which relates to interpretation,
- (ii) section 2, which relates to the charge of value added tax,
- (iii) section 3, which relates to the supply of goods,
- (iv) section 4, which relates to the special provisions in relation to the supply of immovable goods,
- (v) section 5, which relates to the supply of services,
- (vi) section 7, which relates to waiver of exemption,
- (vii) section 8, which relates to taxable persons,
- (viii) section 10, which relates to the amount on which tax is chargeable,
- (ix) section 12, which relates to deduction for tax borne or paid,
- (x) section 12B, which relates to the special scheme for means of transport supplied by taxable dealers,
- (xi) section 12C, which relates to the special scheme for agricultural machinery,
- (xii) section 14, which relates to determination of tax due by reference to cash receipts, and
- (xiii) section 17, which relates to invoices,

and

(b) provision be made in respect of—

- (i) supplies of immovable goods,
- (ii) option to tax lettings of immovable goods, and
- (iii) capital goods,

in the manner and to the extent specified in the Act giving effect to this Resolution.

25. THAT section 5 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which allows the Revenue Commissioners to enter into composition agreements enabling stamp duty to be paid at intervals by the delivery of an account to them, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

26. THAT section 79 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which contains an exemption from stamp duty on transfers of property between associated bodies corporate, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

27. THAT section 92B of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which contains an exemption from stamp duty on the purchase of a dwellinghouse or apartment by a first time purchaser, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

[Deputy Brian Cowen.]

28. THAT Part 9 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which provides for levies, be amended in relation to preliminary duty chargeable in the manner and to the extent specified in the Act giving effect to this Resolution.

29. THAT Part 9 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which provides for levies, be amended in relation to the making of assessments in respect of those levies in the manner and to the extent specified in the Act giving effect to this Resolution.

30. THAT section 57 of the Capital Acquisitions Tax Consolidation Act 2003 (No. 1 of 2003), which provides for the time limit applying to overpayments of gift tax or inheritance tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

31. THAT section 1003 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which deals with the payment of tax by means of donation of heritage items, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

32. THAT sections 37, 607 and 838 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which deal, respectively, with securities of certain State-owned companies, Government and certain other securities, and special portfolio investment accounts, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

33. THAT section 372AZ(1) of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains certain restrictions on the availability of relief for capital expenditure incurred under the mid-Shannon Corridor Tourism Infrastructure Investment Scheme, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

34. THAT Chapter 2 of Part 2 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for the imposition of the basic charge to corporation tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

35. THAT Chapter 1 of Part 20 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains the general rules relating to companies' chargeable gains, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

Question put and agreed to.

Control of Exports Bill 2007 [Seanad]: Report and Final Stages.

An Ceann Comhairle: Amendment No. 1 is in the name of the Minister and arises out of committee proceedings. Amendments Nos. 4 and 5 are cognate and amendment No. 6 is related. Amendments Nos. 1, 4, 5 and 6 will be discussed together.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John McGuinness): I move amendment No. 1:

In page 4, line 12, after “appropriate,” to insert “having regard to the purposes of this Act,”.

Deputy Penrose tabled an interesting amendment on Committee Stage that proposed the insertion of a new principles and policy section in the Bill setting out the general principles and policies with particular regard to the EU and other international organisations and any other

general Government policies. At the time, I undertook to obtain the advice of the Attorney General's office on this proposal and to revert to it on Report Stage.

I assure the Deputy that I gave this suggestion serious consideration, but the advice received from the Attorney General's office did not support the inclusion of the new section. There is a well established principle in law that the State is bound by the European and international treaties and European legislation. It is not necessary, therefore, to reiterate this obligation in a new section. It is clear from the Long Title of the Bill, which sets out its intent and scope, that among its objectives are provisions for controls of arms brokering and technical assistance with reference to specific European legislation.

Regarding controls on exports of good and technology, we have agreed to impose restrictions in accordance with our commitment as a participating state in the international export control regimes. The Schedule of goods and technologies to be controlled by order reflects the control lists agreed within the regimes. I am satisfied, therefore, that we have the necessary connectivity between our EU and international obligations and the order making powers created by these sections. Furthermore, I have been advised that it is not the current practice of the Attorney General's office to include general principles and policy sections in new primary legislation.

For these reasons, I have concluded on balance that it would not be appropriate to accept Deputy Penrose's worthy proposal. However, I take on board the intent of his suggestion. For this reason, I have proposed the addition of text "having regard to the purposes of this Act" to each of the sections mentioned to clarify the reasons for making orders. I hope this provision will reassure the Deputy as to the scope of these order-making powers and that he will accordingly withdraw his amendment.

Deputy Willie Penrose: I thank the Minister of State for his comprehensive reply. I have no doubt that he gave my amendment serious consideration, which we anticipated after he referred to it on Committee Stage.

The Labour Party had a number of concerns in respect of certain aspects of the Bill. We wanted to put in place an effective export licensing and control system that was comprehensive enough to monitor the end users of arms exports, an important matter. We wanted to broaden the Bill's remit to avoid focus on the narrow issues of arms brokering and to focus on the control of activity relating to the production and sale of military equipment. I tabled the amendment to sections 3 to 5, inclusive, because they, as originated with the Government, contained wide powers with no express principles or policies that would bring the sections within the constitutional requirement of the *Cityview Press v. AnCO* case, namely, that principles and policies must be alluded to in the Act. The Minister of State has considered this matter and taken legal advice from the Attorney General, by which he is bound, but I disagree respectfully with the eminent Attorney General. Be that as it may, I know from where the Minister of State is coming and I accept his bona fides in that regard.

It is always better to set out principles and policies. The Minister of State has come a significant amount of the way in so far as the purpose of the Act is concerned. Broad policy principles to ensure the overall thrust of the control of arms as enunciated in the Bill can be read in each line, section and subsection. This is important to the Labour Party, which I stated on behalf of the Labour Party on Second Stage. I welcome the fact that my colleague, Deputy Higgins, is present because he and my colleague in Europe, Mr. Proinsias De Rossa, MEP, have made a significant effort in this regard. A strong monitoring system must be implemented to oversee the end use of products. We were eager to ascertain how the EU's code of conduct on arms exports gels with this Bill, which will shortly become an Act. Other Acts contain the code and we should take further steps to ensure it is enshrined in legislation.

[Deputy Willie Penrose.]

This is timely legislation for which we have waited a considerable period. The issue is technical, but it was important to the Labour Party that the principles of the Bill be referred to at all times. We wanted them to be set out specifically and the Minister of State has come a significant way in terms of the Bill's purpose. My colleague, Deputy Higgins, wishes to speak, but the Minister of State can take it that we will run with his proposal.

Deputy Michael D. Higgins: I find the Minister of State reasonable and responsive to the legislative proposals we have made to him in this area and others. The intention of getting the text right as an instrument of legislation is to enable procedures and administrative rules to be put in place to achieve the more general purposes of what people on all sides are aiming for. We cannot ignore the Forfás report of 2004 that acknowledged significant gaps of a legislative kind. Neither can we ignore reports that have come from those who have chosen to compare the Irish administrative system with systems in other countries. People are concerned by the increasing use of guns in murders in Ireland and one of the first things the public and professionals refer to is tracing the weapon. There will not be international moral compliance until we can trace that which we export to the final point of its use.

I find it unacceptable that we sometimes say our administrative system is as good as any other. In Africa 500,000 people a year die through the use of small arms and other such munitions. We have been assured that the notion of dual use will protect us but this is just an administratively clever and evasive piece of casuistry.

The purpose of this Act should be to ensure a level of compliance that sees no advantage in export earnings will take precedence over the arrival of an instrument of death in a person's hands. Ireland is not guilty when it comes to light weapons but partner countries in the European Union are. The response to learning of the existence of up to 250,000 child soldiers was to lighten the weapons children would carry rather than eliminate the weapons or remove the children from this appalling industry of death. Scientists were hired to use new materials that could lighten weapons to allow children of seven, eight and nine years of age carry them. Any person who went to Africa to examine recovered weapons has seen that this is what happened.

How does this happen? It happens because the income from this trade of death is deemed more important than the moral leap needed to ensure that nothing a company or country makes or exports will contribute to the trade. I am not speaking abstractly; the earnings of the armaments industry are 15 times the combined level of aid on the planet. There are many wonderful programmes that are supported by Members on all sides of this House, such as those relating to world millennium development goals and so on but these programmes are dwarfed by the earnings of the armaments industry. The industry thrives not only on sloppy and inefficient arrangements but on arrangements that exist solely to make money. Many European countries make a significant income from the blood of fellow inhabitants of our planet.

I do not want to go on too long because I spoke on this topic on Second Stage. The Minister received an assurance from the Attorney General on the wording of the Bill but similar matters arise in legislation we will come to later, the Immigration, Residence and Protection Bill. People have tried to argue that the function of the Oireachtas is to rubber-stamp what has been agreed in an Executive sense. I do not hold that view and I do not attribute it to everyone in this House but legislation must always be sufficient to ensure the administrative practice suggested by my colleague, Deputy Penrose, is achievable. We need an assurance on this. For example, the Irish Government should decide on end-use certification in a way that considerably enhances and changes its dual use interpretation. If we are assured of this the legislation will be fine. Amendments Nos. 1, 4, 5 and 6 only sought to ensure there would be an explicit

reference in the legislation to make this possible for the purposes I mentioned now on Report Stage but discussed more fully on Second Stage.

Deputy John McGuinness: I agree with what Deputy Higgins has said and in terms of activities that is the backdrop of the Bill. In terms of making the moral leap he speaks of and dealing with the dual use and other issues, given the advice of the Attorney General, this Bill represents best practice and I believe it will deal with these matters. I listened carefully to what was said on Second and Committee Stages and I will go out of my way to ensure that consensus is achieved and that it leads to good legislation. I feel an assurance can be given that all of the issues raised by those with an interest in this Bill are best addressed in this context. This applies particularly to the ongoing scrutiny of activities in this area through the annual report and committees that can examine the issue and actions that can be taken. As on Committee Stage, I commit to ensure that the discussion on this issue will go on and that good legislation will continue to apply to the area.

Deputy Willie Penrose: I thank the Minister of State and I feel he is correct to refer to the importance of the annual report and that it be brought before a committee for intense scrutiny, not a superficial examination. We have no reason to doubt the bona fides of the Minister of State as he has been most open and forthcoming with us on this matter. Our concerns regarding the objectives and underlying ethos of this Bill have been elucidated eloquently by my colleague, Deputy Higgins, and we hope officials in the relevant area of the Minister of State's Department can facilitate us with them. Deputy Higgins has a track record in this area and he did not merely happen upon it recently; he has over 30 years of experience arguing against the trade and his interest may even predate the concerns of others regarding end-use, dual-use, technological advances and so on. I seek to be assured there will be a comprehensive debate on this matter and I feel the Minister of State is committed to this as he has, shall we say, stood where we are standing.

In this context I will later withdraw my amendment as we feel the Minister of State's assurances are well founded.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 2 is in the name of the Deputy Penrose and arises out of committee proceedings. Amendments Nos. 2 and 3 are related and will be discussed together.

Deputy Willie Penrose: I move amendment No. 2:

In page 4, line 22, after "Ireland" to insert "or who is ordinarily resident in the State".

We had a more comprehensive discussion of this on Second Stage than on Committee Stage but the matter arises from our Committee Stage deliberations. This is a belt and braces approach and we seek to ensure there are no opportunities for people to evade the sincere objectives of this Bill, which has been a long time in gestation. Now that it is here it behoves us as parliamentarians to ensure we get the best Bill possible. On page 4, line 22, after "Ireland" I want to insert "or who is ordinarily resident in the State". The Minister of State pointed to the problem in this regard but in our view it is discriminatory to exempt non-citizens from regulations if Irish citizens are to be covered by such regulations. On Committee Stage he said there is no definition of "resident" so we have adapted the amendment to cover ordinary residents, a well known legal term that goes back to the Electoral Act 1992. The legislation defines this term "ordinary resident" which has been relied upon in this area for many years.

[Deputy Willie Penrose.]

On Second Stage, Labour Party Deputies noted the importance of controlling activity related to the production and sale of military equipment. Section 3(2)(b) refers to activities undertaken outside the State by individuals who are Irish citizens or companies registered in the State. The focus of our previous discussion was to determine what provision was being made to cover circumstances in which a person engaged in brokering activities outside the State was resident in but not a citizen of Ireland. We tried to address this lacuna by way of a Committee Stage amendment but the Minister of State indicated our amendment was loosely worded or insufficiently focused. The amendment has been reworded to try to achieve our objective of ensuring that the monitoring system is all-encompassing in so far as this is possible. I accept the terms “residency”, “domicile” and “citizenship” have different meanings and may create difficulty in this regard. We indicated we would seek to amend section 3(2)(b) to clarify the term “citizenship” in light of the difference in the meaning of these terms.

While the nuances of my argument may appear somewhat whimsical or Jesuitical to many people outside the House, they have significant meaning for legislators. We want to ensure the legislation is both effective and amenable to rigorous implementation by providing that the section has maximum coverage.

Deputy Leo Varadkar: The Fine Gael Party supports the amendment. Deputy Penrose is correct that the Bill, as currently worded, creates a lacuna and potential opportunity for a non-resident to be exempt from its terms. I also accept his argument concerning the different definitions of domiciliary and residential status. With the correct wording, however, this issue could be resolved. I encourage the Minister of State to accept the amendment or, if necessary, insert his own wording to close this potential gap in the legislation.

Deputy Michael D. Higgins: My concern is that it is of the nature of those involved in arms brokerage that their citizenship may have been derived from one source whereas their residency status may frequently fluctuate. The typical arms broker may use several different passports for several different purposes. He may have clients in one particular country but will arrange for a deal to be struck in another country and the product to be sourced in yet another country. That is the nature of the deadly game arms dealers play.

Clarification is needed on a few points. The amendment would have the effect of including, on an equal basis, non-citizens and citizens. If one decides to exclude non-citizens from the terms of the section, as proposed in the legislation, the onus falls on the Government to specify how the problem of non-citizens will be addressed. The problem is not confined to the simplistic notion of a person who enumerates or sells armaments but extends to the area of transshipment. It is fascinating that in international law the so-called Diana convention on landmines was specific and went further than any other international convention by laying down an obligation to inspect. In the case of landmines being transferred by aeroplane, for example, one has a right, which does not apply to any other item, to board an aircraft because the produce, sale or transmission of landmines is prohibited. I regard this as the model for other armaments controls. When the legislation is signed, will it include a power to deal with transshipment?

If one proposes to exempt non-citizens from an obligation imposed on citizens, one creates a problem regarding so-called security firms and security services supply firms, some of which are crude mercenary organisations. Is the text adequate to address the activities of arms firms and security firms? Such companies could issue a document that purports to show compliance with the law, although they may be involved in a web of transactions.

If one chose to place a malign construction on the legislation, which I am not doing, one would argue that the section seeks to stay out of the way of bad European practice because

we do not want to interfere with people who are travelling throughout Europe. On the issues we have identified, it is important that the dangerous transients who are outside the category of citizens, upon whom a clear obligation falls, are equally included in the scope of the section.

Deputy John McGuinness: The proposed amendment is the third attempt to extend the scope of extra-territorial brokering controls beyond Irish citizens and companies. I thank Deputy Penrose for tabling the amendment, which takes on board the points raised by the Government in our previous deliberations, particularly with regard to the difficulty of finding an adequate legal definition to encompass non-nationals who reside in Ireland and who may engage in illicit brokering outside the State.

I assure the House that my Department and the Office of the Attorney General subjected this section to the closest scrutiny to determine if it was possible to expand the scope of extra-territorial controls. I regret that on foot of this examination the advice remains that this is a legally complex matter which could potentially open the door to a legal challenge to the legislation.

While the term “ordinarily resident” has a specific meaning for taxation purposes, it does not offer sufficient, solid legal ground to withstand argument. The scrutiny has, however, had a positive impact in that it resulted in the identification by the Attorney General of a potential problem with the section, as currently drafted. He correctly pointed out that extra-territorial brokering controls should only be exercised outside the European Union as each member state has a similar obligation to control brokering activities within its jurisdiction. Were Ireland to provide for a capacity to control brokering activities in another EU member state, it could somehow imply that we do not trust our partners to comply with their obligations.

Deputy Michael D. Higgins: That is a description of my position.

Deputy John McGuinness: We do not wish that impression to be created. For this reason, I will table an amendment which excludes from Irish control brokering activities carried out in another EU member state. It also provides that brokering activities undertaken outside the State on foot of an authorisation by an EU member state will be outside the scope of Irish controls.

There is sufficient definition of the word “transportation” within the Bill to cover the Deputies’ concerns regarding transshipment and transit through Ireland.

Deputy Michael D. Higgins: If that is the advice of the Attorney General, from where will the discipline emanate? Is it his view that it is a matter for each sovereign member of the European Union to make its own arrangements to control brokering? The armaments industry makes a substantial contribution to the GDP of many states. People could come in and out of our system. I am trying to assist the Minister of State.

Deputy John McGuinness: The manner in which the transaction can be carried out within European member states is complex. We rely on other EU states meeting the obligations they have and this is set in place. We work in the context of these countries honouring their obligations, being vigilant and having in place appropriate legislation and regulation. I am satisfied these obligations will be honoured. I am also satisfied we can deal with issues raised with regard to definitions, passports, striking the deal and delivering the goods.

Deputy Willie Penrose: As the Minister of State stated, we will depend on our EU counterparts. Although we have an EU code of conduct, I believe it is a fig-leaf. Will the Minister of State pursue at Commission level the introduction of proposals to ensure we are all at one in

[Deputy Willie Penrose.]

achieving an objective to which we all subscribe strongly? I accept what the Minister of State stated on Committee Stage and we took cognisance of it in drafting this amendment.

We now find more intensive scrutiny has raised another issue we did not think would arise. We accept other member states at their word that they will carry out the same degree of vigilance. I appreciate we cannot transgress into other member states. Does the Minister of State anticipate an EU directive to harmonise at EU level the level of scrutiny this Bill will achieve here? I will withdraw the amendment because the Minister of State has given us strong guarantees on his commitment and we accept them.

Deputy John McGuinness: May I respond to Deputy Penrose?

An Leas-Cheann Comhairle: Under Standing Orders no, but of course you can.

Deputy Willie Penrose: I am sure the Leas-Cheann Comhairle would want his south-eastern colleague to respond.

Deputy John McGuinness: Council Common Position 2003/468/CFSP is on arms brokering. It is up to us to ensure we continue to work on this common position.

Amendment, by leave, withdrawn.

Deputy John McGuinness: I move amendment No. 3:

In page 4, between lines 24 and 25, to insert the following:

”(3) Nothing in this section shall be construed as applying to brokering activities undertaken wholly inside one or more than one other Member State.

(4) Nothing in this section shall be construed as applying to brokering activities undertaken outside the State pursuant to a licence or other similar document duly issued by another Member State authorising such activities.”.

Amendment agreed to.

Deputy John McGuinness: I move amendment No. 4:

In page 4, line 25, after “appropriate,” to insert “having regard to the purposes of this Act,”.

Amendment agreed to.

Deputy John McGuinness: I move amendment No. 5:

In page 4, line 30, after “appropriate,” to insert “having regard to the purposes of this Act,”.

Amendment agreed to.

Amendment No. 6 not moved.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John McGuinness): I thank my colleagues for their interest in this important matter and for their thoughtful contributions and amendments on Second, Committee and Report Stages. My commitment is clear. I will continue to review the Bill and I wish to make meaningful the annual report which will be laid before the Oireachtas. I hope the Oireachtas committees and the House will take note of this Bill and continue the debate on this important topic.

On a personal note, I am pleased that this, my first, Bill has been passed and I thank the Opposition spokespersons for their contributions and the manner in which the Bill was dealt with. I reiterate my commitment to consult fully with my colleagues on the detail of the secondary legislation which will give full effect to this Bill. I intend to move rapidly on this and I look forward to what I expect to be full and frank discussions.

Deputy Leo Varadkar: On behalf of Fine Gael, I welcome the Bill and I thank the Minister of State for its speedy passage. It represents real progress in an area in which we have had insufficient legislation. I thank the Minister of State for being open to the suggestions made throughout the course of the debate. The annual report system allows the Parliament a greater degree of scrutiny of arms exports. It is fair to state a large number of companies in Ireland are involved in legitimate trade which will be protected and will not be affected by this. It allows the State, where necessary, to ensure Irish business and industry is not providing arms, dual-use goods or technologies to countries and regimes we do not support or trust.

Deputy Willie Penrose: I am delighted to have been in a position to support this Bill. As I stated this was eloquently advocated by my colleagues Proinsias de Rossa MEP and Deputy Michael D. Higgins. Deputy Higgins has focused on this for 30 years and I thank him for giving of his time in the House to this matter. I appreciate that he is a spokesman on other matters and it shows his interests and that he is widely read and deeply committed, as one would expect of a socialist of his standing.

I thank the Minister of State for the way he handled this technical Bill. He was open and receptive to the points made by the Opposition. Sometimes we argue the theological to the Jesuitical with regard to nuances in a Bill and perhaps legal training may be a fault. The Minister of State co-operated with us in full and we are grateful.

The concept of an annual report is important. It returns scrutiny, effectiveness and oversight to Parliament. Rather than having quangos we will debate matters with the Minister of State. The Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, is in the Chamber. He holds a senior portfolio. Secondary legislation should not be the preserve of the Executive. We should be entitled to make inputs. The Minister of State has set something in train which I hope will permeate all aspects of Governments of whatever hue.

Question put and agreed to.

Immigration, Residence and Protection Bill 2008: Second Stage (Resumed).

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

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There are those who would argue, and have argued, that this is a hard-line approach and will operate unfairly in regard to foreign nationals who are unlawfully present. Last night, I assured the House this will not be the case under the Bill. In general, a foreign national will not be able to be unlawfully present in the State except in one of two ways. As I outlined yesterday, the first is to put oneself knowingly in this position, by either evading immigration controls altogether or by

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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. In each case where there is a proposal to revoke, typically based on criminality or some other breach of the conditions of the permission, the Bill requires that the holder of the permission be notified of what is proposed and why and given an opportunity to make representations as to why that course should not be taken.

In the special case where a person has claimed protection based on the fear of persecution or related issues, there is also a thorough process in which the claimant participates in the investigation of the claim. In all of these cases, the foreign national's presence in the State remains lawful until that process has reached a final decision. Once the final decision is made after that process, and that decision is negative, it will be for the person to remove himself or herself. Looked at in that perspective, it is clear the Bill is a model of fairness and ensures respect for human rights, including the right to fair procedures, at every stage.

Section 53 sets out the rule against *refoulement*. This ensures no person will be sent back to a place where they would be in fear of persecution or at risk of serious harm, as those terms are defined in the relevant international instruments. That provision applies to all removals from the State under Part 7, not just those that arise at the end of the protection process.

Part 3 sets out, for the first time, a statutory basis for making and determining visa applications. The visa process offers to immigration authorities the opportunity to pre-clear an intending visitor or migrant. A foreign national to whom a visa has been issued can be reasonably confident of being allowed to enter the State on arrival.

The Bill sets out a basis for designating classes of foreign nationals as visa-exempt or, as the case may be, transit-visa-required. It also sets out the processes for applying for a visa, making decisions on such applications, revoking visas and seeking a review of a decision to refuse or to revoke a visa. The intention is that the processes will be consistent and transparent.

In the Irish context, as in that of our fellow EU member states, a visa is simply a permission to present oneself at the frontier seeking permission to enter. The term "visa" is used in common parlance to describe a foreign national's residence permission. However, in Irish law, the visa is specifically a certificate that the person has been through a pre-clearance process and the permission to enter or to be present in the State is a separate matter to which I will come in due course.

At present, the nationals of some countries are exempted from the requirement to have a visa before arrival at an Irish point of entry. The Bill will facilitate the possibility that, in the future, visa exemption will be available for nationals of those countries only for short-duration visits. Where a person from a "visa-free" country wishes to come to Ireland for work purposes, or even for a visit that is going to last more than three months, he or she will have to get pre-clearance by applying for a visa in advance. This will operate in ease of intending migrants from countries at present visa-free, as it will give them clarity and certainty in advance of their arrival in Ireland.

Of particular note is the provision in section 13 which envisages the possibility of a visa applicant having to arrange for a deposit, bond or guarantee, provided by a guarantor lawfully resident in the State, to accompany the visa application. This measure will help to ensure any conditions attached to the visa and subsequent permission to enter the State will be complied with. It will take some time to put in place the technical and administrative arrangements for this but it has considerable potential.

Sections 17 and 18 provide a process whereby a person aggrieved by a visa refusal or a visa revocation can have that decision reviewed. The review is to be carried out by a different officer, and where possible one of senior rank to the one who made the decision that is to be reviewed. Many decisions on visas are taken not just in the State, but outside in our embassies. This is one of several review processes built into the Bill for the different types of decisions that arise at various stages of the immigration process.

These provisions lay the foundation for the fulfilment, during the lifetime of the Government, of the commitment in the agreed programme for Government to ensure a visibly independent appeals process in immigration matters. What I have in mind is to appoint, on an administrative basis at first, a person to act as chief review officer with the function of ensuring consistency and a high quality of decision-making among those who deal under the Bill with visa reviews.

Part 4 deals with entry to the State. It substantially restates current law compiled from several existing Acts, mainly the 2003 and 2004 Acts. It deals with all aspects of frontier and arrival operations, setting out provisions regarding approved ports and what can be required by way of infrastructure to cater for immigration functions at them. Among the new features is a flexible provision for the consent of the Minister for arrivals at places that are not approved ports.

Also dealt with in this Part are the provisions relating to a carrier's responsibilities for passengers being brought to the State. The collection by carriers of advance passenger information is a feature of many immigration systems worldwide. In order to facilitate the introduction of such arrangements to Ireland at a future date, I will bring forward an amendment on Committee Stage to section 28 to allow for the making of regulations requiring information to be provided by carriers, before departure for the State, in respect of specified intended arrivals.

The provisions in section 25 set out the power of the Minister to permit or refuse entry to the State to a foreign national. That power may be exercised on the Minister's behalf by an immigration officer. The immigration officer's power to refuse may be exercised only in the circumstances delineated in section 27(1). Section 25 also makes it clear that a person who claims protection, or otherwise indicates a fear or persecution or a related fear, must be admitted to the State. The only exception to that rule is where the person is the subject of an exclusion order under section 117.

When a foreign national is permitted to enter the State, and does not already have a current permission, the person is given an entry permission, reflected in a stamp in the person's travel document. An entry permission will last a maximum of 90 days and will say whether the holder is eligible to apply during that time for a residence permission. Where the holder is not eligible to apply for a residence permission, the entry permit expires on the date shown on it and the person is expected to leave on or before that date. Typical uses for such entry permission would be short visits for holiday or family purposes or short courses of study.

The next phase in the immigration process is the granting of residence permission, dealt with in Part 5. This sets out a framework for the granting of residence permission as the basis for lawful residence in the State. The intention is that there will be a variety of classes of residence permissions to suit different categories of foreign nationals. Residence permissions will be subject to conditions as to the duration of the permit, whether it is renewable, whether the holder can access public funds or seek employment etc.

It is my intention that regulations drawn up under section 127, in consultation with the relevant Departments, will set out the various categories of permissions which will be issued and the conditions attaching to them. This will ensure a whole-of-government approach to attracting immigrants to the State and providing access to services for them.

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A residence permit will show the immigration status of the holder, and thereby his or her entitlement to benefits, etc. Much has been made of the fact that residence permits will contain biometric information and will have to be produced by a foreign national on demand to an immigration officer or member of the Garda Síochána. Current law provides for the inclusion of biometric information in similar documentation. Existing immigration law requires a foreign national to produce identification when required to do so.

In essence, these requirements currently operate without fuss and with minimal inconvenience to all concerned. With advances in technology, there is a general trend in identity documents worldwide. For example, Irish passports issued since October 2006 incorporate biometric data as a matter of course. This provides a readily verifiable way of ensuring the document proffered by a person does actually relate to that person and reduces the risk of abuses of a person's identity. The proposed residence permit will be evidence of the lawful residence in the State of the holder. This will assist Departments, banks and other service-providers wherever the service in question depends on the status of the person in the State.

An important innovation in the Bill is the introduction of a statutory long-term resident status in section 36. This status will be available for those who have at least five years' satisfactory residence in the State. Periods as an asylum-seeker or short-term student will not be reckoned. It will bring with it access, for the foreign national and his or her dependants, to the employment market and State-funded services and benefits generally on a par with Irish citizens.

The benefits of this special status are an acknowledgement that, over time, those who migrate to Ireland contribute increasingly to society and the economy and have earned this status and the stability it brings. The section provides for standard eligibility requirements for qualifying for long-term residence status. These include in particular the requirement that the foreign national should have resided in the State for five out of the six years prior to the application for long-term residence, be of good character, tax compliant, can demonstrate a reasonable competence in the Irish or English language, has made reasonable efforts to integrate and has been supporting him or herself and any dependants without recourse to publicly-funded services.

Concerns have been raised on some of these requirements, in particular, the language and integration requirements. It is not unreasonable to expect a foreign national, who wishes to make Ireland his or her home for the long term, to be able to demonstrate a reasonable language competence and to have made efforts to integrate.

I point to the steps so far taken by the Government to facilitate integration, most notably the establishment of the Office of the Minister for Integration. This office has in development several initiatives to advance this most important Government commitment. The question of whether the language and integration requirements will apply to applications for naturalisation is under consideration in my Department as part of a more general review of the eligibility criteria for the acquisition of Irish citizenship.

Section 37 makes provision for a qualified long-term residence permission which will be available where the Minister determines that this would be desirable in order to attract particularly sought-after migrants. This permission will last for two years and will allow the foreign national and his or her dependants to access the employment market and certain State-funded services during that period. After the two-year period has expired, the foreign national will be able to apply for a long-term residence permission if he or she otherwise satisfies the standard eligibility requirements. This should be viewed in tandem with the Employment Permits Act

2006 and the use of green card-type employment permits, the holders of which will qualify for the accelerated process for obtaining long-term residence.

I see these provisions as the key to a new approach to immigration policy in Ireland. The new status will enable us to devise attractive arrangements, with this status at their core, for encouraging those with sought-after skills and qualifications to think of Ireland as a desirable destination for the long term, as a place where they and their families can settle and form a new life. Traditionally, the practicalities of migration to Ireland have been based on a legal system that caters for individuals staying temporarily for a year at a time and it is safe to say that much of the longer-term migration that we have experienced from outside the European Union has happened despite, rather than because of, the legislative arrangements in place. This innovation gives us the opportunity to rethink our policies in a strategic way, starting from the basis of what Ireland needs rather than the needs of individual employers or the hopes of individual migrants. In this way we can ensure that the broader needs of migrating families, rather than individuals, are considered and planned for. The aim will be to move towards a situation in which the question of family reunification is no longer an issue because our policies will be directed towards retaining the unity of families of migrants rather than dealing with migrants as individuals separated from their families.

There have been many calls for greater clarity on the policy and processes surrounding family reunification in the State. While family reunification for the purpose of joining certain categories of persons in the State is governed by legislative provision — for example, reunification for those granted refugee status or those exercising EU free movement rights — other administrative schemes have developed on an *ad hoc* basis having regard to our international obligations and the pattern of immigration to the State. It is time to review our current policies in the light of experience and social change in the past few years with a view to setting down a more comprehensive policy. That review, which is under way, is not without its difficulties. However, I am committed to progressing this work as a matter of priority.

Sections 39 to 45 set out the processes for non-renewal or, as the case may be, revocation of residence permissions. Those sections also set out the circumstances in which a review of a decision not to renew a permission can be sought or representations made against a proposal to revoke a permission. These are among the further provisions that I am prepared to consider in operation as we develop more experience with the independent administrative review mechanisms to which I referred earlier. This will be in the next phase of my plan to deliver on the commitment in An Agreed Programme for Government regarding an independent review.

The effect of a negative decision at the end of the processes in sections 39 to 45 will be that the foreign national in question will, from the date of the decision, be unlawfully in the State. It will then be up to that person to leave the State and the person runs the risk, if found in the State, of being removed and if necessary detained for the purpose of removal, as I have described. There will be no deportation order as such. Current deportation orders require the named persons to leave the State and remain outside the State thereafter. Under the provisions of this Bill, a person removed will be required to remain outside the State for a minimum period of six months. If, during the process leading to revocation of the permit, the view is taken that the person should be required to remain away for a longer period, the process will give the person notice of that intention and a non-return order can be made at the same time as the decision to revoke the permit. Non-return orders can be for any period, including indefinitely.

Section 47 restates the provisions of section 24 of the Refugee Act 1996 dealing with programme refugees. Section 48 provides for a scheme of temporary protection in accordance with the provisions of Council Directive 2001/55/EC on minimum standards for giving temporary

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protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between EU member states in receiving such persons and bearing the consequences thereof. Section 49 provides for the issue of travel documents to protected persons and their family members. Section 50 sets out the circumstances under which permission to enter and reside in the State may be granted to family members of the holder of a protection declaration.

I have dealt with many of the important aspects of removal from the State, which is covered by Part 6. Removal will only arise where the foreign national concerned, being unlawfully present in the State, has failed to comply with his or her obligation under section 4 to leave. Much of this is a restatement of current law, aspects of which were given a constitutional clean bill of health in the Article 26 referral of the Illegal Immigrants (Trafficking) Bill in 2000. Among the innovations to which I draw attention is section 56, which provides for an alternative to detention for the purposes of removal, namely, a requirement to comply with a written direction given by an immigration officer or a member of the Garda Síochána, including a direction to reside or remain in a specified place.

Section 60, which is also new, provides that the Minister may require a foreign national removed from the State to pay the reasonable expenses incurred by virtue of his or her detention, removal and maintenance for the purposes of that removal. The purpose of this provision is to discourage those unlawfully present from hanging on until the State authorities move to enforce a removal. While there is no realistic expectation that costs would in many cases be recovered, the fact that removal from the State rather than voluntary exit incurs a debt which must be discharged before further entry to the State will be permitted may serve as a deterrent.

Part 7, which deals with protection, is mainly a restatement of the substance of the Refugee Act 1996 and the European Communities (Eligibility for Protection) Regulations 2006. However, there are some innovations to which I draw Deputies' attention. The most important of these is the introduction of a new single procedure to deal with all aspects of the desire of a protection applicant to remain in the State. The Bill transposes into national law the EU asylum procedures directive, Council Directive 2005/85/EC. While our procedures were already largely in compliance with the terms of that directive, the preparation of the Bill also provided an opportunity to reconsider, in view of our experience over the last decade, how best to deal with protection claims in the State. That experience shows that the principal desire of most protection claimants was not recognition as a refugee but permission to stay in the State. This is addressed by a multi-stage process in which the first question examined is whether the applicant is a refugee and only when that has been answered in the negative by the independent Refugee Applications Commissioner and, in most cases, again by the Refugee Appeals Tribunal is the question of eligibility for subsidiary protection addressed.

An Leas-Cheann Comhairle: The Minister has one minute left. Perhaps the House will allow the Minister to conclude his speech.

Deputy Michael D. Higgins: Agreed.

Deputy Denis Naughten: I have no difficulty with that.

Deputy Brian Lenihan: I am obliged to the Leas-Cheann Comhairle.

I dealt with the question of subsidiary protection. The other issue that can arise is whether there are other reasons a person should be allowed to stay on humanitarian grounds. All this is addressed in a lengthy consideration of representations by the Minister. This inevitably delays the final decision, and the delay itself can affect the outcome. Under the single procedure, the

protection applicant will be asked to set out all grounds, including protection grounds under the Geneva Convention and the EU Qualification Directive 2004/83/EC, on which he or she wishes to remain in the State, and all those grounds will be investigated by the Minister.

The possible outcomes of the investigation are as follows: first, the person is allowed to remain in the State on refugee grounds or subsidiary protection grounds and is granted a protection declaration; second, the person is allowed to remain in the State on other discretionary grounds and is granted a residence permit on that basis; third, the person is not allowed to remain in the State and is thus required to leave or be removed. Each applicant will be given a special protection application entry permission, which will remain valid until the last step in the process. For those who succeed, that entry permission will be replaced with the appropriate entry or residence permit. For those who are unsuccessful, the protection application entry permission will cease and any person who does not leave will be unlawfully present in the State from that point on, with the consequences that I have already covered.

The introduction of the single procedure will bring the State into line with processes in many other EU states. Under the Bill, the functions currently carried out by the Office of the Refugee Applications Commissioner will be subsumed into the Irish Nationality and Immigration Service, an administrative body within my Department. The present statutory provisions allowing access to information about cases by the United Nations High Commissioner for Refugees and allowing a representative of the UNHCR to be present at individual interviews are restated. I intend to continue the co-operation that has existed with UNHCR, particularly that body's signal contribution to the training of staff in refugee decision-making.

The Refugee Appeals Tribunal will be replaced by the Protection Review Tribunal, which will be statutorily independent and will deal with appeals against a refusal to grant refugee status or subsidiary protection under the EU qualification directive. This expanded remit for the appeals body underpins our commitment to those in need of protection. Other changes provided for in the Bill include the possibility of establishment of full-time members of the tribunal, provisions to increase consistency in decision-making among tribunal members and arrangements for access to previous decisions of the tribunal that will take account of the jurisprudence in this area while continuing to respect the privacy rights of applicants, the infringement of which could put them or their connections at home at risk.

The new approach to protection applications will result in a more streamlined and efficient process which will ensure that a protection applicant receives a quick and comprehensive answer to the question of whether he or she can remain in the State. In this way it ensures the State's obligations under the Geneva Convention on Refugees and other international instruments will be fully respected and enshrined in law while reducing the scope for abuse of the arrangements.

I will comment on some miscellaneous provisions in the Bill. Part 8 contains provisions dealing with a variety of matters, some of which I propose to comment on here. If Deputies have any questions about particular provisions on which I do not touch in this contribution, I will do my best to ensure they can be covered in my closing speech.

Section 118 deals with the question of judicial review in immigration matters and is modelled on the existing provisions of section 5 of the Illegal Immigrants (Trafficking) Act 2000. Deputies will recall that this provision was the subject of a Supreme Court finding of compatibility with the Constitution in 2000. The intention now as then is to prevent the misuse of the judicial process by a foreign national solely or mainly for the purpose of frustrating his or her removal from the State. In a feature not hitherto seen in immigration legislation, the Bill reproduces a provision that already exists generally in statutory form in the Rules of the Superior Courts, providing that the court may award costs against a lawyer who brings a frivol-

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ous or vexatious case on behalf of a client. Another feature is the statement in section 118(9) and (10) acknowledging that the existence of a judicial review need not, of itself, act to postpone a person's removal from the State and leaving it to the court to decide whether to permit or suspend the removal in each case. I can say at this stage that I am thinking again about a number of aspects of this section and may have to introduce further amendments in respect of this subject on Committee Stage.

Section 123 is an attempt to curb the growing problem of marriages of convenience, a problem that is being observed not just in Ireland, but across Europe. This provision has already been the subject of a fair deal of comment, not all of which appears to acknowledge that there is a substantial trade in marriages for the purpose in particular of conferring on non-EU nationals the important immigration advantage of being able to move with relative freedom throughout the EU. The fact that there is a real trade in marriage is particularly evidenced by advertisements in newspapers and websites in the Baltic states. The law in this area is the subject of evolving jurisprudence and I believe that we will have to revisit the current section on Committee Stage. Addressing this issue in legal terms is difficult and I am not suggesting that the draft before the House in section 123 is a perfect solution to the problem. I am open to constructive suggestions as to how we might tackle this sensitive and serious subject.

Section 124 deals with the immigration aspects of our commitment to fight trafficking and support victims of trafficking. Deputies are aware of the strategy that has been put in place to deal with the issue of human trafficking and the many strands of that strategy, including legislative measures contained in the Criminal Law (Human Trafficking) Bill, the establishment of the high level group on combating trafficking in human beings, the drafting of a national action plan and the establishment of the new anti-human trafficking unit. The measures contained in the Bill will further strengthen the work undertaken in this regard by providing for a period of recovery and reflection in the State and, in certain circumstances, periods of temporary residence in the State. Part 9 contains necessary transitional provisions which I will not address at this stage.

To conclude, I am asking the House to support and approve our efforts to put in place the most comprehensive immigration legislation since the foundation of this State. It will enable this and future Governments to devise and implement immigration policies that complement wider Government strategy. The tools required must be sufficiently flexible to accommodate a great variety of approaches of circumstances and the unknown combinations of economic and social challenges that we will meet in the future. The legislation must be seen to operate in a predictable manner in individual cases and to incorporate fairness of procedure at every stage. There must be effective measures to deal with the situation where individuals take it upon themselves to ignore or circumvent decisions arrived at fairly in the interests of the State. This Bill has been devised with those principles in mind and I commend it to the House.

Deputy Denis Naughten: I welcome the opportunity to speak on this Bill. It is very welcome legislation that gives us the opportunity to deal with many of the issues we are now facing in the area of immigration. The recent growth in the rate of immigration in Ireland is resulting in what is, arguably, the greatest economic and social transformation in our country since independence. Immigration and immigration policy have developed in a haphazard manner over the past ten years. This transformation presents Ireland with both a significant challenge and opportunity. Given Ireland's history of emigration, the country has a special responsibility to address the challenge of immigration.

While immigration can be excellent for Ireland's future, it is imperative that we get it right. Immigrants have rights but they also have responsibilities. They should have the right to be free from discrimination and have their contribution to the country recognised, but they also have the responsibility to integrate into our community, comply with our laws and respect our cultural traditions. I do not want to see a situation develop where our immigrant population live separate lives. We have a responsibility to facilitate and encourage this integration. Immigration must be managed in a way that keeps Ireland safe. We must ensure that Irish laws are understood and adhered to by immigrants. We must also send a strong message that people who want to come to this country to commit serious crime are not welcome and will be dealt with severely. I commend the Minister on the provisions of the trafficking legislation.

Immigration must be a force for improving rather than threatening living standards. We must protect Irish jobs and the rights of those who come here to work. Companies that pay below the minimum wage should face severe fines. Immigration levels from non-EU countries must be explicitly linked to the economic conditions and needs of our labour market.

Immigration policy must be supported by a system which is efficient, fair and transparent. Our immigration system is an obscure system with no clear rules or information about how it works and how an applicant gets into the country. This is bad for the migrant who wants to come here and contribute to society and the economy. For Irish citizens, it breaks down trust between people and our immigration system.

While this Bill is very welcome and is long overdue legislation which tries to address the flaws in the current haphazard system and while I do not doubt the Minister's intentions and his attempt to streamline the process, there are holes in it. I acknowledge the thrust of the Bill, although it contains some weaknesses and areas that need further clarification. In fairness, the Minister acknowledged those in his Second Stage speech.

I have a principal objection to the legislation, which is its vagueness. As the Minister stated last night, immigration policy needs to be fluid and policy will be given effect via secondary legislation and administrative schemes. There are 116 references to regulations in the legislation and 151 references to orders. All of this will come before the House through secondary legislation, which we all accept is not being dealt with adequately in the House. That is a principal issue with which we must deal on Committee Stage.

Key questions remain unanswered in the Bill. Who gets in and under what circumstances? What rights and responsibilities do they have? While the legislation clearly states who is or may not be entitled to enter, it is ambiguous on key issues like criminality and is silent about who is entitled to enter.

As I said previously, we want an immigration system that is efficient, fair and transparent. Sadly, when tested against those three principles, this legislation is very weak. While there is no doubt that the legislation will assist in the management of the existing system, there is no indication that it will address the long and protracted delays that are systemic in the current process.

One issue that is not mentioned in the legislation is customer service. I can guarantee that if the type of service provided at the moment was replicated in any other element of Irish society, there would be blue murder in the House. Even the HSE would come close to it. This issue must be addressed to ensure that we have a proper customer service policy in respect of our immigration system. It does not just relate to the public. Members of this House experience the same problem when they try to contact the immigration service and this issue needs to be addressed.

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It takes between 18 months and two years to process a long-term residency application, after which an applicant may then be required to furnish police clearance from their country of origin, which can take a further 12 months. A citizenship application can take up to three years to process at the end of which period an applicant might be refused because of a small technicality and put back on the list. As for the asylum process, that can take years.

I question the Government's commitment to delivering an efficient service. The Irish Naturalisation and Immigration Service, INIS, budget for 2008 has been cut by €4 million to help pay for the Office of the Minister for Integration. In that regard, the fund for the integration of legally resident migrants, which was established last year, appears to have evaporated after only one year. A total of 22 organisations were funded under the scheme last year. Many of them are only beginning to have an impact in terms of the work they are doing and now the rug is being pulled out from under them because the Minister says the funds of €2.5 million that were made available last year will not be available this year. It is one thing to bring forward legislation, and the Minister's colleague, the Minister for integration, has highlighted many issues, but in terms of his own responsibility the resources do not appear to be available.

The Minister pointed out in a Dáil reply to me last year that the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal and the Irish Naturalisation and Immigration Service has vacancies totalling approximately 90 staff. While the process will be streamlined and the right to go to court restricted, we still have no indication how it will impact on the current waiting times, which are unjust. They are unjust in terms of the asylum applicant — from now on in the legislation referred to as the protection applicant — who must reside year after year in an accommodation centre with nothing to do. That is inhumane for any individual and it is unjust for Irish citizens who must fund a system to the tune of over €350 million a year for court, accommodation, processing and deportation costs.

Under the proposed system of processing immigration and protection applications, there is no degree of transparency. For example, we cannot get a definitive answer on the number of deportation orders that have not been served. A total of 5,630 people appear to have evaded deportation orders. We do not know how many of those are still resident in the country. The Department does not appear to know either and while some of us suspect that some of those people may have been illegally trafficked into the country, there are no figures in that regard. We do not know what is going on and the Department does not seem to know either.

While the Minister may make a regulation outlining the procedures for granting immigration or protection status, the real fear is that the current practice of implementing policy through a scheme within the Department will continue and with it the cloak of secrecy surrounding the entire immigration process. The public remain none the wiser as to the person or persons who will be given a right to remain or enter this country. That power, while rightly held with the Minister, should be clear and unambiguous as to the type of person who will be allowed entry and given residency.

The Bill fails to set out clear rules regarding the rights and obligations of migrants who come into Ireland and as a result, the rules setting out the basis for migrants to enter and remain in the State, the conditions on such permissions that will be granted, the entitlements of migrants and who may or may not remain in the State is being left to secondary legislation.

It is important for the Minister to clearly set out for migrants their entitlements and obligations in primary legislation which will help to prevent the difficulties they and those charged with administering and enforcing immigration legislation currently face. That in itself would save money and will also help the public understand the immigration rules in this jurisdiction.

It is clear that the current process does not deal fairly with applications. The best example of that is that our courts are filled with judicial review applications.

Deputy Brian Lenihan: Which applications?

Deputy Denis Naughten: Asylum applications. I ask the Minister to hear me out.

Deputy Brian Lenihan: I will.

Deputy Denis Naughten: The Minister for integration has put the blame on rogue solicitors, and that is the indication in this legislation, but if we had a fair system which outlined the reasons for refusal and a review system that had some semblance of being independent and balanced, and if the Department could trust its own system and not settle cases on the steps of the courts, there would be far less need to take court challenges in the first instance.

The Government has recognised the failure in this area by committing itself to establishing an independent appeals process in the programme for Government. I acknowledge that the Minister announced last night his intention to shelve the tribunal system. I welcome that because it has been exposed as being biased. Establishing an independent immigration appeals system will save money, reduce the number of court challenges and provide a more efficient and cost effective immigration system. I look forward to the Minister fleshing out that particular issue.

Last night the Minister also stated:

In general, a foreign national cannot be unlawfully present [in the State] 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.

There is a third issue, however, and it is important that we address it, namely, the people who are falling through the system through no fault of their own. I realise the Minister has tried to encompass it within the definition he has used in the Bill but we all know that is not what happens in reality. Undocumented workers who are in a state of legal limbo are suffering. They came here legally but for one reason or another — they were abused in respect of employment law, their permits were not renewed or whatever — they have been left in a legal limbo. It is important that a bridging visa is provided to those people who came to this jurisdiction legitimately.

I am not calling for something that is not already in place because an informal mechanism is in place in the Department of Justice, Equality and Law Reform but it must be formalised. A bridging visa would be a temporary permission to remain for a short interval while the problem regarding a new work permit application was addressed. We should not try to fit everyone into a pigeon hole, so to speak. There is a difficulty and it must be acknowledged. In fairness, the Department acknowledges it informally but a formal structure must be put on that. I hope we can deal with that aspect on Committee Stage.

This legislation is extremely weak in respect of children; it is anti-children. It does not give any formal recognition to any type of family reunification. In every society, whether they are new Irish communities, as in Irish citizens, or migrant communities, people only begin to get to know their neighbours when they have children, either through attending the crèche, school, sports ground or other extra curricular activities. Communities will never integrate unless we

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can ensure that the children of today's migrants are proud to be Irish and become involved in day to day activities. That cannot happen if they live thousands of miles away from their parents who reside here.

Ireland is the only EU member state that does not have national rules regarding family reunification enshrined in primary legislation. Given the importance of family life to our society, a clear entitlement must be provided in this legislation for Irish citizens and legal residents to be joined by their immediate family members, including the spouses or minor children.

There is currently no right in legislation for a non-EEA family member of Irish citizens to reside in Ireland. That causes great difficulty for many families who wish to resettle or return to Ireland. I have given examples in the past of people legally or illegally resident in the United States, or married to an American citizen which would make them legally resident, who want to return here which causes major problems. This is not the sole reason the Bill fails in respect of children. I brought the issue of unaccompanied children to the attention of officials last week. The procedure, enshrined again in this legislation, is that unaccompanied children are passed to the HSE, an organisation that every Member believes is incompetent in doing the job it is supposed to do, never mind dealing with migrant children. In recent years the HSE has lost more than 300 children that were passed on by the Department of Justice, Equality and Law Reform.

Deputy Michael D. Higgins: It is an absolute scandal.

Deputy Denis Naughten: Based on what officials told me last week, the number of unaccompanied children coming into this jurisdiction is relatively low, significantly fewer than 100 per year. A significant percentage of these children disappear from HSE accommodation.

There is no provision to improve the protection of separated children. Given the concerns with the existing system, this is a fundamental problem with this Bill. Nor is there specific provision for trafficked children. Examples in Sweden and Holland illustrate how children come unaccompanied in under the asylum process, disappear from accommodation centres and are trafficked into the sex industry in other countries of the EU.

Another fundamental weakness is the provision in the legislation allowing the immigration officer to decide which adult will take responsibility for unaccompanied children. This area must be examined. The current policy of handing over children to an organisation that has already failed more than 300 children in recent years is unacceptable. Through his officials, I asked the Minister to provide some figures on this issue but the Department could not do so. It is appalling that the Department does not have a handle on the issue. We cannot continue to brush this under the carpet.

It is fundamentally important that resources are provided for education in the interests of integration. The language supports available in primary and post-primary schools are inadequate to meet the needs of migrant students. This forces teachers to slow the pace of education in the class because migrant children are not up to speed with basic English. That is to the detriment of Irish pupils.

The lack of capitation grants for migrant children, especially those of asylum applicants, is forcing schools to fund extra curricular activities or cancel them due to the financial pressures placed on the school. An additional financial pressure has now been placed on the school in respect of water charges. This has a direct impact on all children, migrants and Irish children.

The failure of the Department and the Government to provide the most basic information on the background and traditions of migrant pupils leads to a lack of understanding of individual students. That issue is not solely a problem with the Department of Justice, Equality and Law Reform. There are examples in the west of asylum and protected children arriving into school on 1 September from asylum accommodation centres, with no information provided for the schools on the background, nationality or traditions of the children. No resources are provided for the schools in respect of language support or additional support for the extra curricular activities of asylum children.

Some schools bring their pupils swimming on a weekly basis but the Department of Justice, Equality and Law Reform will not provide funding for that. The matter is passed on to the local community welfare officer. No specific provision is made for trips to this House or other parts of the country. As a result, Irish children are being discriminated against because the school does not have the resources to fund asylum children. The policy of the school is that no children will go unless all children go. This is correct because we do not want further discrimination in our schools.

Education is a basic right. Over the next five years we will need an extra 2,300 additional classrooms to deal with the additional numbers attending primary school, estimated to be just under 60,000. It is estimated that there are 31,000 migrant children in the primary system alone.

The Government policy is to stop resources being allocated to extensions and new buildings in favour of dealing with the explosion of population in the vicinity of Dublin and other population centres. This discriminates against rural communities, in favour of providing resources in the Dublin region. Classrooms are not there at present as a result of the lack of planning by the Government and the Department of Education and Science to meet these needs. I spoke to the Minister in his previous role as Minister of State at the Department of Education and Science about Cornafulla national school. Sanction was approved for the spending of €2.5 million and, while the commitment was given by the Department of Education and Science, the project could not go ahead because the Department would not give the final green light. That funding will be spent in the Dublin region.

The current system of allocating language support teachers is not serving the interests of children. School principals at primary and secondary level have told me the support from the Department is not meeting the key issue of the language deficit. Children are lost in the school setting unless children of all nationalities can communicate and understand.

We must tackle deficiencies in the education system and adult literacy, specifically the literacy of our Irish citizens and English fluency of the migrants coming here. It is estimated that one quarter of people attending adult literacy programmes are from non-English speaking countries and are seeking to improve their English. That is not benefiting Irish citizens who need to increase their language and literacy skills, nor is it benefiting migrants in the long run. There is an onus on employers and State agencies to address English proficiency.

With regard to recent crime figures, the issue of people on the run has hit the headlines today. Last year there was an increase in serious crime. It was another record-breaking year, with the highest number of murders in the history of the State. Immigration is having some impact on it but we do not know what that impact is. Last Sunday, statistics were published that 30% of those in Irish prisons in 2006 were from outside Ireland. It is important that we lay down a clear marker. The Bill indicates that this matter will be examined, but it is vague. It is important that the Garda Síochána and the Department of Social and Family Affairs have adequate resources to screen people entering the country. There is need for greater co-operation between both arms of the State. The Minister's officials compiled examples of abuse of

[Deputy Denis Naughten.]

the social welfare system where people got tens of thousands of euro illegally. There needs to be co-ordination between the Garda National Immigration Bureau, our immigration service and the Department of Social and Family Affairs to ensure these abuses are exposed and that we have a more watertight system of issuing PPS numbers. Someone who has a conviction for a serious crime should be refused entry. If someone is convicted of a serious crime in this jurisdiction, he or she should be deported once the sentence has been served. It is important that we elaborate on this provision in the legislation.

Last Sunday week a serious road traffic accident occurred in my parish in which two Polish brothers were killed. Anyone who has personal experience of road traffic accidents and fatalities cannot but have huge sympathy for the family of those two individuals. There is a responsibility on us to ensure that immigrants are aware of the rules of the road and that information on them is provided clearly and concisely in their own language. It is also important that we have more visible signage informing people they must drive on the left-hand side of the road.

It is vital that we deal with the penalty points issue. One quarter of all penalty points notifications cannot be issued because they are attached to licences from outside this jurisdiction. We should establish a parallel record of a driver's behaviour to bring out-of-state licences under the jurisdiction of the courts. We should keep a record of these licences and the penalty points attached to them and people should be taken off the road when they reach the threshold of 12 penalty points. There is no legal difficulty in doing this and it would ensure that everyone in this country comes under the jurisdiction of the penalty points system.

My colleague, Deputy Gilmore, highlighted the issue yesterday of worker exploitation and the fact that even though the Government committed itself last December to have 90 labour inspectors carrying out inspections there are still only 50 inspectors. In 2007, 1,500 fewer inspections were carried out. It is important, both for Irish people and for immigrants that the law is not abused and that immigrants are given the same entitlements as Irish citizens.

The Bill provides for limited access to benefits and services provided by a Minister, a local authority and the Health Service Executive. The Employment Appeals Tribunal should be included in that provision. I am concerned that medical personnel working in the HSE will be forced to assume the role of immigration officers, as is the case in regard to the marriage provision in section 123.

I wish to bring to the Minister's attention a report in *The Connacht Tribune* of last week concerning an Athenry man who died in Boston after becoming ill. He declined medical attention for fear of being deported. We do not want to see a repeat of that in this jurisdiction. It is important that those protections are put in place.

I urge the Minister to end the inconsistencies in family reunification policies for Irish and other EU citizens living here; that we simplify and clarify the paths to permanent residency; introduce some degree of immigrant selection to ensure a positive contribution to the economy and social cohesion; ensure we have proactive anti-discrimination campaigns with the social partners; introduce proactive integration policies through the education system and the provision of English language training; and establish strong enforcement of policies, including the active deportation of people who are not benefiting Irish society. I look forward to dealing with these issues on Committee Stage.

Deputy Pat Rabbitte: Immigration for most of the 20th century was not a major issue for Ireland. Through the decades when this country was a failed economic entity, the preoccupation was with emigration. Fifty years ago, between 1956 and 1961, net emigration represented a loss

of 212,003 persons, significantly more than the entire population of Limerick. Even as recently as 1986 to 1991, we lost 134,170 people to outward migration. Emergency legislation introduced in 1935 still constitutes the statutory cornerstone of our emigration policy. It would be stretching credulity to call what we have an emigration policy.

The deficit has been dramatically exposed since the 1990s when inward migration to Ireland became a reality. The inward flow of people accelerated following the addition in 2004 of ten new accession countries to the European Union. The numbers wildly exceeded official predictions. However, the prospect of an unending flow of educated young people as a rich source of cheap labour caused euro signs to dazzle even those who, in other circumstances, might be more cautious about, or some of them even resistant to, the sudden explosion in inward numbers. Strain and stresses on infrastructure, schools and hospitals took second place to the appetite for largely uninvigilated cheap labour. At the same time our hospitals in particular have been significantly reliant on migrant labour.

Meanwhile the then Tánaiste and Minister for Enterprise, Trade and Employment was touring the world as part of an agency roadshow to attract labour from regions as far flung as Newfoundland and South Africa. Thus inward migration from outside the European Union also increased in the search for employment and improved life chances in Ireland. To cope with all this our public sector had to make it up as it went along. This *ad hoc* approach added to the confusion in the public mind as to the distinction between immigration and asylum, between citizens of the European Union who are entitled to seek work here and people from outside the European Union and European economic area who are economic migrants on the one hand and on the other hand asylum seekers seeking sanctuary in this country. The then Minister of State, Liz O'Donnell, described her Government's policy in this latter area as "a shambles".

There were, and are, inordinate delays in decision making, inconsistent decisions, lack of clarity, lack of transparency in procedures and over reliance on the courts to sort out the mess. A seeming deliberate policy of last minute out-of-court settlements contributes to the lack of transparency and raises serious questions about the fairness of the system.

Between 2002 and 2006, net inward migration was 191,331 persons. According to census 2006 there were 413,223 non-Irish nationals usually resident in the State, or 10% of the population. Of these, 271,974 or 66% are EU citizens; 6% are from the rest of Europe; 34,564 or 9% are African; 46,064 or 11% are Asian and 5% are from the Americas.

The Immigration, Residence and Protection Bill 2008 is therefore long awaited and sets for itself the objective of setting out a legislative framework for the management of inward migration to Ireland. That the Bill is finally before the House is welcome, but how well it meets its objective is disputed.

The principal legislation governing the entry and residence of non-nationals is the Aliens Act 1935 and the orders made under it, as amended or re-enacted. The only substantive amendment to our laws since the 1930s was the Refugee Act 1996, which was at first ignored and then gutted. Its application is confined to those seeking asylum in the State owing to well-founded fears of persecution.

The legislation passed since 1996 has been driven by the need either to streamline our procedures for removing non-nationals from the State or to proof those procedures against constitutional challenge. It has had nothing to say, as Deputy Naughten has remarked, about who should be entitled to come here in the first place, outside of the asylum process.

[Deputy Pat Rabbitte.]

Most people recognise that some of those who travel here and seek asylum are not in reality seeking sanctuary but are fleeing poverty and deprivation, in search of a new and better life for themselves and their families. They are seeking the same opportunities that countless Irish people have sought abroad for generations.

It is clear that the current system favours neither the genuine asylum seeker nor the economic immigrant. By “genuine”, I mean an asylum seeker whose case fits the relatively narrow criteria for recognition set out in the 1951 Geneva Convention. The failure to tackle this problem also costs the taxpayer. Those who wait for their cases to be dealt with often wait more than a year, during which time they cannot work and must be supported by the State. Members of this House encounter difficulty and frustration in trying to even access meaningful information on individual cases.

Equally, on the immigration side, it is clear that the current work permit system is not working. There is considerable administration involved, the system is not flexible and it leaves immigrant workers, as has already been remarked, open to exploitation.

The current approach has left us with an expensive, ineffective and unfair mismatch. There is no speedy, fair or effective system for processing economic migrants, many of whom are prepared to work hard to make a valuable contribution to our society. On the other hand, the procedures for claiming asylum are clogged up with many economic migrants. This causes delay and additional costs and is ultimately unfair to asylum seekers whose cases have a real prospect of being recognised as valid.

Since the former Progressive Democrats Minister of State, Liz O’Donnell, described the Fianna Fáil/Progressive Democrats coalition’s policy on asylum seekers as a “shambles”, little has been done to tackle the issue of how we treat our asylum seekers and refugees and nothing at all has been done to introduce any rational, fair or effective policy for people who wish to immigrate to our country to work.

Imagine the reaction that I or any other Member of the House would have got from the Minister or from his Department if I alleged that there was bias in appeals brought before the Refugee Appeals Tribunal. I would have been brushed off. We were brushed off——

Deputy Michael D. Higgins: We were.

Deputy Pat Rabbitte: ——and yet when one reads the trenchant remarks of Ms Justice Denham in the Nyembo case, one wonders what has been going on. The conduct in that case was outrageous——

Deputy Michael D. Higgins: Disgraceful.

Deputy Pat Rabbitte: ——and that ought to be stated in this House. People concerned with policy will state that it was disgraceful and they do not defend it, but the Minister stood over it and one wonders what invigilation he brings to bear on those who make these decisions because that certainly conferred no credit on this country.

For much of the intervening period there has been confusion in the public mind between asylum seekers and those who should, more realistically, be described as economic migrants. The State has not had an immigration policy. It is of course true that some of those seeking asylum have no real prospect of being granted it but, so far, there has not been any other more appropriate system in place by which they could apply to live, and earn a living, here.

Any proposals of the Department of Justice, Equality and Law Reform for an immigration and residence Bill are therefore to be welcomed but it is important to bear in mind why legislation is so necessary. What is needed is a comprehensive package of legislation that is grounded on known and stated immigration policy, and organised within a structured framework. A purely enabling measure, that maintains a system of executive discretion and decision-making on a case-by-case basis is no improvement on the *status quo*.

The Labour Party rejects an approach that prefers a legislative framework designed to be capable of accommodating any conceivable immigration policy, from open doors to iron curtain, with room for all sorts of intermediate schemes based on skills, countries of origin or any other quota system.

The legislation must be drafted by reference to the policy and it follows that the policy must be decided first. To pass an Immigration Act and afterwards decide an immigration policy is like having the OPW design a public building without first knowing whether it should be a school, a prison or a hospital.

The Constitution also requires that all the various discretions inherent in a statutory framework, both the Act and the orders and other statutory instruments made under the Act, must be governed by statements of principle and policy that are to be found in the governing legislation. For too long, our law on non-nationals and their rights has amounted to a bare statement of the extent of ministerial powers and discretions over these “aliens”, without any reference to purpose, principle or policy. That is what has made these laws so vulnerable to constitutional attack.

This Bill must be judged, therefore, by reference to the extent that it includes statements of policy that bring certainty to aspects of people’s lives — where they can live, whether they can work, whether their families can live with them — where certainty is a basic entitlement, and by reference to whether a clear, coherent and ascertainable policy is reflected in the body of the statutory provisions. Judged against these criteria, the Bill is severely wanting.

It must be remembered that the main constitutional challenge to the Aliens Act 1935 arose from the fact that it was a short emergency Act that simply delegated to the Government the power to make rules. The courts have long held that the Dáil and Seanad cannot simply wash their hands of the duty to make laws and subcontract the power to Ministers. There has to be a framework of policy and principle set out in an Act of the Oireachtas, under which Ministers, gardaí and immigration officers then operate. What we were expecting from then Minister, Michael McDowell, therefore, was a comprehensive immigration code, setting out the rights, obligations and responsibilities of all concerned. What we got instead was a step back to 1935, back to a time when law was for the Government to decide and the Oireachtas was expected simply to sit back and watch.

The then Minister, Michael McDowell, had insisted — he set out his argument in the body of the Bill itself, without precedent — that framing an immigration policy is exclusively and inherently a function of the Government, and not of the Oireachtas. The then Minister went further when he insisted that not only could he make up the law as he went along without reference to the Oireachtas, but that this law should bind everyone else in the country but not himself. He wanted to exempt the Minister personally from any objection to comply with his own policy statements. His Bill was an attempt to create a system of completely unfettered and potentially quite arbitrary discretion and decision making on a case-by-case basis. We have a right to expect that the law should bring fairness and certainty to aspects of people’s lives.

[Deputy Pat Rabbitte.]

Presumably the present Minister, Deputy Brian Lenihan, has dropped some of the more objectionable characteristics of his predecessor's legislation because he regarded them as constitutionally untenable. Although this Minister no longer makes in the Bill itself the extraordinary claim that the framing of immigration policy is an Executive rather than a legislative function, he has not adapted the rest of the Bill he inherited to take account of the fact that this assertion has been dropped. The Minister, in fact, repeats his predecessor's assertion in the explanatory memorandum rather than in the Bill itself. This is more astute, but is it different? The explanatory memorandum states:

The executive power and responsibility of the Government to make immigration policies as they consider suitable to the conditions of the day is at present supplemented by a variety of statutory provisions designed to facilitate the implementation of those policies.

In other words, the Minister is repeating the claim that it is entirely an Executive function to make immigration policy and that the only function of the Oireachtas is to confer the powers that will facilitate the implementation of these policies.

Deputy Brian Lenihan: That is what the Supreme Court told us.

Deputy Pat Rabbitte: It is most emphatically not what the Supreme Court stated. The Supreme Court is clear about who makes legislation.

Deputy Michael D. Higgins: Indeed.

Deputy Pat Rabbitte: The Executive then implements that legislation. Nobody is questioning the right of the Minister to implement it, but it ought to be based on policy that is apparent, evident, discussed and made in this Chamber.

Deputy Michael D. Higgins: Not by statutory instrument on its own.

Deputy Pat Rabbitte: The current system confers on the Minister the power to make regulations or statutory instruments from time to time as he sees fit. This is not the modern way. I know it is the way Mr. Justice Gannon saw it in 1986 in the *Osheku v. Ireland* case, the favourite judicial excerpt of every Minister for Justice, Equality and Law Reform. However, we have moved on considerably since then. It is the function of the Oireachtas to make laws and it cannot delegate to any other person or body its law-making power. This is also the view of the courts.

Deputy Michael D. Higgins: It is also how we want it.

Deputy Pat Rabbitte: Although statutory instruments made under Acts of the Oireachtas are a well-known feature of our legal system, their use is strictly limited. The courts have long applied criteria for determining whether the delegation of powers from the Oireachtas to the Government or a Minister is permissible.

Deputy Michael D. Higgins: The explanatory memorandum was made available only this morning. It was not available last night, although we have read it already.

Deputy Pat Rabbitte: The test is whether what is challenged as an unauthorised delegation of law-making power is more than a mere giving effect to principle and policies contained in the statute. If principle and policies are laid down in the statute and details are only filled in

or completed by the designated Minister or subordinate body, then there is no unauthorised delegation of legislative power.

This Bill, like the one produced by the former Minister for Justice, Equality and Law Reform, Michael McDowell, appears to be drafted on an assumption that this rule does not apply in the area of immigration. Ministerial thinking appears to proceed along the following lines. First, the courts have said that the State must have wide powers in the interests of the common good to control non-nationals, their entry into the State, their departure and their activities within the State. Second, this must mean that it is the function of the Legislature merely to supplement the Government's Executive responsibility for making policies to manage migration to the State within a statutory framework to facilitate the promulgation of the Government's immigration policies and their day-to-day implementation without fettering or supplanting that Executive responsibility. Third, the normal rules of constitutional law, which require the Oireachtas to set out in primary legislation the statements of principle and policy by which a Minister is bound when he or she makes statutory instruments, has no application in the field of immigration. This line of thinking appears to me to be based on a failure to read or a deliberate misreading of the relevant Supreme Court judgments.

Mr. Justice Keane and Mrs. Justice Denham addressed the issue in the *Laurentiu* case in 1999, a case which resulted in the effective provisions of the Aliens Act 1935 being struck down as unconstitutional. Mr. Justice Keane made his position clear when he stated:

It cannot be too strongly emphasised that no issue arises in this case as to whether the sovereign power of the State to deport aliens is executive or legislative in its nature: it is clearly a power of an executive nature, since it can be exercised by the executive even in the absence of legislation. But that is not to say that its exercise cannot be controlled by legislation and today is invariably so controlled: any other view would be inconsistent with the exclusive law making power vested in the Oireachtas. The Oireachtas may properly decide as a matter of policy to impose specific restrictions on the manner in which the executive power in question is to be exercised: what they cannot do, in my judgment, is to assign their policy making role to a specified person or body, such as a Minister.

This appears to me to be patently clear. Mr. Justice Keane accepted that:

altogether apart from the provisions of the 1935 Act and any preceding legislation, the State as a sovereign state enjoyed the power to expel or deport aliens from the State: the right to expel or deport aliens inheres in the State by virtue of its nature and not because it has been conferred on particular organs of the State by statute.

He went on to point out that the effect of legislation in the area was not to confer on the State an absolute and unrestricted power to deport aliens — this power was already vested in the State — but to permit the Minister by regulation to decide what class of aliens might be deported. He also stated: “The Oireachtas had, in effect, determined that policy in this area should be the responsibility of the Minister.” As Mr. Justice Geoghegan more succinctly put it: “The Oireachtas of Saorstát Éireann did not legislate for deportation; it merely permitted the Minister for Justice to legislate for deportation.”

Mrs. Justice Denham stated: “But the legislature, having seized itself of the subject, its power to delegate, as it purported to do to the Minister, is the kernel of the case and the issue for decision.” She pointed out that if there had been no legislation, the situation would have a parallel to that of the issue of passports prior to the passing last year of the Passports Act. She stated:

[Deputy Pat Rabbitte.]

That also is a classic example of an exercise of an executive power of a Sovereign Nation. There has been no legislation on this matter in Ireland. The scheme is run by a Minister of the executive. It must be run in a constitutional and fair manner. However, there is no issue of the constitutional ambit of delegated legislation as the Oireachtas has not sought to give the powers to the Minister.

Even in the field of immigration, these cases make it clear that there are limits to permissible delegation of law-making power by the Oireachtas to the Government; the Oireachtas may not abdicate its power to legislate. As Mrs. Justice Denham put it: “In accordance with the democratic basis of the Constitution, it is the people’s representatives who make the law, who determine the principles and policies.”

Finally, it is worth quoting a passage from the judgment of the then Chief Justice Keane in the *Osayande and Lobe* cases:

Many would wish to see the development in Ireland of a tolerant and pluralist society, capable of accommodating immigrants from diverse ethnic and cultural backgrounds, because that is a desirable objective in itself, recognises the openness and generosity with which Irish emigrants in times past were received in other countries and, on a purely economic level, remedies serious shortages in the skilled and unskilled labour market. At the same time, the legislature and executive cannot be expected to disregard the problems which an increased volume of immigration inevitably creates, because of the strains it places on the infrastructure of social services and, human nature being what it is, the difficulty of integrating people from very different ethnic and cultural backgrounds into the fabric of Irish society. The resolution of these complex political, social and economic issues which, it need hardly be said, are not in any sense unique to Ireland, is entirely a matter for the Oireachtas and the executive. The function of the courts is to ensure that the constitutional and legal rights of all the persons affected by the legislation in question are protected and vindicated.

There is nothing in any of these cases to give rise to the argument made by the Minister in his explanatory memorandum that it is an Executive function to make immigration policy and that the Oireachtas is confined to the supplementary role of passing legislation designed simply and solely to facilitate the implementation of Government policy.

These regulations are intended to provide for a wide range of actions as listed in my speech. One does not need to be a lawyer to spot the basic point that apart from giving the Minister power to legislate on all these matters, this Bill is entirely silent on the nature and content of that delegated legislation. For example, does Irish immigration policy favour family re-unification? The answer is that we do not know and we will not find out until the Minister makes regulations in this regard.

Enabling a Minister to make regulations to deal with an issue is not the same as making a statement of principle and policy about that issue. For want of any statement of policy on these issues, section 127 of this Bill, which purports to give the Minister power to make laws about all of them, falls into the same error that resulted in the successful challenge to, and striking down of, the *Aliens Act 1935*.

Given the scale and significance of this Bill, I hope the Minister will not use the paucity of legislation from other Departments to rush Committee Stage. We need time to take submissions from interested parties and the Joint Committee on Justice, Equality, Defence and Women’s Rights will want to hear from many of the NGOs involved. There are many matters

of significant detail that cannot be dealt with here. However, a major feature of the Bill is that it gets rid of the deportation notice procedure. If this Bill is passed unamended, in future, there will be two categories of non-national in the State — those lawfully present here and those whose presence is unlawful.

The entry and presence of a non-national will be lawful only if it is in accordance with ministerial permission. A non-national who does not have ministerial permission is present in the State unlawfully and may, without further ado, be removed from the State. There is no need for any intermediate administrative or judicial process. I do not understand how the Minister proposes to square this new arrangement with what he knows about the constitutional law of this State.

The Minister will remember that, until 1964, extradition between Britain and Ireland was done under legislation dating back to 1851. That legislation, the Petty Sessions (Ireland) Act, authorised a system where gardaí endorsed for execution in this State arrest warrants issued by their counterparts in Britain. They then arrested wanted persons and delivered them out of the State without any form of judicial oversight or intervention. The 1964 case of *The State (Quinn) v. Ryan* brought that process to an end. In that case, after an initial error, a man was arrested under a flawless English warrant that had been endorsed in Dublin for execution in this State and he was rushed over the Border into Northern Ireland before he had an opportunity to consider his position, consult legal advisers or make an application to the High Court. Nothing the gardaí did in that case was forbidden by the legislation under which they were operating. However, the Supreme Court, reversing three of its previous judgments, held that because the legislation envisaged a procedure whereby an individual could be bundled out of the State without time for legal intervention, the Act was unconstitutional and must be struck down.

1 o'clock

Deputy Brian Lenihan: He was a citizen.

Deputy Pat Rabbitte: That is true; he was a citizen. Uniquely in Irish legal history, the gardaí who conducted this operation were found guilty by the court of the criminal offence of contempt of the Constitution.

The objection to the 1851 Act was that, according to Chief Justice Ó Dálaigh:

a plan was laid by the police, Irish and British, to remove the prosecutor after his arrest on the new warrant from the area of jurisdiction of our courts with such dispatch that he would have no opportunity whatever of questioning the validity of the warrant... In plain language the purpose of the police plan was to eliminate the courts and to defeat the rule of law as a factor in Government.

As the Act purported to authorise the immediate removal of someone out of the jurisdiction without his being afforded a reasonable opportunity of applying to the courts, the Act was struck down.

One would like the time to deal with a number of specific matters of detail in this Bill and we are heading for a long Committee Stage. As I said, I hope, despite the general paucity of legislation, the Minister will provide time to hear people who want to make submissions on this Bill and that we will have an opportunity to prepare for Committee Stage. The rights of separated children, the draconian and unnecessary injunction on lawyers and the right to remarry are but some of the issues we need to tease out. I cannot understand the injunction on lawyers. The conduct of lawyers is explicit in the rules of court. It seems odd to single out the small number of lawyers. A lawyer in Ireland will never become rich representing the cause

[Deputy Pat Rabbitte.]

of people from outside the State. To enshrine this in the Bill is an extraordinary decision by the Minister.

Deputy Michael D. Higgins: People need permission to marry.

Deputy Pat Rabbitte: I would have liked time to pay tribute to the excellent work of teachers in coping with the extraordinary pressures that have been thrust on them in recent years.

Deputy Michael D. Higgins: Hear, hear.

Deputy Pat Rabbitte: This is an occasion where the time allocated for Second Stage individual speeches might more appropriately have reverted to the old days when one could tease out the Bill at length. That is not possible but I look forward to the opportunity to do so on Committee Stage.

Deputy Ciarán Cuffe: I intend to share time with Deputy O'Flynn.

I welcome this complex Bill of 142 pages and 139 sections. Many aspects are strongly needed while the details of other aspects are of concern and will need to be fleshed out on Committee Stage. I acknowledge the engagement of the Minister and his officials with us on the Bill and I applaud the dedication of the NGOs that have commented in detail on the Bill's content.

There is a pressing need to modernise legislation in this area and a clear imperative to engage with the many organisations working at the coal face with recent immigrants to our shores. I was interested in Deputy Rabbitte's comments on the need for a clear policy statement. The previous Bill published in May 2007 allowed for the Minister to lay out a clear policy statement. There are concerns that this might tie his hands in future policy. While I accept where we are, I would have preferred a Green Paper, a White Paper and a lengthy period of public consultation on the Bill. However, there is a need to move quickly to enact legislation in this area.

I noted Deputy Rabbitte's concerns on the ministerial discretion that permeates a large part of the Bill. I hope the schemes the Bill would bring about would take a strong onus from the Minister to be seen as the point of last resort for people who have exhausted all other possibilities. There is a problem in any body of legislation if the Minister is the point of last resort. It would take much pressure from the Government and Opposition if Deputies were not given that space to make representations directly to the Minister.

We need an overhaul of immigration and protection law and an update of the legislation, and this is a first step towards a more comprehensive immigration and asylum system. I look forward to positive engagement with the Minister on the Bill's passage through the Oireachtas. We are moving towards comprehensive legislation but we are only at the start of a programme for Government that makes clear commitments in this area. The programme for Government contains a commitment to an immigration appeals procedure and I was glad to hear the Minister refer to a visibly independent appeals process. I trust the Minister will incorporate sufficient independence in this procedure and I hope it will be delivered in a timely manner.

I welcome the streamlining of the process towards a single procedure that will allow for the efficient processing of applications. However, I hope that in the practical implementation of this new streamlined process, transparency in decision making is not sacrificed for the sake of expediency and that fair procedures and due process are addressed. There is concern that the speeding up of the process could introduce difficulties.

There are genuine concerns around the issue of summary deportation. While recognising the need to have a comprehensive immigration system in place, flexibility is also needed within such

a system to cater for those who have fallen through the cracks. This issue must be examined in detail.

There has been a discussion in the media and elsewhere regarding the issue of detention on the point of entry. I acknowledge that this is not the introduction of detention by stealth but I am concerned about the signal it may send out. Somebody seeking asylum in this country, looking to the Irish State for protection, can be held in prison, albeit temporarily, before his or her application can be processed. We should be clear that this will only be for a matter of hours. Perhaps we should make some reference to the timing in this section of the Bill because it is open to misinterpretation.

We must examine in more detail the rights of children in the context of the legislation. We have the United Nations Convention on the Rights of the Child and we have, in Irish law, a very clear distinction between the rights and obligations of the HSE and of the Minister for Justice, Equality and Law Reform. The HSE was found wanting in the relatively recent past and we must ensure that proper procedures are in place there. We must address the needs of trafficked and separated children also and it is important that we do not have a cut-off point at a particular age in that regard.

I noted the Minister's remarks regarding trafficking. There are concerns in the public domain about the relatively short period during which someone who is trafficked can have recourse to the appeal procedure. The Minister spoke about the possibility for rest and reflection in order for information to be given. It must be made very clear that we are not talking about a very limited period of time in this context. We should look at models from other countries, such as Norway, where a longer period, of up to six months, is allowed.

As previous speakers pointed out, an enormous amount of the meat on the bones of this Bill will reside in the schemes that are drawn up. As I discussed with the Minister recently, there may be a case for providing for public discussion, debate and consultation on the schemes that will be put in place. The Bill is, in a sense, an empty vessel until we put flesh on its bones, if the Ceann Comhairle will forgive me for mixing my metaphors. Public consultation could lead to better schemes, which would be in everyone's interest.

Concerns about staffing within the Department have been raised time and again. A large number of people have come to me with concerns that their applications are being processed very slowly. The allocation of staff is insufficient to cater for the needs of those seeking information or decisions. I hope we can address the staffing requirements within the area of immigration as part of the development of the Bill.

I noticed much talk from the Fine Gael benches earlier in the debate about crime and social welfare abuse in the same breath as immigration. It is important, on the introduction of this Bill, to talk very clearly about the positive role immigration has had, is having and will continue to have in Irish life. The Green Party takes the view that immigration is a vital and positive part of any dynamic nation and we must say that clearly and unequivocally.

Deputy Denis Naughten: Had the Deputy listened to my speech, he would have heard that.

Deputy Ciarán Cuffe: It can be a vital part of a country's cultural, social and economic development. Indeed, as an island nation off the coast of another island, as Ireland is, it is no harm to have some mixing of the gene pool. Deputy Varadker and I are testimony to the positive aspects of such mixing. Indeed, the House is the poorer without the contributions of the former Labour Party Deputy, Mr. Moosajee Bhamjee, which gave us all cause for thought.

[Deputy Ciarán Cuffe.]

In terms of the cultural sphere, while I grew up with Gael Linn and the Clancy Brothers, these days I am far more likely to listen to Ali Farka Touré or some other aspect of world music. It is important to put that positive contribution on the record of the House. Indeed, one of the most successful festivals on the island is the Festival of World Cultures in Dún Laoghaire, where one might find a Zimbabwean listening to music from South America while eating food from Asia. The enthusiasm for such events shows us all that we are the richer for this cultural, economic and social mixing.

I am aware of the very detailed submissions that have been made by many groups, particularly the immigration NGOs, who held a press conference yesterday to highlight their concerns about the Bill. Last night, the Dún Laoghaire Refugee Project made available to me a list of concerns they have with the legislation. During my meeting with the Dún Laoghaire Refugee Project last Monday, I met a great group of children and young adults from Burundi, Rwanda, Sierra Leone and elsewhere, who all have a very positive role to play in the future development of Ireland. They are intelligent, enthusiastic and committed to contributing to the Ireland of the future. We must put that on record. Indeed, where would the future of the Irish soccer team be without the input of a prospective immigrant to our shores, Mr. Giovanni Trapattoni?

I say this from a desire to put on the record of the House that immigration is, and will continue to be, a very positive part of Irish life. Of course, it brings its fair share of challenges. We must have a system of immigration that is clear, timely and transparent. This Bill is one of the first steps towards fulfilling the mandates within the programme for Government. I look forward to the discussion on Committee Stage and see this as a step on the way towards a further review of our immigration legislation. That will be required because immigration, almost by its nature, changes. The concerns, policies and solutions will be different in five years' time from those being considered today. I welcome the legislation. Its detail is paramount and I look forward to constructive engagement with the Minister and Opposition benches on the final text.

Deputy Terence Flanagan: I welcome the opportunity to speak on the Bill. It is true to say that Ireland has changed dramatically in the past ten years. Our great economic success has resulted in citizens no longer emigrating in the same numbers as they once did and our country having to deal with thousands of immigrants for the first time. Immigration has been of great benefit to Ireland, but migrants and their family members have a right to be treated fairly in legislation and in practice.

I welcome the contents of the Bill, which seeks to reform our outdated and inadequate immigration legislation, but some aspects of the current system are not adequately addressed. The Bill is a unique opportunity to rectify some glaring anomalies within the current system of family reunification. Currently, there is no right in legislation for non-EEA family members of Irish citizens to reside in Ireland, causing great difficulty for many families who wish to resettle in or return to Ireland. In many cases, a non-EEA spouse of an Irish national can be forced to wait for more than 12 months without the right to work while his or her application for residency is processed. This is simply not financially viable for many families.

The current lack of rights for Irish citizens means that if a refugee is granted Irish citizenship, he or she loses his or her legal right to family reunification, a clear and problematic disincentive for people to become Irish citizens and a broader issue for the integration debate. The other anomalous situation is the fact that certain categories of non-EEA family members of EU citizens living in Ireland have a stated right in legislation to have their family members live with them. This situation is not coherent with that of Irish citizens with no legislative rights.

All migrants should have clear and accessible pathways to family reunification and Irish citizens need to have clear rights to family reunification in primary legislation.

Section 123 of the Bill must be removed. This section proposes that, in order for a non-EEA national in Ireland to get married to anyone, including an Irish citizen, he or she will require the permission of the Minister for Justice, Equality and Law Reform. This proposal is an unnecessarily invasive act that would downgrade the institution of marriage and should be removed immediately.

Deputy Michael D. Higgins: It is St. Valentine's Day.

Deputy Terence Flanagan: Measures must be put in place to prevent abuses of certain rights under immigration legislation. Such mechanisms are in place in the Irish Naturalisation and Immigration Service in respect of applications for residency in Ireland based on marriage to an EU or Irish citizen. Legislative rights and protective measures can operate side by side without the unnecessarily intrusive measure of direct involvement by the Minister for Justice, Equality and Law Reform in the institution of marriage.

We should operate in line with Article 41.1 of the Constitution, which states that immediate family members of Irish citizens should have a right in primary legislation to reside in Ireland with their families. We should keep in mind the spirit of the Constitution, which still holds the key to building a new Ireland. I take this opportunity to thank the staff of Crosscare and the Immigrant Council of Ireland for their good work in this matter, often in difficult circumstances.

There are other omissions from the Bill that I wish to highlight. The Bill fails to set out in primary legislation clear rules regarding the rights and obligations of migrants seeking to come to Ireland. As a result, the rules setting out the basis for migrants to enter and remain in the State, the conditions on which such permission will be granted and what entitlements migrants may or may not have while in the State will be left to secondary legislation.

The Bill, like the previous draft published by the former Government, makes no statutory provision for family reunification. It fails to deal directly with the rights of students, their partners, their children, researchers, the self-employed, non-economically active migrants and the undocumented. The legislation has no real meaning when it comes to defining who can reside in Ireland, for how long and on what basis. Clearly spelling out migrants' entitlements and obligations in primary legislation will help prevent the difficulties they and those charged with administering and enforcing immigration legislation face. Some of these problems revolve around the delays in obtaining decisions and inconsistencies in decision-making. Given the problems encountered under the current system, such as lengthy delays in decision-making and inconsistent decision making that leads to challenges, it is crucial that the Government should honour its commitment in the programme for Government to introduce a visibly independent appeals process for immigration decisions. An independent appeals mechanism would provide transparency in the decision-making process and could be more cost effective than the current system.

Migrants' rights to family life should be spelled out clearly in primary law. There is a lack of clarity regarding which family members may be admitted to the State, the conditions under which family reunification may be granted and the length of time it takes to process applications. It is not good enough that Ireland is the only EU member state that does not have national rules regarding family reunification enshrined in primary legislation.

The repeal of section 3 of the Immigration Act 1999 without an equivalent replacement in the Bill is of grave concern as it may lead to the summary deportation of vulnerable migrants who have become unlawfully resident in the State through no fault of their own. There must

[Deputy Terence Flanagan.]

be an avenue to deal with and provide for persons in exceptional circumstances. The Bill provides no flexibility to deal with persons whose residence permits are non-renewable and it allows for a regime of creeping charges at every stage of the immigration process. There are charges for visas, entry and registration. The fees should correlate to the cost of administration only and not be used as a double taxation of migrants lawfully coming to Ireland. There is no reason a visitor or worker, for example, should pay a different fee on entry to the State.

The Bill empowers the Minister to require visa applications to be accompanied by a bond or deposit. The circumstances warranting the requirement of a bond or deposit should be spelled out in primary legislation to ensure these requirements are proportional and to prevent any discrimination or inconsistency in their imposition.

The provisions contained in section 124 fall short of Ireland's obligations under the Council of Europe Convention on Actions to Combat Human Trafficking, which entered into force on 1 February. The convention applies to all forms of trafficking in human beings, whether national or transnational, and would certainly apply to all victims of trafficking regardless of their nationalities. It is of concern that the recovery period of 45 days provided in subsection 124(1) in conjunction with subsection 124(3) is not long enough. Victims of trafficking will often be highly traumatised and may not recover sufficiently within 45 days to make an informed decision about whether to participate in an investigation or prosecution. Overall, the Bill leaves victims of trafficking in a situation of passivity by not allowing them or those acting on their behalf to make applications for recovery and-or protection residence permits.

The Bill deals with general immigration and asylum protection issues in the same legislation, a major fault. This is likely to perpetuate confusion about the status of foreign nationals in Ireland. Ireland needs a workable, fair and forward-looking system and the Bill before the House does not meet the obligation to provide it.

Deputy Michael D. Higgins: I have rarely called a quorum in the almost 20 years I have served in this House, but I must now do so as this Bill and those who will speak on it deserve the attention of Deputies. I call a quorum.

Deputy Terence Flanagan: Hear, hear.

Deputy Bernard J. Durkan: It is a good idea.

Notice taken that 20 Members were not present; House counted and 20 Members being present,

Deputy Noel O'Flynn: I am delighted to speak on this important legislation for a modern Ireland that is experiencing extraordinary changes. Only 20 years ago nobody would have believed we would debate immigration in this House as at that time emigration was the subject of much concerned debate. We all remember the 1980s when so many young people left for the United States of America, the UK, Australia and other countries in search of work.

Since the 1990s and the growth of the Celtic tiger Ireland's economic transformation has been accompanied by immigration. People now settle here to make Ireland their home, some permanently and some for a couple of years, and the dramatic transformation in our economy has succeeded in attracting many here. This Bill puts in place the systems and legal mechanisms necessary to manage immigration for the foreseeable future and it is the well researched result of a long consultation programme that brings together the views of experts in the area. The Bill is based on considered responses garnered over a number of years and I commend my colleague, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, on bringing it forward. We should not forget the Trojan work done by the former Minister for Justice,

Equality and Law Reform, Mr. Michael McDowell, in initiating this Bill and the Immigration Act 2004

Deputy Michael D. Higgins: We are not likely to forget him easily.

Deputy Bernard J. Durkan: There is no need to remind us.

Deputy Noel O'Flynn: There is a myth that most immigrants enter this country unlawfully but, contrary to this perception, most people come here in a proper fashion with the correct visas and permits. This Bill sets out for the first time in statutes the procedures for applying for a visa and for dealing with asylum seekers. It makes the immigration process transparent to those living here and those who wish to make Ireland their home.

My views on asylum seekers who abuse the system are well known and have been borne out by the number of multiple benefit claims made by some asylum seekers here, in the UK and in other jurisdictions. That type of fraud has been curtailed significantly by the introduction of fingerprinting, which has helped ensure EU countries encounter fewer fraudsters making multiple claims.

The number seeking asylum in Ireland has fallen considerably since 2002 — almost 4,000 applications were received in 2007, the lowest annual total since 1997 and a 66% decrease on the 2002 figure. In many instances asylum seekers leave their home countries not because of persecution but seeking a better life; in short, they are economic migrants. Under the present system these cases must be examined in detail. First the Refugee Applications Commissioner looks at the case and a negative decision at this point can be appealed to another body. Only when both bodies have given a negative response can other elements of the application for leave to remain be considered. All this means that some applications take a significant length of time and someone on the Fine Gael benches today referred to “years and years and years and years”. This means that such people, who are in the country unlawfully, cannot be removed until after a very long process. Over 80% of these applications fail.

A person who is given an eight week visa and decides to overstay in the country cannot be removed under present law without a long deportation process. This makes no sense when a person has wilfully broken the terms of a visa. Under the new arrangements such a person will be obliged to leave or can be removed against his or her will. There is no question of sending back people who have fled their countries in genuine fear of persecution as, in such instances, this Bill guarantees the safeguard of the legal process in court.

I will not refer to 2002 but it is interesting to note that in an article in *The Irish Times* in 2004 the Nigerian Embassy accused bogus asylum seekers from Nigeria of making terrible and unfounded allegations against their country of origin to stay in Ireland at all costs. The embassy also accused journalists and non-governmental organisations, NGOs, of encouraging asylum seekers to vilify Nigeria as a means of staying in Ireland.

Deputy Bernard J. Durkan: What about the Department of Foreign Affairs? From time to time it has something to say about this issue.

Deputy Noel O'Flynn: Many people from outside the EU living in this country make a valuable contribution to Irish society by providing important skills and paying taxes. The provision in this Bill for long-term residents recognises this and will allow such people and their families to stay and put down permanent roots. The new status for long-term residents will give qualifying immigrants access to State-funded services and other entitlements. At the moment immigrants must apply for a visa every year and can only apply for naturalisation after a certain

[Deputy Noel O'Flynn.]

length of time but the provisions of this Bill will see that such people will not have to engage with the visa process every year. The Bill recognises the role such immigrants play in Irish society and will make Ireland a more attractive place for skilled people.

I received a letter from a solicitor in Cork on immigration law and I refer to it as it applies to a case I am dealing with. An Irishman has a partner from Thailand and their son is an Irish citizen, but the Thai woman cannot enter this country without a visa. The embassy in Kuala Lumpur deals with Thailand and she was granted a visa this week but the man involved wishes to exercise his right as an Irish father to see his child. He has a responsibility to the child under various legislation but his partner has difficulty entering the country. On the other hand, holders of work permits from the Philippines and other countries may bring their children into this country and European Union nationals may marry a person from outside the EU and move here with their partner to work.

The letter was also sent to the Minister. I hope it will be possible to resolve the problem whereby people from outside the EU with Irish born children are prevented from moving here. In the case in question, the man has been separated from his Irish born wife for two and a half years and intends to marry his partner once his divorce has been finalised. I have met the lady and the couple's child who is of Irish extraction. The family is devastated that once a permit to enter the country is granted, the lady must return to her country of origin with the child within three months.

Deputy Michael D. Higgins: If the couple falls out, she will be deported for good. If they plan to marry, they had better write a letter to the Minister.

Deputy Noel O'Flynn: I do not propose to give further details of the case because the Minister has received a copy of the letter. I hope his officials are listening and will address the anomalies raised in the correspondence. It is not fair that a person issued with a work permit from the Department of Enterprise, Trade and Employment may bring his or her family to Ireland, whereas an Irish citizen may not bring his partner and child into the country. Although it is legally possible for the child to enter the country, obviously children do not travel without a parent.

European immigration has been highly successful and many people from the new EU accession states have made a significant contribution to society. We have all benefited from their contribution to our economic, social and cultural life. Without their input into the construction, service and higher end IT and value added industries, it is unlikely the Celtic tiger would have purred along so successfully. The citizens of the new EU accession states who have set up home here, including Poles, Hungarians, Czechs, Lithuanians and Estonians, are owed a great deal of credit and gratitude for the important role they have played.

I recently met the Polish ambassador at the opening of an important photographic exhibition in Bishopstown, County Cork. He informed me that in recent years 1.5 million Poles have spread out across Europe in search of work, experience and skills. The Poles, of whom there are upwards of 250,000 in Ireland, including a large community in Cork, are welcome because they are hard working, polite and respectful. While the ambassador accepted that his compatriots had made a significant contribution to the countries to which they had moved, he asked the Polish people assembled in the beautiful new library in Bishopstown, which is located next to the Tesco store, to return home to apply the skills and experience they have acquired and invest the money they have earned. He accepted, however, that many of them must remain outside Poland for a further short period to make money.

Ireland has experienced immigration much later than most of our European neighbours and is in a good position to learn from their mistakes, as we are doing. It is vital, as we move forward, that immigration is accompanied by policies which will ensure that integration takes place. We have, for the first time, appointed a Minister of State with specific responsibility for integration, Deputy Conor Lenihan. Approximately 40,000 immigrant children from a wide variety of backgrounds and cultures attend Irish schools. To ensure they do not lag behind their Irish counterparts, we have recruited almost 1,900 language support teachers to meet the needs of children whose first language is not English. In some cases, the mothers of these children cannot speak English and are unable to help with their school work. The roll-out of adult education classes is also vital if integration is to proceed. More than 12,000 places have been taken up by migrants learning English in classes provided by the national network of 33 vocational education committees.

We have read much in recent press reports about the exploitation of migrants. I am pleased the law is being changed to provide that green cards and work permits will be issued to employees as opposed to employers. A key aspect of changes in the new legislation being rolled out is that permits will not be issued for jobs paying below the national minimum wage. I welcome the introduction of hefty fines and more serious consequences for employers who take advantage of migrant workers who work hard alongside Irish people.

A number of communities are experiencing difficulties with integration. I will give the House a flavour of the types of integration problems outlined to my Fianna Fáil Party colleagues and me by representatives of the Polish community at our meeting last Saturday. Other immigrant communities may be experiencing similar problems. Those who run *mycork.org*, a website for Polish immigrants, informed us that Polish is taught for a number of hours every week in St. Patrick's school in the city. Polish migrants favour more integration and while they do not want separate schools, they seek greater assistance from the authorities for teaching Polish, mathematics and other subjects that are taught differently on the Polish curriculum. Many Polish parents intend to return home with their children. The group indicated it had not made contact with State authorities on this matter or other matters. Perhaps it did not know how to access the authorities and it may have been unaware of what services are available.

From the note I received, I understand 1,000 Polish children and parents are involved in the classes at St. Patrick's school, which are recognised by the Ministry for Education in Poland. The Minister for Education and Science should examine what services are available for the various language communities to enable them to continue to study their national curriculum alongside English and Irish. Sylvia Adamska, a migrant officer from the west Cork community partnership who works with Poles and other immigrants in Bantry and Clonakilty, emphasised the importance of the project and asked for assistance for its activities. I understand funding for the project will finish in March 2008. She has written to the Minister of State, Deputy Conor Lenihan, and I hope further funding will be made available.

The Minister for Enterprise, Trade and Employment, Deputy Micheál Martin, and other Ministers were present at the meeting, which was a briefing for Fianna Fáil Members and councillors. I have no doubt the other parties will receive similar briefings. I was astonished to hear about impoliteness from officials in the social welfare service and the tax office, particularly where Polish people who had no knowledge of the English language were treated unpleasantly. This was also mentioned by a lady who acts as a translator for people dealing with State agencies and assisting Poles in accessing information or benefits to which they are entitled.

[Deputy Noel O'Flynn.]

In the 16 years I have been in public life I have not heard a bad word about an official in any Department. They are always extremely polite and helpful. I raised this matter on Saturday, stating if this is true it is first time I have experienced it. Perhaps we will speak with people in State agencies and bodies to see whether we should provide Polish interpreters or Polish workers in the Department of Social and Family Affairs and the Revenue Commissioners to deal with the number of people who wish to access the services.

Provision of official migrant workers' rights and entitlements in the Polish language was also requested. This would be helpful in raising awareness and self-confidence among migrants. A particular need exists for information on employment rights, taxes, working conditions and anti-discrimination legislation, which we recently introduced. The matter of English classes was also raised.

Another issue raised was the exploitation of migrant workers, which generally takes the form of underpayment of wages or non-payment of entitlements or overtime. The vast majority of employers pay immigrant workers from EU states the rate they should be paid and are not exploiting them. I must state some are unscrupulous and abuse EU and other nationals who do not understand the language and cannot find out about their rights. This is neither fair nor right. I hope our enforcement officers will deal with this, and I believe they are doing so.

This is a flavour of the difficulties experienced by one community. I am sure it is the same for other communities. The Government and local agencies must do more to integrate such people into our society.

Deputy Bernard J. Durkan: I am delighted to speak on this important Bill. I am not certain whether the Bill addresses in full the issues arising at present but it attempts to deal with some of them. Perhaps it does not do so in the same manner I would have but this is in the nature of things and doctors differ.

We should be more familiar with emigration than any other nation on earth. For a long time, we have wandered the face of the earth and gone to every country, location and jurisdiction. My generation is the first of my family since the 1840s in which no one had to emigrate out of necessity. At present, emigration is the only answer for people in many other countries.

I was amused when the previous Minister for Justice, Equality and Law Reform used to state he did not believe some of the stories coming from refugees and asylum seekers. He stated they did not always tell the truth. I used to marvel at this. After all, anybody practising in the courts will have questioned much of what they have been told. He seemed to be amazed at the suggestion that somebody would lengthen or improve a story. I would have thought this to be the normal procedure. We know somebody making a case will try to make the best possible case and embellish it. The story might not always be exactly as it happened. One cannot blame people for improving their story to make it more convincing.

However, I have reservations about matters which have occurred. It is well known that a particular individual who adjudicates applications for asylum and refugee status has never once granted asylum. I cannot understand how not one application out of 10,000 or 11,000 considered over a number of years was granted. How could those allocating the cases be so selective as to ensure that prior to being examined, this adjudicator received all of the cases which did not qualify? This makes me suspicious and the system must be examined. This Bill proposes changes and after it is passed the Minister and officials must recognise these matters must be addressed as a matter of urgency. The fact that something is happening which may be seen to

be clever and about which people have a quiet nod and a wink and a snigger does not mean it should continue under any circumstances.

Another matter which has come to my attention is the hardship caused to young children whose parents have been here for a number of years. They have gone through the primary and second level education system and are now ready to enter third level education and want to do so. They do not qualify for a higher education grant and can only continue in education if they have €5,000 or €10,000 to spend. It is extremely sad to see these teenagers making their pleas and speaking in Dublin, Kildare, Sligo and Roscommon accents. They have been here since they were five or seven years of age. These cases must be addressed. The Minister mentioned the possibility of an amnesty. This is where the amnesty should kick in and deal with these cases as a matter of course in accordance with fair play.

Other speakers mentioned criminals entering the country. We all know we do not need criminals as we have enough of them here already. Our home-grown criminals do very well throughout the world, as I mentioned several times on the Order of Business. They are doing so well they are recognised internationally as a growing force in the criminal world. We must have a simple means of sifting applicants at an early stage so as not to penalise all applicants for asylum and economic immigrants. This would eliminate many snags and back logs and the long drawn-out process we have.

I doubt I am unique in that 99% of the people who come to me for advice have one thing in common. They want to work. They want to be independent and will do whatever work is available, whether it is driving a bus or a digger or nursing. It is eternally frustrating not to have status to work for those whose cases have been pending for up to ten years and who have brought up their children here.

I hear mention of people who are here illegally, and some did come here illegally. However, others became illegal by virtue of changing their address. Some cases could have done with another hearing and a sympathetic ear. From all the questions I have asked these individuals, their motives do not appear to be in any way more sinister than simply avoiding having to go back to from where they came.

Like every Member, various immigration cases have come to my attention. Various evidence has been submitted and forms filled out with a decision taken by the relevant officer, argued in tabular form. The case made in some of these arguments on paper is highly suspicious, leading to only one conclusion. If an officer disbelieves everything put before him or her and has an intimate knowledge of the conditions prevailing in the applicant's homeland, the Department of Justice, Equality and Law Reform should refer to the Department of Foreign Affairs. There one gets a different story and that matters in the homeland are very different from those proclaimed in the adjudication of the asylum-seeker's status.

The Department of Foreign Affairs adjudicates on what it sees internationally and theirs is a fair assessment. The Department of Justice, Equality and Law Reform looks at it in a different form. I am not saying this to open the floodgates and allow everyone who wants to enter the country. It must be done at European level, with the one regime across the EU. It needs to be regularised in some fashion. It cannot, like a tap, be turned on and off, simply because some people are going to be discriminated against.

There is the matter of first landfall covered by the Dublin Convention. For example, an individual fleeing from the Democratic Republic of Congo is turned back from Belgium. If that individual turns up in Ireland, under the Dublin Convention, he or she is returned to the place from whence they were first deported, in this case Belgium.

[Deputy Bernard J. Durkan.]

I had a case of a woman who had been seriously abused in her homeland. She managed to flee to France but was deported from there. Eventually she came to Ireland but was deported by virtue of the fact the original deportation was in order. Close questioning of the woman revealed a horrific list of abuse and hardship. I raised her case with the then Minister for Justice, Equality and Law Reform, Michael McDowell, and asked what was likely to happen to this woman if she were deported. Was her welfare and well-being taken into account? Was she to be sent back to a safe haven in her country? When I followed it up, she was not, ending up on the streets with no protection from any quarter.

Care must be given to the replies given to parliamentary questions because the veracity of those replies could have serious implications for the individuals who are the subject matter. In those circumstances, there is an urgent need to appraise each situation accurately and fairly from everyone's point of view. I accept changes have been made on humanitarian grounds where reviews can take place, albeit they can take a long time. There must always be a mechanism whereby the individual's particular circumstances, precarious as they may well be, should be taken into account in such a way as to protect that person's life if they have to.

One question I pursued with the Minister's predecessor was to ascertain in the cases of deportation, whether the well-being of the deportee was safeguarded. I never got an answer to that particular question because it was not in the then culture of the thinking to give one.

I am not being critical of individual officers but it is a simple fact of life that if we want to be treated fairly in the world, then we must be fair to those who come here for whatever reason. It is not a crime to come to Ireland for economic reasons. The previous Minister used to marvel at the notion that people would come to Ireland for economic reasons. "They are economic immigrants", he proclaimed, aghast at the very thought. There is nothing wrong with that. It has always been the case that people move around seeking employment. It is not a crime.

Regarding the language provisions in the Bill, English can be difficult for immigrants if it is not their first language. Incidentally, many immigrants have learned the Irish language successfully. For example, take the local authority housing application form. Once it used to be a simple two-page document. In the 1980s, the Revenue Commissioners used to have a 25-page document, form 12, that everyone castigated. Eventually, it was reduced to a two-page document and still served its purpose. Never to be outdone, what did the local authorities come up with for the housing application form? They turned a two-page document into a 27-page one. Many questions are asked several times such as "What is your first language?", "Where do your parents come from?", "How many times have you moved house in the past five years?", "What was your address in the previous five years and the previous five years to that?". I never read so much raiméis in all my life.

Deputy Denis Naughten: One had to give PRSI numbers, claim numbers, pension numbers and more.

Deputy Bernard J. Durkan: Eventually, a dossier is compiled which would intimidate the most fluent English speakers. It is put there, however, for African, Polish and Estonian applicants. If one really wants an English fluency test, this is the form.

While I anticipate some criticism from some local authorities on the matter, they should cop on to themselves and not make a situation worse.

Deputy O'Flynn claimed some officers are occasionally abrupt. I am not referring to any particular officer in a particular location but there have been the odd ones. There has been the

odd situation whereby an officer dealing with immigrants of all nationalities has been less than sympathetic. It could be argued they are of that disposition when dealing with local people. For several officials I know about, if I were them, I would not pursue it too far. They are just about on the borderline and escape from a serious charge being made against them. I will not say any more than that. People in those positions need to recognise their actions and responses can be seen as a reflection not on them but on the country, a much more serious matter. A little Christian charity does not go too far wrong in these circumstances.

This subject, as we know, is a broad one and we could go on forever, although unfortunately, or perhaps fortunately, we are restricted to 20 minutes nowadays. I emphasise the things that need to be dealt with as quickly as possible. The processing of applications for naturalisation needs to be speeded up. It is appalling how many times we must write to the relevant section of the Department of Justice, Equality and Law Reform or to the Minister asking about the status of applications. This takes up the Minister's time. We are told the process sometimes takes 22 months; it takes five years. I have been dealing with one case for the past eight years and it is only now coming to fruition. The people concerned, the applicants, want their status clarified. They have employment and they want to continue working. They want to make an economic contribution to this society and they make no bones about it. Thus, I ask in the context of this legislation that this process be speeded up.

I note that there has been a huge drop in the number granted refugee status. I would like to think this is due to reduced interest and smaller numbers of applications, but I am not so sure about that. It behoves everybody to deal with these applications as quickly as possible. There may be difficult circumstances in the homeland of an individual that may not come to light in the first instance, but it does not take three, four or five years to go through the details. It should be possible to go through them in a shorter space of time. It costs nothing to be courteous to people. Even if one cannot help someone, it must surely be possible to explain the situation in a courteous manner.

I will finish off with the habitual residency clause, which has been frequently mentioned recently in connection with qualification for social welfare benefits. Unfortunately, through rigid application of this rule the State encourages and forces people into lawlessness. Women are forced into prostitution because they have nowhere else to go and nothing else to do. Why leave people with no option? Why not deal with the situation by trying to ensure that people, at least while they are here, do not have to beg on the streets? Why not deal with it from that point of view? If a case is found to have no legitimacy and does not stand up to examination, it should by all means be treated under the general rule, but otherwise I ask, in Heaven's name, that the Department deal with these people in a sympathetic fashion.

I will not go through the issues such as housing loans which I had intended to mention. We in the House could speak on this subject until tomorrow without the slightest difficulty. I hope and pray that the Bill, if it does nothing else, will focus on fair play, efficiency and cutting out the red tape that has crept into the area in recent years.

Deputy Finian McGrath: I thank the Cathaoirleach for the opportunity of speaking on this important legislation, the Immigration, Residence and Protection Bill 2008. Before I go into the details of the Bill I must mention the importance of having a wide-ranging debate on immigration and listening to all views on this important issue. To those who say that politicians never discuss this issue, I say get real. We deal with the immigration issue each day of our lives in our clinics and our constituencies. It gets up my nose when I hear so-called enlightened people or commentators saying such things.

[Deputy Finian McGrath.]

I also wish to challenge the hypocrisy of certain people in this regard. Our politicians and lobby groups have been jumping up and down about the illegal Irish in America, yet they stay silent when the issue comes up in our own country.

Deputy Bernard J. Durkan: That is true.

Deputy Finian McGrath: We must end such hypocrisy. I will always support the Irish in America, but I will also support and assist immigrants in our country even when it may not be popular politically. Let us be honest. We all get regular requests from immigrants and asylum seekers at our offices and clinics. This type of work has been going on for years. We are not looking for gold medals as Members of the Oireachtas, but I ask the Minister not to lecture TDs or Senators, saying they do not know about the immigration issue.

While we are dealing with immigration, I must also mention the issue of race. The sad reality is that some immigrants in this country are abused, jeered and mocked regularly on their way to work or to meet friends. Some are so afraid that they lock themselves in their flats and apartments at night. This is an absolute disgrace and it is not acceptable in our country in 2008. Our immigrants should be allowed to enjoy our country and get on with their lives in a positive way. Politicians must take the lead on this by showing solidarity with and support for our immigrant community. There is no room for this in broader society. There is also no room for racism or sectarianism. After all, if we look at our history we will see that Ireland was built on emigration. Generations of Irish people, including many of our own family and friends, have travelled around the world to places such as the US, England and Australia. Our history is steeped in emigration. The Kennedys have Irish roots and we recently heard that Barack Obama has roots in County Offaly. In addition, Che Guevara had Galway roots, James Connolly had Scottish and Irish connections and Paul Keating also has Galway roots. Many other families emigrated from Ireland and did very well in foreign countries. It is important that we remind ourselves of this.

On the matter of immigration, exploitation and racism, I welcome the recent statement by the Australian Government apologising for the treatment of the Aborigines. I thought this was a brave decision by the Prime Minister and the Government and I compare it with the previous Government. By saying sorry, Australians now have a chance to move on by respecting what they have done in the past to the Aboriginal people. It was a brave and positive contribution by the Australian Government and we can all learn from it, particularly in our country as we try to develop strategies for conflict resolution on this island.

These issues are linked to the debate on immigration. However, one aspect about which people do not often hear is the positive contribution of our immigrants. They have made a massive contribution to the State. We have all heard racist views on the doorsteps. There are those who privately express racist views but will not say them publicly. I encourage these people to enjoy difference and diversity. Before I was elected to the Dáil I worked with immigrant children. I taught children of many nationalities and for the children in my school, aged from four to 13, race and religion were never issues. The people with the baggage and problems seemed to be the adults. I remember one under-13 team in the Cumann na mBunscoil league which comprised children of five different nationalities. The children were not interested in where the other children came from, the colour of their skin or their religion, they were only interested in having players on the team, playing together, enjoying the game and winning the next match. It is the adults who have issues with immigration and race. It is important that we focus on these things in the debate today.

When we go into the details of the legislation we see that the Bill sets out a legislative framework for the management of inward migration to Ireland. It lays down a number of important principles governing the presence in the State of foreign nationals, including the obligation of a foreign national who is unlawfully in the State to leave. It sets out statutory processes for applying for a visa for entry to the State, residence and being required to leave where necessary. The responsibility of the State, through executive functions vested in the Government, to operate immigration controls in the interest of the common good have recently been restated by Ms Justice Denham in the Supreme Court:

In every State, of whatever model, the State has the power to control the entry, the residency, and the exit, of foreign nationals. This power is an aspect of the executive power to protect the integrity of the State. It has long been recognised that in Ireland this executive power is exercised by the Minister on behalf of the State.

That is the core issue in the legislation.

Of special note is the provision in statute for foreign nationals to obtain long-term residence permits which give the holder rights in the State that are similar in most respects to those of Irish citizens. The Bill also makes general provisions for powers of immigration officers, exchange of information, notification requirements for marriages of foreign nationals, special provisions on judicial review based on the present provisions of section 5 of the Illegal Immigrants (Trafficking) Act 2000 and requirements relating to the departure of foreign nationals from the State. That is the core issue in this legislation.

However, when we are discuss the Immigration, Residence and Protection Bill 2008, we have a responsibility to listen to different views across the House and outside groups. I urge people to listen to the Immigrant Council of Ireland, ICI, and its submissions and recent lobbying. The ICI is an independent non-governmental organisation established to promote the rights of migrants through information, legal services, advocacy, lobbying, research and training. Concerns raised with the council by clients through its information and support service and legal service inform its campaigns and research. In 2007, approximately 10,000 people sought information and support from the ICI. The ICI also provides information, support and training to a wide variety of organisations, including State agencies, other non-governmental organisations, ethnic minority-led organisations, businesses, community-based organisations and politicians. The ICI makes a major contribution to Irish society and I commend it on its valuable work and the role it plays in an at times difficult situation. This organisation is good for immigrants and this country.

The Immigration, Residence and Protection Bill 2008 represents an ideal opportunity to comprehensively reform outdated and inadequate immigration legislation. While I welcome some aspects of the Bill, such as the provision of basic protection for victims of trafficking in human beings, some of the problems inherent in the current system are not adequately addressed. The ICI has committed considerable resources and effort to help ensure the legislation achieves the Government's stated aim of setting out "in a clear and integrated approach the whole process for foreign nationals coming to the State, staying here and, when necessary, being required to leave". I support its position on that and believe we should listen to it. When people say they have certain concerns about the legislation, we should be open and honest about it and look at them.

My concerns are centred around 12 core points. These are the failure to set out clear immigration rules in primary legislation; the need for an independent appeals mechanism for the review of immigration decisions; the lack of provision for a right to family reunification, an

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issue I will revisit in more detail; summary deportations; the limitation of access to benefits and services for persons who are unlawfully present in the State; fees and excessive ministerial discretion; failure to provide legal safeguards against refusal of entry and revocation of residence permits; no real permanence in respect of long-term residence; limitation of access to justice for migrants; limitation of the right to marry and international human rights obligations; insufficient protection for victims of trafficking; and combining immigration and asylum issues in the same legislation. These are genuine issues and concerns raised by people which we all have a duty to look at in more detail. It is important we take these views on board.

In respect of the failure to set out clear immigration rules in primary legislation, the Bill fails to set out clear rules regarding the rights and obligations of migrants seeking to come to Ireland. Instead, it provides a legal skeleton, providing procedural rules which the Minister will then have the power to flesh out by making regulations pursuant to section 127 of the Bill. As a result, the rules setting out the basis for migrants to enter and remain in the State, the conditions on which such permission will be granted and the entitlements migrants may or may not have while in the State will be left to secondary legislation. I do not know when the regulations will be introduced or the areas they will cover.

For example, issues relating to family reunification and rights to family life are consistently among the most common inquiries migrants raise with the ICI. The 2008 Bill, like the previous draft published by the former Government in April 2007, makes no statutory provision for family reunification. The Bill also fails to deal directly with the rights of students, students' partners or children, researchers, the self-employed, non-economically active migrants or the undocumented. All these areas are to be covered by as yet published immigration regulations. For the time being, the Oireachtas is left to vote on legislation with no real meaning when it comes to defining who can reside in Ireland, how long they can do so and on what basis. We must deal with these issues. When groups raise these concerns, it is important that we are sufficiently brave and open to look at them.

I welcome the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Conor Lenihan, to the debate because some of the research is very relevant to the issues with which he deals. A 2007 report entitled *Black African Women in the Irish Labour Market* by Florence Hegarty produced some interesting findings. The report found that while migrant African women tend to be highly educated, they are often over qualified for the jobs they can access. It also found that many migrant or African women experience barriers to accessing the labour market and discrimination and hence face the double burden of gender and racial discrimination despite being aware of Ireland's equality legislation. We must all be conscious of this finding. Another finding was that their grievances regarding social discrimination by workers or clients were not taken seriously by supervisors. If an immigrant tells somebody that they face a discrimination issue, the matter should be examined professionally, objectively and properly. The research tells us that this is not happening. It goes back to the broader issue of how we need to bring our public with us in respect of enjoying difference and celebrating diversity. This is the bottom line and we all have a contribution to make. It should not be left to one Minister because it is a broader community issue. One can bring it into politics, sport, the arts and music. All these areas have a contribution to make. I commend the people, particularly in the areas of sport and the arts, who have been a significant positive influence in respect of dealing with interculturalism, having respect for diversity and enjoying difference. They have made a significant contribution and we should work very closely with them.

I have talked about Ireland as an emigrant nation. It is very important for us to remember and understand our long history of emigration. We understand the psyche and psychology. We all have relations in different countries abroad and know about the contribution they made to these countries when they settled there. However, we also have a responsibility to ensure we respect and look after immigrants in our country. We know that, from an economic, social and sporting perspective, the children of emigrants have brought many happy times to this country, for example, in our international football team. We should be very proud of this and not be afraid to say it when we are involved in this debate.

There is a need for an independent appeals mechanism to deal with immigration decisions because this is the only way to ensure access to fair procedures and effective remedies for migrants and their family members who seek to challenge decisions affecting their human rights as protected under the European Convention on Human Rights and Fundamental Freedoms, in particular, Article 3, which prohibits torture, Article 8, which guarantees the right to family life, as required by Article 6, which guarantees the right to a fair trial and Article 13, which guarantees the right to an effective remedy. We should look at these issues.

In respect of the lack of provision of the right to family reunification, migrants' rights to family life should be spelt out clearly in primary law. Family reunification is a major source of immigration internationally and a major issue of concern to migrants and Irish citizens in Ireland due to the absence of a formal application process, apart from recognised refugees and EU citizens. There is a lack of clarity regarding which family members may be admitted to the State, the conditions under which family reunification may be granted and the length of time it takes to process applications.

The wide discretion of the Minister in the granting of family reunification has led to inconsistencies and a lack of transparency in the decision-making process. Ireland is the only European Union member state which does not have national rules regarding family reunification enshrined in primary legislation. The previous Government decided not to opt out in respect of the EU directive on the right to family unification. However, Irish rules regarding family reunification should be inspired by international best practice. We all come across cases every day in our clinics. It is a human story.

Given the fundamental importance of family life to all of society, the Bill should provide a clear entitlement for Irish citizens and legal residents to be joined by immediate family members, including spouses or partners and minor children. Discretionary provisions should allow for the admission of other family members such as parents and dependent adult children on certain conditions. Such discretionary provisions could be a solution to many of the problems we encounter. We are talking about families — men, women and children — and protecting and defending their rights.

On the issue of summary deportations, the Immigration, Residence and Protection Bill, as drafted, allows for the deportation without notice of any person unlawfully present in the State. Section 4(5) provides a significant new power which is being vested in the State and effectively abolishes the section 3 process established under the Immigration Act 1999, as amended. A person who has entered and is residing in Ireland without permission can be removed from the State on foot of a deportation order. Currently, the deportation order requires notice to be given; the person concerned is given 15 working days to make submissions as to the reasons he or she should not be removed from the State. They can include such matters as family circumstances, duration of residence in Ireland and humanitarian considerations. That is an important issue.

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Another issue is the provision of insufficient protection for victims of trafficking. The provisions included in sections 1 to 4, inclusive, fall short of Ireland's obligations under the Council of Europe convention on actions to combat human trafficking which came into force on 1 February. Most importantly, the convention applies to all forms of trafficking in human beings, whether national or transnational, and would certainly apply to all victims of trafficking, regardless of their nationality. By comparison, section 124 only applies to foreign nationals. A foreign national is defined in section 2(f) as a person who is neither an Irish citizen or a person who has established a right to enter or be present in the State under the EU regulations; in other words, EU-EEA nationals are generally excluded from its application. A large proportion of those being trafficked to Ireland for the purpose of sexual or other forms of exploitation will not be able to avail of the protection guaranteed by the convention. This aspect should be closely examined.

I welcome this major debate on immigration and urge the Minister to take on board my concerns and to listen to the views of the Immigrant Council of Ireland. We should treat all immigrants with respect and dignity.

Deputy Michael D. Higgins: I welcome the opportunity of contributing to the debate. Many years ago as a young academic I initiated courses on the sociology of migration. In Manchester, I had an opportunity to examine not just migration from Ireland, but African migration on the Continent of Africa and out of Africa.

The Deputy who has just spoken mentioned this area and it is important to try to abstract values from our own historic experience. I speak of values that would be drawn from the circumstances of major outward migration from Ireland pre-famine, which hardly touched the west of Ireland. It was based on a type of skilled migration to parts of the United States, mostly from the northern part of Ireland and the Border counties, and then the great waves of post-famine migration. There are articles that describe the experience of Ireland responding to the post-famine migration. There are very good works by people like Dr. Frances Finnegan and others.

Effectively, people from Donegal and elsewhere, who had seasonal roots established in Britain, suddenly found those rivulets were becoming wide rivers. There were tens of thousands of Irish, many of whom would have aspired to go on to the United States but who completely failed, and in Liverpool, Coventry and elsewhere they were pushed from one poor law union to another. In Frances Finnegan's work, *Poverty and Prejudice*, there is a description of the death of Teddy McAndrew. The book is in the Library and I recommend that people read it. It involves a family looked after by the Quakers pushed from one poor law union to another and from one institution to another.

I often remember that when I visit people who are in direct provision in Galway, people from Africa who have now been waiting up to five years for a decision in their case and who live on just over €19 a week. They are prohibited from working. Their children, if they have any, are denied many rights that are available to other children.

I recall also the great period following the declaration of the Republic in 1948 and the commission on emigration. In the 1950s, no less than 45,000 people left Ireland each year. Between 1955 and 1960 alone, 250,000 people left Ireland. They differed in various characteristics. The 1980s emigration referred to earlier, and I do not intend to extend this aspect, was different in character. It was more of a circulatory migration, that is, people had the capacity through skill and income to look forward to coming back to the country and perhaps leaving

again. Circular migration is a form of migration that has been ignored in the literature. It is the dominant kind of migration in many countries. I say that because there is a great disjunction between the values that one might have expected to come out of such experience and what we are putting into practice. I have travelled to the United States twice in the past five years to make a good case for people who cannot come home to attend funerals. We heard of the tragic case in County Galway recently where a young man died of pneumonia rather than being discovered as an out of status person.

When we examine it, does it make sense to keep people four and five years in this non-process without the right to work or enter society or get a decision while living on €19 a week? It is a scandal. People may differ from me in terms of what I have said, but I wrote to the Minister for Justice, Equality and Law Reform. I put down questions to him, asking him to consider introducing a scheme like the one introduced in The Netherlands. That scheme, which involved people who had arrived before 2001, effectively wiped out the backlog and created a system under which one could set up a new scheme. It was based on a fundamental principle that we would accept in the sociology of law that a decision delayed unreasonably long is a right denied.

The general amnesty in The Netherlands involved any person who had submitted a first application for asylum before 1 April 2001, a person who lived in The Netherlands continuously since 1 April 2001 or a person who had stated in writing that they would unconditionally withdraw any other application. The scheme was introduced and it is working.

I was intrigued by the answer I received regarding this attempt to clear the ground to allow us start again with a system that addressed the separate issues affecting the refugee and economic migrant. The reply I received stated that this would be sending the wrong signals. I do not have the time in this 20 minute slot to deconstruct what this means. The message it sent was that the purpose of action and inaction was to function as a vague deterrent. With a great sense of depression and anger, I calculate that my constituency office spends 35% of its time dealing with cases involving ridiculous correspondence. The correspondence refers to my views being referred to the appropriate section, which will be writing to me in due course. I am supposed to send the meaningless correspondence I receive onto other people.

Along with others, I welcome legislation in a difficult area. However, as Deputy Rabbitte points out, if we are to have a policy, the Oireachtas must undertake the responsibility and obligations of that policy. One moves on to the role of the Executive to administer it. It is not the function of the Oireachtas to anticipate every detail. It is the responsibility of the Oireachtas to take its constitutional responsibility seriously and it does not do so by handing over the responsibility that should reside in the Oireachtas to what is described as ministerial discretion in the name of flexibility. The Minister stated:

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.

I profoundly disagree. This is a basis for voting against the legislation even on Second Stage because we will find that we cannot get accountability and transparency on secondary legislation and administrative schemes when the Bill has passed Second Stage. It is important that principles are set out in primary legislation. These principles arise in a number of fundamental areas. Discussion on the attempt to establish distance between the international law and obli-

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gation and domestic arrangements has been singularly missing from the debate. There are fundamental rights regarding the child that should be recognised. We are signatories to, and have ratified, the fundamental rights of the child. I refer to attitudes towards the family and marriage.

Section 123 refers to the Minister giving permission to an Irish citizen to marry a non-EU person. A distinguished international lawyer who worked in my office and dealt with me on the issue of Afghan refugees was engaged to be married to a citizen of Sudan. She will be reluctant to seek permission from the Irish Minister for Justice, Equality and Law Reform to get married. This is invasive nonsense. If one wished to deal with what is described as marriages of convenience, there are several other ways of doing it. The Minister resists primary legislation and the Oireachtas performing its function, yet takes these crazy powers into a half-administrative function.

I have a more fundamental difference. The existing administrative system is a disaster with regard to, for example, renewing stamps. Is it reasonable to have the GNIB office in Galway open for two hours every morning? Is it reasonable to have people queuing up at 5 a.m. and, if they have a single mistake in a document, they must return the next day between 8 a.m. and 9 a.m.? This is wrong — an administrative nightmare and an administrative insult to those who use it. It is unsatisfactory in every respect to those who have represented our constituents, in my case for nearly 30 years. I say this with anger. Some people told me how they arrived at 5.30 a.m., lost their place in the queue and the opportunity was gone at 9 a.m. There is no garda after just a couple of hours. The GNIB office is located not at the Garda station in Mill Street, but at an industrial estate on the outskirts of the city, to which there is no bus service. One can make them walk up there and then treat them like dirt. That is what is happening.

I am dealing with a case that has been referred to the Government. The family has left direct provision and is staying in accommodation elsewhere. The children have been cut off from benefit on the basis that they did not do what they were told. One must deal with this issue, which has arisen since 2004, where the Irish diaspora went all over the world and had children. We do not treat all children equally. We have cut off those who are not EU citizens from certain types of child benefit. Is there not a case for universality of child benefit?

I visited the Marino Institute and spoke to a young man who was getting ready for the leaving certificate. He prepared for the exam in the only space he had, on top of a bed in an adult hostel. He could look forward to receiving his leaving certificate results and, on reaching 18 years of age, to being deported. Several people I met on that occasion were among the hundreds of children who went missing, unaccompanied minors who were transferred to the HSE and now nobody knows where they are.

The idea that one can drag all these matters together and deal with them with secondary legislation and administrative best practice does not convince me. As a legislator, I want the fundamental principles decided where they should be decided, where the process can be accountable, in the Oireachtas.

I anticipate much difficulty on Committee Stage because many of the measures discussed by Deputies are not referred to directly in the text of the Bill. We may have difficulty in discussing them.

A number of issues are incredible. It is time to mention the unmentionable. What about the appeals officer, Mr. Nicholson, who decided 900-1,000 cases and was so inspired by rectitude, good law and administrative excellence that he did not give a favourable decision in a single case? The fact of that, and its implications for those in the judicial process, was not conceded

and was hidden. It was only when it was extracted through the courts that the facts of that outrageous behaviour was discovered. It is now supposed to be something that happened yesterday. That he is now gone does not satisfy the question. I am not saying that everyone was like him but attention was drawn to his existence and it was not dealt with in the administrative system. I have no faith in an administrative system that behaves like this. I do not speak with just passion on all of these areas, I speak with information garnered from my office and elsewhere as I deal with these cases every day.

It is important to set out clear immigration rules in primary legislation. Mrs. Justice Denham's injunction, quoted by Deputy Rabbitte earlier, is quite clear in that regard. Let us decide, state the responsibility and then let those who administer the system administer it. It is wrong of us to put our omissions on to immigrants as a burden. I reject the notion that in the name of flexibility one can leave many significant areas imprecise. I say this on the basis that the existing practice is not acceptable.

I find it distressing in terms of applications for refugee status that there is no reference so far today to one of the difficulties that regularly arises, appropriate translation. I dealt with African migration in my work 40 years ago. There are differences in dialect in Africa. Many of the people who went through the appeals process suggested there was a serious deficiency in regard to information that had been translated. A heavy burden is placed on applicants in terms of the information sought, for example, whether they can name the church in which they took refuge or give the name of the street into which they turned, which in many cases they could not.

In one case the appeals tribunal informed an applicant that peace had been restored in Sierra Leone. One can ask whether that referred to the capital or to the regions. This is the difficulty with the system. I have some sympathy for the refugee service as these are matters that cannot be dealt with by way of appeal to the courts. In the case of judicial procedures, the examination is on the process but it is not on the fact, nor is it on the merit of the story or the context of the original application. That is a deficiency and these are issues we should address in primary legislation.

I spent my life listening to lectures from people about the Irish family. It is very interesting to note the contradiction between that and family reunification and the incredible obstacles we have put in the way of same. People should be concerned about summary deportations. I have already spoken about the business of getting permission from the Minister for Justice, Equality and Law Reform to get married to a non-European Union citizen. We need not delay on this matter as it is derisory.

One of the issues sought by the members of the all-party visit to the United States in the Kennedy-McCain days to make the case for the out-of-status there was that whatever agreement was made regarding the right to work and relieving the position of these people, it should lead to some form of permanent residency and even acknowledged citizenship. Do we honestly believe that people will not see the contradiction in what we are trying to do? We were right to look for that but it is right also to grant it to the people who are here. We will, if we get to it. I hope other speakers will take up this issue.

I welcome some provisions of the Bill such as the addressing of the issue of illegal trafficking. Let us remember it is dealing with adults and ask whether it makes enough allowance in terms of length of time. I believe not. It is also silent on the issue of the children who are involved as possible victims. The idea that one can detain while one decides inflexibly what one is willing to allow is to my mind simply not acceptable on the grounds of jurisprudence.

Deputy Martin Mansergh: This is one of the most important pieces of legislation likely to come before this Dáil. I compliment the Minister, Deputy Brian Lenihan, and his Department on the very substantial work that has gone into it. I also welcome and recognise the good work being done by the Minister of State, Deputy Conor Lenihan, on the integration of immigrants. No doubt the Bill can be further refined in the course of its passage through the Oireachtas. It certainly deserves to be fully debated at every Stage.

The immigration of the past ten years has become a major force in changing and reshaping our society. It has, by and large, been needed, and been beneficial. There would have been no Celtic tiger, or only a pretty brief one, without it.

I recall during one of the Tipperary by-elections — the Minister, Deputy Brian Lenihan, will have reason to remember the second one very clearly — standing outside the church of St. Peter and St. Paul in Clonmel on a Sunday morning. A man of late middle age and of indeterminate politics came up to me to say how much he preferred what he called the Irish culture of 30 to 40 years ago. It soon became clear that he was talking about immigration. I explained to him with a brevity and conciseness, with which few Deputies might credit me, that when a country becomes prosperous it attracts and needs immigrants. His response was very logical: “Well, couldn’t we become a bit less prosperous then?” This is not an aspiration that would be too widely shared. Not just hospitals, but an unimaginable number of enterprises would close down, or be in severe difficulties, if they did not have access to a larger pool of labour than the longer-established population of this country can provide. Rough estimates suggest that up to 10% of our workforce today consists of recent immigrants.

We are a world away from the times when we had a more closed society, from which people emigrated and to which few, bar some self-sustaining wealthy individuals, wished to come. The common travel area on its own worked mostly in one direction, to the benefit of the British economy. Ireland was reluctant to take in refugees and asylum seekers, particularly of another cultural or religious background, at a time when opportunities for employment were scarce, even for those born here.

Mr. de Valera’s attempts to let in even a tiny handful of Jews during the war met endless delays by the Department of Justice. We took in small numbers of Hungarians after the rising in 1956 and Vietnamese in the 1970s after the fall of Saigon, some of whom might have preferred to settle elsewhere. Only a certain number stayed and were integrated well.

When I came back from a diplomatic posting in the Federal Republic of Germany some 30 years ago, and before settling into a new position in the Department of Foreign Affairs, I was asked to do some research on the basis of our refugee and asylum policy by the then director in the political division. What was evident from the files was an extreme reluctance by the Department of Justice to put anything down on paper with regard to this policy area. Clearly, there was a strong preference for *ad hoc* oral discussion of issues as they arose and only on a few occasions, and with some considerable effort of political will, was the stonewalling overcome. There is no reluctance, obviously, today to lay down clear legal parameters because we are discussing this Bill.

Since the 1970s, membership of a steadily enlarging EU has increased cross-border mobility. Most immigration to Ireland today comes from within the EU and especially the central and eastern European accession states, which joined in 2004. The view among economists in Germany is that they mistakenly, from an employment point of view, closed their borders with Poland, resulting in skill shortages, which are quite compatible with high unemployment among the relatively unskilled. We decided not to exercise the same liberality *vis-à-vis* Bulgaria and Romania when they joined the European Union, for fear of putting too much strain on social

cohesion. Some social welfare provisions only become available for recent arrivals after a certain length of stay.

From approximately 1999 to 2004, economic pressures caused us to search wider afield. There were jobs fairs in countries such as South Africa. People from Africa and Asia were allowed in more freely than has been the case since 2004, although nursing in particular, hotel staff and a variety of small businesses are partly staffed by immigrants from south-east Asia.

While there is oppression in parts of the world and there are refugees, and I accept the point made by Deputy Higgins that how risks to persons are assessed needs to be more clearly scrutinised as that is not always an easy matter for any court or tribunal to deal with, the attraction of Ireland to foreigners and our need for them is overwhelmingly economic. It is an EU-wide issue, not just an Irish one. Over the past ten years, we have been trying to manage the inflow constructively and in a way which commands public confidence, and we cannot stress too much the need to gain and sustain public confidence. There has been undoubtedly a certain amount of trial and error involved, and that may be part of the price of getting it right in the longer term.

3 o'clock
We do not have to look far beyond our borders to see the consequences of getting it wrong — social ghettoisation, street disorders caused as much by those reacting to or feeling threatened by immigrants as by immigrants themselves, isolated but lethal acts of terrorism out of sympathy amongst second generation young people with events in the Middle East, and divisive public controversy over the limits of multiculturalism and about symbols that may or may not be worn or displayed, as well as pressures, which are being addressed here, on such matters as schooling. We must accept, however reluctantly, notwithstanding problems in our various constituencies, that acute pressures must be addressed where they arise as a matter of priority. I also commend Archbishop Martin on his creative response to the challenges to the system of mainly denominational education, with which people are broadly happy.

To manage the challenge of integration successfully, the increase in numbers must not be too great at any one time. Tribute should be paid to many people in the community throughout the country who assist immigrants to settle in.

Ireland is a democratic society, with its own culture and traditions, which are developing and diversifying and which should not be static or stagnant. The cohesion of our society is based not just on the law or Constitution, but on certain values which evolve with time. We should cater for diversity to the maximum extent compatible with social order and cohesion, without — at least in an idealistic sense — apologies for who and what we are. Certainly, most of the countries from which migrants come do not hesitate to protect their own societies, sometimes using methods with which we would not agree and certainly would not use.

On the whole, the experience has been so far a reasonably positive one, which is not to say there are no problems. There is a certain amount of crime and other offences by immigrants, but also against them. We all would have come across complaints about alleged official discrimination in favour of immigrants and that they are taking jobs, but such complaints are to date mercifully few. As I stated yesterday in another context, we should refrain, where at all possible, inside or outside this House, from pitting the interests or position of immigrants against those of our own citizens. We also need by the firm enforcement of employment law to protect immigrants from casual or structured exploitation, which will often have negative knock-on consequences for Irish colleagues in the workforce.

Left to itself, our legal system is anything but expeditious over a wide range of areas, and far beyond the field of immigration. It is necessary in the interests of everyone concerned that decisions are made much more expeditiously as to the rights of immigrants and asylum seekers

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to stay. No one can be happy that people are left a long time in a state of legal limbo, that people are uprooted when they have begun to settle, and who can blame them for that if they are here for a lengthy period, or that genuine families are kept apart.

Clarification of the law, where it gives rise to ambiguity, prevarication and delay, is necessary. For example, the Bill clearly states in Part 2, section 4 that a foreign national whose presence in the State is unlawful shall leave the State and may be removed in accordance with the provisions of the Act. It also states that the onus of proving identity and rights to stay for a particular nationality lies with the person concerned. There should be no advantage to losing all documentation, or even memory. Indeed, it is reasonable to ask anyone applying to stay in this country that he or she give complete and reasonable co-operation to the authorities here.

There has been very strong criticism, which has just been repeated, of aspects of the operation of the Refugee Appeals Tribunal, and of a particular individual well known to me but whom I will not name as I do not approve of mentioning in this House the names of persons outside it. The criticism is mainly on the basis that he, in particular, has turned down all, or almost all, appeals. I do not know whether it is all or practically all. Implicit in the criticism, coming in the first instance from lawyers but echoed by Deputies and some commentators, is that, as in a lottery, out of fairness a certain number should be allowed to win their cases. I regret if the criticism is justified. I have read of few documented examples of persons whose appeals were dismissed on grounds that were demonstrably wrong and unjust. At the same time, the new protection review tribunal takes account of difficulties, whether real or presumed, that have arisen and addresses them so that the reform system presumably will work in a way that is more to general satisfaction.

I have long felt that there should be a structured asylum policy, where we would take in a certain number of genuine applicants under international programmes. Their prior presence in this country would not be required for their applications to succeed. The majority of people who want to come to live in Ireland are economic migrants, and likewise a structured immigration policy, which is being developed, is also needed to deal with that.

I have read complaints that clergy and others officiating at marriage ceremonies would be required to see that such marriages have the necessary clearance. At present, they are obliged to ascertain that those seeking to be married are legally entitled to do so, and in the case of divorce — where the church or office in question recognises divorce — they are obliged to require detailed documentation before proceeding. Many similar obligations are placed on lawyers and accountants and publicans, to name but a few, to ensure they are not condoning or colluding in illegal acts. I do not see a difficulty in principle in that regard.

The Minister is to be notified of instances of marriage with a non-national. That has been criticised strongly by Deputy Higgins, who mentioned that there were alternative ways of dealing with this problem. I accept that Deputy Higgins did not have time to set those out in a 20 minute contribution——

Deputy Michael D. Higgins: Abuse of residency.

Deputy Martin Mansergh: ——but the purpose of Committee Stage is precisely to set out such matters in more detail, and I am sure Deputy Higgins will do so.

I agree with the concept of providing long-term residence permits, where appropriate, and that the record of applicants while in this country should be taken into account, including such matters as good character, tax compliance, ability to provide for themselves and their dependants, and ability to communicate.

We need to bear in mind that immigration policy is far from being the only or main instrument for assisting the poor of the world. Our foreign, trade and development policies and our peacekeeping efforts can all assist. Ideally, we want a world in which migration happens out of choice and voluntarily not because of oppression or economic necessity. We need to accept that there will be some moral problems about permanently taking from less developed countries, whether in eastern Europe or further afield, many of their most enterprising, energetic and intelligent people. Temporary work experience abroad can be mutually advantageous to the sending and receiving countries.

Even after the passage of this Bill, we will have a backlog of unsettled cases. At least some of those who have sought asylum might be encouraged to seek an employment permit. One of the advantages of having a clear legal framework for the future and a much more expeditious system is that it would give us a chance to deal pragmatically, with humanity and without prejudice with long outstanding cases that precede this legislation including, in many instances, the issue of family reunion. Our approach should be tempered by our experience in the past as a nation of emigrants. Indeed, we continue to lobby in America on behalf of the undocumented and to a degree in Britain for welfare for the elderly, in particular those who are single.

There has been criticism of the Minister's power to issue regulations. I support the argument that the system needs some flexibility without constant recourse to legislation. There are many means by which members may raise secondary legislation in this House where they are not satisfied with it or its consequences.

Finally, the administration of many of the provisions of this Bill will in the future fall to officers of the Department of Justice, Equality and Law Reform due to take up occupation in decentralised offices in Tipperary town. Since last May, it has been public knowledge that an advance party of 60 out of an eventual 200 is to take up residence in the town prior to construction of a permanent building. I would welcome if the Minister could indicate in his reply when precisely he expects this to take place and if there are outstanding issues of detail remaining to be resolved.

Deputy Leo Varadkar: I welcome the opportunity to contribute to this debate. A number of speakers have mentioned that Ireland is an emigrant nation having contributed to populations around the world from the United States to Canada, Australia, New Zealand, Argentina and so on. Ireland is, and always has been, a country of immigrants be they Celts, Normans, Vikings or English people. There is no aboriginal, normal, ethnic-Irish race. Migration has been and will continue to be the natural course of human settlement. People will continue to move from different parts of the world for various different reasons.

To a certain extent, I speak with a degree of personal experience in respect of this debate. I represent the constituency of Dublin West, the population of which is made up of approximately 25% immigrants and foreign nationals. Like Deputy Cuffe, I, too, am a product of immigration, my parents having met as immigrants in the United Kingdom. My father is from India and my mother is from Ireland. Both emigrated to the UK where they met and subsequently married and lived for many years. I am aware that other Members also have an immigrant background, including Senator Norris, who was born in the Congo. He is technically an immigrant to this State as was Eamon de Valera, the founder of the party opposite. Reference was made earlier to Senator Obama and his links to County Offaly. We should also remember that Senator McCain has links to County Donegal. It is not unusual to have connections to immigration in this regard.

Deputy Mansergh correctly noted that wealthy countries become the focus of immigrants. It can equally be argued that migration also makes countries wealthy. Among the most successful

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countries in the world, economically, are the United States, France, Britain. These countries have benefited enormously from migration. It is important to note the synergistic relationship that exists between migration and wealth creation and the subsequent encouragement to migrate to a country.

Like Deputy Higgins, I have had the experience of dealing with a large number of queries from migrants. In my role as a doctor, I also provide medical services to a reception centre once a week. In this regard, I am aware of both sides of the asylum debate. I have met people who have had a hard time and are deserving of our protection and other people whom I did not believe existed, namely, people in designer clothes with blackberries and English accents claiming to be asylum seekers from Somalia. I have heard some comments in the past which I considered to be racist but my experience has helped me to understand from where they arise.

It is important to acknowledge that despite the benefits of immigration, the quick influx of immigrants into this State has led to difficulties particularly in the school and criminal justice systems and in the integration of communities. However, it is important immigrants and not blamed for this. A lack of proper immigration policy from Government and proper organisation of our education and criminal justice systems has created these problems. It is important that where people are looking to attribute blame they blame the right people, namely, not the immigrants but the Government whose responsibility it is to organise these affairs.

I am happy to welcome the Bill which provides for restrictions on illegal trafficking of adults. The creation of a single procedure is necessary and valuable given the situation which prevailed for a long time whereby people were claiming asylum and being denied it and then claiming the right to remain and being denied it and so on. I also accept we need stronger powers for deportation given that deportation orders in the vast majority of cases cannot be enforced.

I welcome the inclusion of a list of safe countries. This will ensure it is easier on a *prima facie* basis to make provisions at an early stage to separate claims likely to be valid from those not likely to be valid. I have some concerns about the Bill though I accept I may have misunderstood it. My concern relates to the ID card system. I may be wrong but it appears provision is made in the Bill that all immigrants be required to carry an ID card with biometric data on it. It is not clear, however, whether it is possible to require immigrants to carry the ID card at all times. I have grave difficulty with this provision if this is the case. It is a draconian measure which essentially criminalises legal immigrants. This is no way to treat foreign doctors, midwives and so on who are of enormous benefit to this country. I also query on what basis an official of the law would ask an immigrant to present such an ID card. It has been explained to me in the past that an official may be able to enter a restaurant kitchen and ask people to produce cards so they can establish who should or should not be there. If so, this power is potentially wide open to abuse. I would not like to legislate that any official of Government or member of the Garda Síochána could request an individual to prove their identity on the spot. Perhaps I misunderstood the provision.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Conor Lenihan): I understand they are required to do so under existing legislation.

Deputy Leo Varadkar: It is not being enforced. I question this provision on civil liberties grounds, at the very least.

Deputy Conor Lenihan: It is a matter for gardaí to enforce as they see fit in an operational sense and they do it in a sensible and sensitive manner. There is already a requirement for migrants to produce a card, so the provision of this Bill makes that card a biometric card.

Deputy Leo Varadkar: On what basis must immigrants produce the card on demand?

Deputy Conor Lenihan: A member of the Garda Síochána can require or request that an identification card must be produced and in this Bill we are allowing gardaí to require a biometric card in certain situations.

Deputy Michael D. Higgins: It treats non-Irish people separately.

Deputy Conor Lenihan: The only substantial change is to include biometric information because of widespread evidence across Europe that 10% of people applying for status here have already done so or attempted to do so in other jurisdictions. This is in line with what other countries do.

Deputy Leo Varadkar: I accept the answer.

Deputy Conor Lenihan: On Deputy Varadkar's overarching point on controlling the flows of people inward and outward and stopping abuse——

Deputy Leo Varadkar: Is there nothing in this Bill that requires a garda or immigration official to have some basis for requesting the presentation of that identification card? Can they demand a card of a person they think looks a bit foreign?

Deputy Conor Lenihan: Maybe we are miscommunicating. The Bill does not give an additional power to gardaí because they already have the power to request or require that a person produce identification. The Bill gives no additional power on this, only increases the identification to include biometric information.

Deputy Leo Varadkar: I understand, but there may be cases——

Deputy Conor Lenihan: That has arisen because of the obvious temptation or ease with which an ordinary identity card can be copied.

Deputy Michael D. Higgins: It is like the Irish in America.

Deputy Leo Varadkar: If it does not already exist in law there may be a case on Committee Stage to set out the terms under which an official can request the card. Whatever about the 10%, it is unacceptable to expect the 90% who are here legally, working hard and paying their taxes to present their identity card because some official says so. If protections do not exist in law, perhaps they should be written into the Bill on Committee Stage.

I have heard the debate on marriage permission between Deputies Mansergh and Higgins and will have to examine it in more detail. I would be concerned if what Deputy Higgins has told us is true. It would be particularly grotesque if any Irish citizen has to request permission from the Government to marry. When my parents married my father had to ask permission of the Pope.

Deputy Conor Lenihan: It is the law. I do not want to disabuse Deputy Varadkar of any romantic notions but it is a requirement that one produce certain evidence that one has not previously married within the State. We still have bigamy legislation.

Deputy Michael D. Higgins: The issue is its specificity to non-Irish people.

Acting Chairman (Deputy Johnny Brady): Deputy Varadkar is losing his time.

Deputy Leo Varadkar: I would rather have a genuine debate than read statements into the record.

Deputy Conor Lenihan: I welcome the questions.

Deputy Leo Varadkar: I am happy to give way to the Minister and we will potentially have an interesting Second Stage on this. Whatever about the aspects of the Bill that carry over in existing law, the Bill is also an opportunity to improve on existing law, not just to tighten it and make it more firm, but also possibly to make it more fair. The section whereby we require people, as in olden days, to write to the Vatican for permission to marry is not the kind of thing I want to see in Irish law.

I would like to address the delay in deciding on asylum applications. I do not see why we cannot have a provision whereby if the State fails to make a decision on an asylum case after, say, one year, direct provision ends and the applicant is free, if not required, to enter the labour market and support him or herself. The State should be able to make a reasonable or initial decision in that period. Such a provision would encourage and force the Department to make decisions faster. Perhaps there is a case for that.

I would like to mention the delay it takes to process long-term residency and naturalisation applications. We often discuss the knowledge economy. I have a number of people in my constituency who are highly qualified, work in IBM in Blanchardstown, own property in some cases and pay tax, and are expected to wait three years for their application to be assessed or four or five years for naturalisation. That is unjust. In many cases the application is not looked at for two years, whereas we all know if the application was looked at for 25 minutes it would be granted. When my father applied for naturalisation after living here and being a *de facto* citizen for 20 years it was processed rapidly. Ten years on a similar person has to wait five years for a decision. That is not justifiable.

The leave to remain granted to parents of Irish-born children could be addressed in the Bill. There are many parents of Irish citizen children and Irish-born children who have been here since before the referendum. Perhaps there is a case for something similar to the McCain-Kennedy Bill to introduce a means by which the status of these people can be regularised, a pathway to permanent residency or, more important, citizenship so we do not continue to have people in a grey area for the rest of their lives. That applies to children of immigrants who are not entitled to higher education grants, which is an appalling injustice. If the people are going to be here and we accept they are staying, we may as well recognise it and allow them the grants. It is absurd to leave people in that kind of limbo.

Deputy Michael D. Higgins: This can apply to Irish citizens who have returned from another country.

Deputy Leo Varadkar: Yes, but I refer to people who are 18 years old and have been in Ireland for potentially 18 years, but certainly 12 or 13 years. They are not Irish citizens but have spent all their secondary school career in Ireland and are not entitled to a higher education grant. Aside from the injustice, the absurdity of it is difficult to understand. Can that be addressed in the Bill?

I have had experience of a particular group of immigrants who have come here as nurses to work in accident and emergency departments or as midwives to work in, say, the National Maternity Hospital and people who have come to work in information technology. These are valuable people and are core to building a knowledge economy and our public services but we are often losing them to America, Canada and Australia. We are losing these good, valuable

people to countries that will treat them better. If we are serious about having a modern society, integration, a knowledge economy and building up our public services we must stop that immediately. We must turn Ireland into a country that welcomes people of talent and ability from all over the world and gives them fair treatment, not one that makes people jump through administrative hoops time after time. Fair play should be an Irish value but it is not practised.

I broadly welcome the Bill. I accept it largely carries over provisions that already exist in law. In some areas it tightens immigration law as it should. However, the opportunity to inject some fairness has been missed while procedures have been loosened in other areas. I have concerns about the civil liberties aspects of this Bill regarding identity cards and marriage restriction. I am also concerned about the general treatment of immigrants who have arrived in the country legally, worked in the country, paid their taxes, obeyed the law, and yet are treated like criminals. That should be changed, perhaps by amendment on Second Stage.

Debate adjourned.

Message from Select Committee.

Acting Chairman: The Select Committee on Justice, Equality, Defence and Women's Rights has concluded its consideration of the Legal Practitioners (Irish Language) Bill 2007 and has made amendments thereto.

Ceisteanna — Questions.

Priority Questions.

National Drugs Strategy.

1. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the development of a national drugs strategy from 2009 to 2016; if a steering group has been nominated to develop the strategy; when it is expected this group will meet; the timescale for the development of the strategy; and if he will make a statement on the matter. [5683/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): My Department has commenced work on the development of the new national drugs strategy for the period 2009 to 2016. I have established a steering group, comprising representatives of the key statutory, community and voluntary interests involved in tackling problem drug use, to make recommendations on a new strategy to me as the responsible Minister. The first meeting of the steering group was held on 10 January.

Over the coming months the steering group will be examining the progress and impact of the current national drugs strategy, the degree to which it continues to be relevant and the operational effectiveness of the structures involved. It will also examine developments regarding drug policies at EU and international levels. Following on from this work, the group will consider how a new strategy should address problem drug use and finalise recommendations to me in that regard.

A comprehensive public consultation process will be undertaken over the coming months as part of the work of developing the new strategy. I intend to be involved directly in many of the consultation meetings that are being planned at present. I also invite the spokespersons from the other parties to participate in that process, whenever they wish.

[Deputy Pat Carey.]

I intend to bring proposals for a new national drugs strategy to the Cabinet committee on social inclusion, children and integration by the end of the year.

Deputy Michael Ring: I am delighted the steering group met on 10 January. It is important that the strategy is devised as quickly as possible. When does the Minister of State intend to publish the strategy? Has the Minister of State had meetings, separately, with the Ministers for Justice, Equality and Law Reform, Education and Science and Health and Children concerning the drugs strategy? If the Minister of State cannot answer my next question today, I ask him to write to me with the information I seek. What happens to drugs that are seized in this country? People are worried that some of these drugs, for whatever reason, may end up on the streets again. What happens to the drugs? Are they disposed of and who witnesses that disposal? I ask the Minister of State to inform me, the House and many people who are concerned about this matter. There is an enormous amount of drugs in this country, which is creating major problems. I wish to know how seized drugs are disposed of, by whom is such disposal witnessed and what is the usual process.

Deputy Pat Carey: With regard to the publication of the drugs strategy, the public consultation process and the evaluation, by consultants, of the strengths and weaknesses of the current drugs strategy should be completed by the end of July. I estimate that approximately 30 meetings will take place, in various parts of the country with different interest groups. The draft strategy will then be discussed by the steering group and I would expect it to go before the Cabinet committee on social inclusion, children and integration before the end of the year. I am pressing very hard to ensure that the strategy is published before the end of this year so a new strategy will be in place for 1 January 2009.

Discussions with the Ministers for Justice, Equality and Law Reform, Education and Science and Health and Children are ongoing but more formalised discussions will take place as part of the strategy formulation process. I am already in discussions with the Department of Justice, Equality and Law Reform on a number of issues in areas for which it has responsibility. The Departments of Health and Children and Education and Science are represented at the inter-departmental committee on drugs, which I chair. The next meeting of that committee will take place within three weeks.

The issue of the disposal of drugs was raised recently by way of a written parliamentary question by Deputy Ring's colleague, Deputy Seán Barrett. However, for the benefit of the House and if the Leas Ceann Comhairle wishes it, I can inform the House of the position as it was outlined to Deputy Barrett.

When drugs come into the possession of the Garda authorities, they are destroyed upon the determination of court proceedings. Drugs classified as controlled in the Schedule of the Misuse of Drugs Act which are seized by members of the Garda Síochána, are destroyed under the supervision of a detective inspector from the Garda technical bureau, following analysis, evidential requirements and the written authorisation of a member of the Garda Síochána, not below the rank of inspector, from the Garda district where the drugs originated. The Garda technical bureau also facilitates destruction of controlled drugs which have been received at the bureau from customs officials, under the supervision of a Garda inspector and with written authorisation from an appropriate customs officer. Each operation is documented and all associated records are maintained by the Garda technical bureau. For security reasons, the Minister for Justice, Equality and Law Reform cannot divulge further details of the disposal logistics.

Deputy Michael Ring: People are worried and there should be more openness around the way drugs are disposed of in this country. Certain allegations have been made to me and I would like some public input into the way drugs are disposed of.

Many people complained that the last national drugs strategy did not target the people who needed it most. I hope the Minister of State will learn from that because the problem is even more serious now. More people than ever are taking drugs now. Those working in the area feel that we were targeting a very limited number of people and that the strategy did not really work. I hope we have learned lessons from the last strategy. We must do more with regard to the targeting of people. We must broaden our horizon on the amount of people taking drugs and not pretend we do not have a problem. We have a serious problem. We probably have the biggest drug problem in Europe.

Yesterday I watched a television programme on BBC which dealt with drugs entering the UK. The authorities undertook an operation that went on for six months. Hundreds of police officers were involved and a massive amount of drugs was seized. They also arrested the people who were supplying the drugs. However, they only caught some of those involved in the trade, which will not stop the drug trafficking. Nevertheless, we must do something like that here.

Deputy Pat Carey: I will convey to the Minister for Justice, Equality and Law Reform the Deputy's wish that a more open system for the disposal of drugs is put in place.

The Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív, the Taoiseach and I attended a meeting of the British Irish Council this morning, which was held in the Royal Hospital in Kilmainham. Attending were representatives from the governments of this jurisdiction, Northern Ireland, Scotland, Wales, England, Guernsey and Jersey. The topic for discussion was drugs, with a focus on how we can support families and communities. In discussions at the plenary session of the council and on the margins, with my counterparts in the other jurisdictions, it emerged that the strategies are very similar across all the administrations. The issues are not dissimilar.

I take on board that we have a serious drugs problem and I have never said that we have not. It is an ongoing challenge and we must have a very robust strategy to counter it. The issue which I am throwing into the mix, for debate, is one which I have referred to consistently since I was appointed, namely, how alcohol misuse must form part of the discussions on the formulation of the next drugs strategy. It is part of the strategy in some of the other jurisdictions and I would like us to at least have an open debate about its incorporation into our national strategy.

2. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether the recent welcome seizures of drugs by the Garda, including the seizure of an estimated €10 million worth of cannabis in County Kildare, reflects the continuing widespread availability of and demand for illicit drugs; the steps he plans to take to reduce the demand for drugs in communities; if he has satisfied himself with the work of the local drug task forces in this regard; if he plans new initiatives to reduce demand; and if he will make a statement on the matter. [5688/08]

Deputy Pat Carey: I welcome the major drugs find in County Kildare, to which the Deputy refers, and congratulate the Garda Síochána on the seizure. I also welcome the recent overall significant level of drugs seizures and associated arrests made by the Garda. I understand that the recent Garda successes are directly attributable to increased law enforcement at all levels, through intelligence-driven operations.

[Deputy Pat Carey.]

However, it is difficult to know the extent to which these seizures reflect a continuing widespread availability of, and demand for, illicit drugs. While drugs seizures are often interpreted as indicating widespread availability of drugs, no definitive evidence is available to illustrate the degree to which this may be true. Different organisations quote varying percentage relationships between seizures and the overall market, but these are purely estimates, taking little account of improved investigative work, better equipment, such as x-ray scanners and dogs, the planned final destination of drugs that are seized and so on, not to mention the clandestine nature of drug trafficking.

However, I accept that sizable increases in seizures, though welcome in themselves, raise concerns about the amount of illegal drugs getting into the country. The best estimate we have about the changing nature of drug prevalence in our society come from the results of the all-island drugs prevalence survey 2006-07, of which I launched the first bulletin last month.

The survey found that lifetime and recent, that is, in the last year, drug use in the population had increased, though the level of current, that is, in the last month, use was stabilizing. The order of the increase in lifetime use for all drugs from 18.5% to 24% was expected. This is because older people tend to have less exposure to, and usage of, drugs over their lifetimes. Hence, lifetime prevalence rates are likely to increase for a considerable period of time as the current younger population ages. The increase in recent use, though less marked, is of more concern and emphasises the ongoing challenge we face in tackling illegal drug use in Ireland. I am sure the Deputy will agree that the stabilisation of current use — “last month” use — is to be welcomed. A further key finding of the survey concerned increased use of cocaine, particularly among the 15-34 year age group.

Additional information not given on the floor of the House.

Under the current national drugs strategy, a number of approaches are being taken to address prevention, education and awareness raising in our society. Given the strong correlation between social disadvantage and heroin use, the strategy focuses in particular on the problem of early school leaving in local drugs task force, LDTF, areas. Through a variety of LDTF programmes and the Young People’s Facilities and Services Fund, YPFSF, my Department funds activities that complement the work of the Department of Education and Science in respect of early school leaving.

Schools use a skills-based approach with respect to drugs education through both the Walk Tall and the social and personal health education programmes at primary and secondary levels. It is important that students consider the drugs issue and understand the reasons substances are controlled, in particular, the inherent health dangers involved, as well as the associated public order and crime issues. Regarding the diversion of young people from drug use, more than €130 million has been allocated by my Department under the YPFSF to support nearly 500 facilities and services projects in disadvantaged areas aimed at young people, aged ten to 21 years, at risk of drug misuse. Currently, the fund operates in LDTF areas in Dublin, Bray and Cork and in the urban centres of Galway, Limerick, Waterford and Carlow. In this context, the Deputy should note that I intend to expand the operation of the fund to more towns in the coming months.

Overall, I am satisfied with the work of the drugs task forces, both at local and regional levels, in the area of prevention and I will be providing them with additional funding this year to facilitate a regional and local drugs awareness campaign, which will dovetail with the national campaign focusing on cocaine that I launched on Monday last. Illicit drug use is a societal

problem and requires more than a Government response. I believe that people must take personal responsibility for their actions and it is vital that all drug users consider fully the negative implications of drug taking for themselves, their families and their communities. Through the implementation of the national drugs strategy and the co-operation of the various Departments and agencies, as well as the community and voluntary sectors, I am confident that we will continue to build on the considerable progress made to date in tackling problem drug use in our country.

Deputy Jack Wall: I thank the Minister of State for his detailed reply and I wish to be associated with the congratulations offered to the Garda in respect of the recent finds.

The problem in my constituency relates to what one would call drug barons' safehouses. When they live in an area, they create a mechanism whereby drugs can be hidden while being moved in and out of or around the country. What linkage is there between the Departments of Community, Rural and Gaeltacht Affairs and Justice, Equality and Law Reform and the Garda in accumulating all of the relevant information? The success of intense surveillance, etc, is obvious. The books of crime correspondents agree on this matter. People can tell where there is a drug baron in a constituency.

What is the next stage? The seizure in question was a perfect example of good policing, but how can it be expanded upon? What linkages are there between the Departments referred to, the Garda and the drug agencies in, for example, County Kildare? Residents are deeply concerned by what is occurring. Given the deaths in Dublin and the number of people who are of the drug baron standard, the question I am asked regularly is when will the same occur in Kildare.

Deputy Pat Carey: The matter of safehouses to which Deputy Wall referred is of serious concern. In that regard and in respect of other matters, we have been engaging with the Garda at the interdepartmental committee on drugs and elsewhere. The Garda and the Department of Justice, Equality and Law Reform are represented at the former, which I chair.

The most effective system of policing is the intelligence-driven and intelligence-led operations mounted by the Garda. The Garda drugs unit liaises with local units on the ground to gather local information and is supported by the community, an important part of this issue, so that it can get a profile of these types of drug operations. Recently, and as included in the programme for Government, profiling of lower level operators has been introduced. These are the people to whom the Criminal Assets Bureau might not have paid attention until now and who are now being paid attention at Garda district level. The Garda Commissioner has arranged for the training of officers at district level to ensure they are able to identify the common factors around the major gangs, namely, their lifestyles, the approaches they tend to take and other matters the Garda will not even discuss with me. There are indications that a number of these operations have been successful.

All communities should be aware of the issue of safehouses. Whatever information exists should be passed on to the Garda. Local policing committees, which have been established in co-operation with local authorities and the Garda, comprise a good vehicle for making this type of information available to the Garda so that issues can be pursued.

Deputy Jack Wall: I agree with the Minister of State regarding policing committees, but something is missing. In the area inside the Wicklow-Kildare-Meath-Louth circumference, there are no community gardaí mixing with the communities. This is an ideal opportunity to put a mechanism in place to determine what can be done. If the Garda does not interact with

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the people, there will be no interaction at all. We want community gardaí in the area. Through the Minister of State's representations to the Garda and the Minister for Justice, Equality and Law Reform, what can be done to determine how to put community policing in place alongside policing committees so that we can ensure all of the information on the drug barons is made available?

Deputy Pat Carey: Without pre-empting the next strategy, I thank Deputy Wall for raising this matter because more attention must be paid to the arc to which he refers — the Drogheda-Navan-Arklow area. I call them the new commuter towns, those that are within 50 km of Dublin city. The resources provided, including community policing, which has been a significant factor in bettering the situation in areas where improvements have taken place, are the way forward in the newly developed areas to which the Deputy referred. As I stated previously, we will extend the remit of the YPFSF to towns in the region.

Irish Language.

3. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if the Cabinet level committee established to consider recommendations arising out of the linguistic study of the usage of the Irish language in the Gaeltacht has met [5684/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy is aware, the Government, having noted the report of the linguistic study on the use of Irish in the Gaeltacht, decided late last year to establish a Cabinet-level committee to consider matters arising in the context of the analysis and recommendations of the report and to agree an integrated action plan to secure the future of Irish as the community language in the Gaeltacht. The first meeting of the committee is scheduled for later this month. In addition, a series of public meetings has been under way in recent weeks regarding the findings of the report and it is expected that the feedback from those meetings will be made available to assist the committee in its deliberations.

Deputy Michael Ring: Did the Minister state that the committee has not yet met, but that it will meet this month?

Deputy Éamon Ó Cuív: Yes.

Deputy Michael Ring: I am disappointed. The report was published before Christmas and the House was told that, in light of its recommendations, a Cabinet sub-committee had been set up. I expected the committee to have met, not once, but every week since then given that, the day it was debated in the Dáil, there was such concern regarding the report.

There is a considerable problem in terms of the usage of the Irish language. We are told that the Government is serious about the issue, but if that is the case and the report was published in December, why has the committee still not met by the middle of this month, St. Valentine's Day? This does not show concern or a commitment to the Irish language. When does the Minister expect a decision to be made on the report, when does he expect a strategy to be drawn up, will consultants be hired, how much money was put in place for the strategy and how much of that money will be spent on consultants? I am disappointed, as I believed the committee would have met already.

There was a recent debate across the country, including in my county and in respect of Dingle-Daingean Uí Chúis in County Kerry. What is the Department's opinion? People are concerned, particularly in terms of tourism, about being unable to understand where they are.

I have no problem with three quarters of a signpost being in Irish if there is something in English to explain to people where it is they are going.

Deputy Éamon Ó Cuív: I do not know whether the second question is relevant. I would suggest——

Deputy Michael Ring: The Minister could answer it anyway. He rolled out so many, I found it difficult to ask any questions.

Deputy Éamon Ó Cuív: I will answer the question if the Deputy wishes me to prioritise it. The situation since 1970 has been that, legally, if one is going to Belmullet, the signpost in Bangor Erris states “Belmullet” whereas the signpost across the Gaeltacht boundary states “Béal an Mhuirthead” while “Belmullet” has disappeared. The Deputy is correct that this has caused significant confusion. In fact, it has caused more confusion in Deputy McGinley’s constituency. The problem in Letterkenny was a place named Dungloe ceased to be called that around Glenveagh National Park and began to be called An Clochán Liath. This change made no sense to people and, to put it mildly, was a farce.

Deputy Dinny McGinley: What of Baile na nGalloglach?

Deputy Éamon Ó Cuív: Sin ceann eile. The problem was since 1970 these placenames were required to be in Irish only due to a legal regulation passed by the then Minister, former Deputy Bobby Molloy. Outside these places their names were in English and Irish and the maps were in English only so if ever there was a recipe for disaster that was it.

I agree with Deputy Ring that this issue must be resolved through rational debate. There is no point in us viewing this Irish problem through Irish eyes because it largely affects foreign tourists and consistency is needed. I have often had to explain to tourists in Connemara that Carraroe is not on signposts there and that it is called An Cheathrú Rua on signposts in the area, despite the fact that maps refer to Carraroe. We all understand Dún Laoghaire in Dublin and we have no problem with Portlaoise because these placenames are consistent on maps and signposts — once the two agree there is no problem. This would also be the case if maps referred to An Cheathrú Rua.

I have previously suggested that if people want to debate this matter in a rational way the best place to do so is the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs. I am more than willing to go through the options, as I did previously, in search of a rational solution. Any person who suggests the 1970 regulations were reasonable from the point of view of tourists did not see them applied in practice.

In answer to the question the Deputy meant to ask, there are two studies and I think he has confused them.

An Leas-Cheann Comhairle: I believe the Minister is both asking and answering questions but he has less than a minute before I ask Deputy Ring to table his final supplementary question.

Deputy Éamon Ó Cuív: Does the Deputy seek an answer on the matter of a timeframe?

Deputy Michael Ring: I do.

Deputy Éamon Ó Cuív: One issue is the preparation of a national, 20-year strategy for the Irish language and the other is an Staidéir Teangeolaíochta ar Úsáid na Gaeilge sa Ghaeltacht, the linguistic study. We intend to have made decisions on both of these by the end of the year.

[Deputy Éamon Ó Cuív.]

No more consultants will be hired for the linguistic study as we have already paid consultants for that but, regarding the 20-year strategy, we will pay for consultants with international expertise. It is logical to treat the Irish language inside and outside the Gaeltacht as one and produce a common answer. There was a meeting of Foras na Gaeilge yesterday and I said no matter how slow the start is the finish line is fixed. This matter will be concluded not later than 31 December 2008.

Deputy Michael Ring: Regarding the report, the Minister spoke of the promotion of the Irish language and its regeneration in the Gaeltacht. Can the Minister explain how the Minister for Education and Science, Deputy Mary Hanafin, will have English taught in Gaeltacht areas? It seems the Minister for Education and Science seeks to have part of the curriculum in gaelscoileanna taught through English. How does this fit in with Minister Ó Cuív's policy?

An Leas-Cheann Comhairle: That question goes well beyond the scope of the Deputy's original question and is more appropriate for the Minister for Education and Science.

Deputy Michael Ring: I think the Minister will answer.

An Leas-Cheann Comhairle: If the Minister cannot restrain himself he may give an answer.

Deputy Éamon Ó Cuív: I cannot restrain myself and would hate to disappoint my good colleague from Mayo.

Deputy Michael Ring: I knew the Minister would answer, fair play to him.

Deputy Éamon Ó Cuív: The linguistic study of the Gaeltacht makes some radical proposals regarding education and these, along with the other proposals, will be considered by the Cabinet sub-committee. It is too early to say what decisions will be made.

Staidéar Teangeolaíochta ar Úsáid na Gaeilge.

4. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an eol dó an míshásamh mór atá ar phobal Rann na Feirste go bhfuil siad curtha isteach i gcatagóir B sa Staidéar Cuimsitheach Teangeolaíochta ar úsáid na Gaeilge sa Ghaeltacht; an aontaíonn an tAire é féin gur i gcatagóir A ba chóir do Rann na Feirste a bheith, ceantar atá chomh saibhir ó thaobh Gaeilge, litríochta agus cultúir de; agus an gcuirfidh sé ina luí ar chathaoirleach an chomhchoiste aireachta agus orthu siúd uile gur i gcatagóir A ba cheart do Rann na Feirste a bheith; agus an ndéanfaidh sé ráiteas ina thaobh. [5099/08]

Deputy Éamon Ó Cuív: Mar atá a fhios ag an Teachta, cuimsíonn an tuarascáil chríochnaitheach seo torthaí taighde an Staidéir Theangeolaigh ar Úsáid na Gaeilge sa Ghaeltacht. Cuirtear anailís agus faisnéis ar fáil sa tuarascáil a thugann léargas chomh cruinn agus is féidir ar úsáid na Gaeilge sa Ghaeltacht chomhaimseartha. Moltar go dtabharfar aitheantas do phobail Ghaeltachta de réir catagóir A, B, nó C. Bhainfeadh catagóir A le pobail go bhfuil breis agus 67% d'imeachtaí an phobail i gcoitinne tré mheán na Gaeilge. Bhainfeadh catagóir B le pobail go bhfuil idir 44%-66% d'imeachtaí an phobail tré mheán na Gaeilge. Is pobail i gcoitinne comhdhéanta de ghréasáin éagsúla Gaeilge a bheadh i gceist le catagóir C.

Tá cinneadh glactha ag an Rialtas coiste ag leibhéal comh-airachta a bhunú chun breathnú ar shaincheisteanna a thagann chun cinn i gcomhthéacs na hanailíse agus na moltaí atá sa tuarascáil. Tuigim an díomá atá ar phobal Rann na Feirste faoin mholadh atá déanta maidir

lena gceantar féin ach, mar a chuir mé in iúl le déanaí, is moltaí amháin atá déanta sa tuarascáil. Níl cinneadh déanta ag an Rialtas maidir le aon mholadh sa tuarascáil ag an bpointe seo.

Deputy Dinny McGinley: Mo bhuíochas don Aire as an freagra sin. Tá lúcháir orm go dtuigeann an tAire an míshasamh atá ar phobal Rann na Feirste — chuala mé é ar Raidió na Gaeltachta — go bhfuil siad curtha isteach i gcatagóir B. Ní shílím go bhfuil ceantar Gaeltachta eile sa tír a bhfuil an saibhreas cainte, Gaeilge agus cultúrtha acu agus atá ag ceantar Rann na Feirste.

An Leas-Cheann Comhairle: Tá súil maith agam go bhfuil ceist ag teacht.

Deputy Dinny McGinley: Nuair a cuimhním ar cheantar Rann na Feirste, cuimhním ar an Bhlascaod, scríbhneoirí, ceoltóirí, stiallaithe, seanchaithe, rinceoirí agus mar sin de. Cad is féidir a dhéanamh ag an bpointe seo le déanamh cinnte go mbeidh Rann na Feirste san áit is dual dó a bheith, is é sin i gcatagóir A, mar is áit é Rann na Feirste ina éiríonn le 97% de na daltaí scoile scéim labhartha na Gaeilge a bhaint amach? Ní shílím go bhfuil scoil eile sa tír a bhfuil céatadán níos mó ann. Cad is féidir a dhéanamh chun Rann na Feirste a chur isteach i gcatagóir A? Tá coláistí Gaeilge, turasóirí Gaeilge leis na cianta i Rann na Feirste agus dá bhrí sin, cén fáth nach féidir leis dul i gcatagóir A seachas catagóir B? An féidir é a bhunadh ar cheantar scoile in ionad teorann cheantair?

Deputy Éamon Ó Cuív: Tá nós agam nuair a bhfaighim tuarascáil gan cur isteach ar an tuarascáil sin. Tá nós agam freisin gan a rá riamh go nglacfaidh mé glan le moltaí na tuarascála. Sa chás seo, beidh siad á scrúdú ag coiste comh-aireachta. Tá go leor moltaí sa tuarascáil seo, cuid acu atá thar a bheith réasúnta, ciallmhar agus stuama agus cuid eile anonn is anall a bhféadfainn locht a fháil orthu.

Tá an coiste comh-aireachta le breathnú ar seo ar an gcéad dul síos. Más rud é go nglactar leis an gcur chuige seo maidir le catagóirí A, B agus C, caithfear dul ansin agus reachtaíocht a thabhairt isteach. Dá dtabharfainn reachtaíocht isteach, bheadh orainn é a phlé sa Dáil. Má tharlaíonn sin, beidh dóthain ama agus deise ag an Teachta a chás a dhéanamh. Is fada uaidh sin muid ag an bpointe seo. Ní féidir liomsa a rá an bhfuil nó nach bhfuil muid ag glacadh leis an moladh áirithe sin sa tuarascáil, fiú faoi catagóirí A, B agus C, mar bheadh sin ag dul roimh obair an choiste chomh-aireachta.

De réir mar a thuigim, séard a tharla anseo ná gur roghnaigh siad toghrann ceantair agus sin atá san áireamh. Chomh maith le sin, caithfear breathnú ar an tuarascáil. Don dream sin atá buartha faoi chatagóirí A, B agus C, caithfidh siad breathnú ar an tuarascáil agus a rá cén difear a dhéanann sé bheith i gcatagóir A, B nó C. De réir mar a thuigim a bheidh i gceist ná an cur chuige pleanála a bheidh i gceist. Ach, mar a dúirt mé, is fada uaidh sin atá muid.

Deputy Dinny McGinley: Os rud é go bhfuil Rann na Feirste i gcatagóir B, téann sin ina luí ar an phobal taobh amuigh a thugann cuairt ar an Ghaeltacht. Freisin, an féidir leis an Aire réiteach a dhéanamh le údair na tuarascála castáil le coiste athshlánú Rann na Feirste agus iad a chur ar a suaimhneas agus míniú a thabhairt dóibh?

Deputy Éamon Ó Cuív: Níl aon fheidhm ag údair na tuarascála. Tá an tuarascáil curtha ar fáil. An t-aon rud a rinne na húdair ná cruinnuithe a eagrú le heolas a thabhairt do dhaoine céard atá sa tuarascáil. Ní fhéadfaidís é a athrú anois mar tá an tuarascáil críochnaithe agus faighte. Mar a deirim, níl ann ach tuarascáil. Caithfidh muid oibriú ar anois agus déanfaimid sin. Maidir le coláiste Gaeilge agus rudaí mar sin, tugaim faoi deara go bhfuil Corr na Móna i

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gcatagóir C, cé go bhfuil coláiste Gaeilge den scoth ann agus tarraingt na ngasúr air. Ní cheapaim go gcuirfidh an tuarascáil isteach ná amach ar choláistí Gaeilge.

Drug Treatment Programmes.

5. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he is taking to alleviate the situation which has resulted in more than 9,000 people being on the methadone treatment scheme in Dublin city alone; the way he proposes to deal with the fact that methadone is leading to the deaths of more addicts than heroin; and if he will make a statement on the matter. [5685/08]

Deputy Pat Carey: At 31 December 2007, a total of 8,595 people were recorded on the central methadone treatment list prepared by the Drug Treatment Centre Board. This is the national register of those in receipt of methadone and records the number in treatment nationwide. The register covers the four Health Service Executive regions, including those in treatment in prisons and directly through the Drug Treatment Centre Board. A breakdown of the number of people in receipt of methadone in Dublin city is not available but it is accepted that a large proportion of the overall number comes from the greater Dublin area.

I do not accept the assertion that methadone leads to more deaths than heroin and there is no evidence to support the claim. Studies of opiate related deaths reported to the coroner in 1999 indicated that most such fatalities involved a combination of drugs. The national drug related death index being prepared by the alcohol and drug research unit of the Health Research Board will provide a national estimate of the role of methadone in drug related deaths. The index for the period from 1998 to 2005 is being finalised and will be published in the coming months.

At the same time, methadone is an opiate and I accept the danger from it is significant. It is vital it is taken under medical supervision with regular testing, whether in a clinical or community setting. The introduction some years ago of the methadone protocol to manage the distribution of methadone and minimise the risk of diversion has been largely successful. However, we must continue to work to minimise the diversion of methadone for onward sale.

While methadone has brought significant life improvements for many, I am committed to empowering people to access the social, economic and cultural benefits of life in line with their needs and aspirations through the implementation of the recommendations of the report of the working group on drugs rehabilitation in line with the programme for Government.

Deputy Catherine Byrne: I thank the Minister of State and welcome the figures he provided. Unfortunately, I am not surprised by his reply. More people on the methadone treatment programme are dying than ever before. It does not make a difference whether 8,000 or 9,000 people are on the methadone treatment list because those taking the substance are in the middle of a life sentence. One can spend upwards of nine years on methadone.

The Minister of State and I recently visited a project in Bluebell where many people have been on the methadone treatment programme for several years. They are trying to get their lives back and hope to be free from drugs some day.

An Leas-Cheann Comhairle: The Deputy should ask a question.

Deputy Catherine Byrne: In the context of a new national drugs strategy for the period from 2009 to 2020, what programmes will be introduced to reduce the large number of people on

methadone treatment programmes and give them hope that they will be able to avail of the 36 beds in the detoxification units? These beds cannot be used because they are not clean.

Deputy Pat Carey: To a certain extent, the Deputy almost answered the question she raised. We need to establish a variety of treatment options which are appropriate on medical grounds. Methadone should not be a life sentence and options should be available to allow people to leave the programme. These options include detoxification and medical alternatives such as suboxone and naloxone currently under exploration.

I discussed this issue with my colleagues on the margins of the British-Irish Council meeting this morning. We are all taking the same action on medical and clinical grounds. We must be able to offer to clients on methadone options which enable them to stop using the substance. Not everyone is ready to stop taking methadone.

I attended a conference yesterday organised by the Ballymun drugs task force at which two experts from Scotland noted that some people had become addicted to methadone. We should not inflict this life sentence on anyone. I am determined to ensure, as far as possible, that options, including detoxification, are available and the commitment to increase detox beds contained in the programme for Government is met. To this end, the Department is in discussions with the voluntary sector and Health Service Executive.

Deputy Catherine Byrne: Time is running out for many people and a proper programme must be put in place immediately. The Minister of State pointed out that these steps will be taken in future but every day young people in our communities are becoming addicted to all types of drugs. In five or six years they will be placed on methadone treatment programmes and will probably continue on methadone until they reach their 30s and 40s. The Minister of State must listen to pleas to take immediate action on detoxification facilities.

Deputy Pat Carey: The report of the mid-term review of the national drugs strategy, commonly known as the Rehab report, was published last May. Its recommendations form part of the programme for Government. As I indicated, I am determined to ensure the essential continuum of care is available. I started this process this year in the allocations I made to a number of projects and will continue with this approach for the rest of this year and, I hope, into the next phase of the strategy.

Other Questions.

Aistitheoirí agus Ateangairí.

6. D'fhiafraigh **Deputy Michael D. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil se sásta go bhfuil go leor aistitheoirí Béarla-Gaeilge, teangacha eile Eorpacha-Gaeilge agus go leor ateangairí Béarla-Gaeilge, teangacha eile Eorpacha-Gaeilge atá ar caighdeán sách maith ar fáil chun an t-éileamh atá anois ann in Éirinn agus san Eoraip a shásamh; agus an ndéanfaidh sé ráiteas ina leith. [5599/08]

Deputy Éamon Ó Cuív: Mar atá mínithe agam sa Teach seo cheana, tá ciste ar leith bunaithe agam chun maoiniú a chur ar fáil do shain-chúrsaí tríú leibhéal trí Ghaeilge. Tá an togra seo curtha ar bun le líon na ndaoine le scileanna ar leith a mhéadú i gcomhthéacs na riachtanas atá ann ag éirí as Acht na dTeangacha Oifigiúla agus ón stádas atá tugtha don Ghaeilge mar theanga oifigiúil oibre de chuid an Aontais Eorpaigh. I measc na gcúrsaí atá á maoiniú faoin dtogra seo, tá cúrsaí maidir le haistriúcháin agus ateangaireacht. Ní mór dom a lua freisin go

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bhfuil maoiniú curtha ar fáil chun cuidiú le roinnt mac léinn atá líofa sa Ghaeilge freastal a dhéanamh ar chúrsa de chuid Ollscoil Westminster atá dírithe go sonrach ar ateangairí. Maidir le hateangaireacht, leanfaidh mo Roinn leis an gcomhoibriú atá ar bun le hinstitiúid an Aontais Eorpaigh ó thaobh freastal a dhéanamh ar aon riachtanas a aithnítear.

Mar a sheasann cúrsaí faoi láthair, tá oiliúint á chur ar fáil do ateangairí a bheidh ag aistriú idir Gaeilge agus Béarla amháin. Maidir le haistritheoirí a chur ar fáil sa mbaile, mar is eol don Teachta tá Foras na Gaeilge, ar iarratas uaimse, tar éis córas creidiúnaithe a fhorbairt d'aistritheoirí Gaeilge-Béarla ón earnáil phríobháideach. Is é seo an chéad chóras dá leithéid sa tír. Tá an caighdeán cuí bainte amach ag 98 duine a bhfuil a gcuid sonraí ar fáil ar an bpainéal d'aistritheoirí creidiúnaithe atá foilsithe ag Foras na Gaeilge ar a suíomh, www.gaeilge.ie. Is próiseas leanúnach a bheidh sa chóras creidiúnaithe seo faoina gcuirfear scrúdú ar aistritheoirí ag tráthanna rialta. Tuigim go mbeidh scrúdú eile á reachtáil ag an bhforas roimh dheireadh na míosa seo.

Deputy Brian O'Shea: Gabhaim buíochas leis an Aire as ucht an freagra sin. Dar ndóigh, tá rudaí idir lámha. I dtuarascáil nuachta a léigh mé i mí na Samhna seo caite, dúirt an Aire Gnóthaí Eachtracha go bhfuil fadhb ann teacht ar aistritheoirí a bhfuil an cumas acu doiciméid dlíthiúla na hAontais Eorpach a aistriú isteach i nGaeilge. Tuaraiscíodh ag an am go bhfuil aistritheoirí ón Oireachtas i mbun na hoibre sin. Tá an cumas acu an obair sin a dhéanamh, dar ndóigh. Tá jab eile le déanamh acu, áfach, agus ba cheart go mbeidís in ann é a dhéanamh. Tá gá ann cur le úsáid na Gaeilge san Oireachtas, rud a dhéanann an oifig sin, dar ndóigh.

An bhfuil aon feabhas tagtha ar an scéal maidir leis na doiciméid ar a labhair an Aire Gnóthaí Eachtracha? Más rud é nach bhfuil feabhas tagtha ar an scéal, caithin a thiocfaidh feabhas ar an scéal? Nuair a bhí Coimisinéir Ilteangachas na hAontais Eorpach, Leonard Orban, sa tír seo roimh an Nollaig, an raibh an Aire ag caint leis? An bhfuil an gcoimisinéir sásta leis an cumas aistriúcháin atá ar fáil sa tír seo? An gceapann sé go bhfuil an chóras ceart againn ó thaobh an Ghaeilge a bheith ina theanga oifigiúil ag an Aontas Eorpach?

Deputy Éamon Ó Cuív: Tá mé sásta go bhfuil na riachtanaisí á chomhlíonadh againn. Ar ndóigh, ní mór dúinn infheistíocht fad-téarmach a dhéanamh sa chás seo. Tá mé ag obair le Óstáí an Rí faoi láthair chun cúrsa céime d'abhcóidí a chuir ar fáil. Más féidir, tosnóidh an chúrsa sa bhfómhar i mbliana. Muna n-éiríonn linn an sprioc sin a bhaint amach, tosnóimid é i 2009. Cuireadh dianchúrsa téarmaíochta dlí agus gramadach Gaeilge ar fáil i 2007. Beidh sé sin ann arís i mbliana.

Go ghinearálta, tá mé sásta lenár gcomhoibriú leis an Aontas atá freagrach as cúrsaí Ghaeilge san Aontas. Tá ag éirí linn na constaicí a bhí ann a shárú. Is dóigh liom go bhfuil áibhéil á dhéanamh maidir leis na fadhbanna. Bhí a fhios againn i gcónaí go mbeadh fadhbanna ann. Go deimhin fhéin, luaigh mé cúrsaí foirne, srl. nuair a bhí gach páirtí sa Teach seo ag iarraidh go mbeadh an stádas seo ag an teanga. Dúirt Teachtaí nach mbeadh fadhb ar bith i gceist, ach bhí a fhios agam go mbeadh beagáinín d'fhadhb. Níl an fadhb seo dosháraithe. Tá ag éirí linn déileáil le seo. Beidh áthas ar an Teachta a chloisteáil go bhfuil mé ag dul go dtí an Bhruiséil tráthnóna inniu. Tá comhdháil ar ilteangachas ar bun sa mBruiséil amárach. Tá sé socraithe agam cruinniú a bheith agam leis an gCoimisinéir Orban chun na ceiste seo a phlé. Má tá tuilleadh cúnaimh gur féidir linn a thabhairt, tabharfar é.

Deputy Brian O'Shea: Níor fhreagair an Aire an cheist mar gheall ar an gcrúinniú a bhí aige leis an gcoimisinéir roimh an Nollaig.

Deputy Éamon Ó Cuív: Ní raibh mé ag caint leis an uair sin.

Deputy Brian O'Shea: An uair deiridh ina raibh an Aire ag caint leis——

Deputy Éamon Ó Cuív: Níor chas mé leis an bhfear riamh.

Deputy Brian O'Shea: Bhí sé anseo. Bhuail mise leis. Is dóigh liom go raibh Teachtaí eile ann. De réir mar a chuimhním é, ní raibh sé sásta le cúrsaí. An bhfuil an eolas sin ag an Aire?

Deputy Éamon Ó Cuív: No. Tá míthuiscint anseo. Ní dóigh liom, ón dtuairisc a bhfuair mé ó oifigigh na Roinne agus, ar ndóigh, ón Aire Stáit, a chas leis freisin — ní raibh mé ar fáil ar an lá — go ndúirt an Coimisinéir Orban go raibh sé míshásta. An rud a tharla, agus a tharraing an phoiblíocht, ná gur——

Deputy Brian O'Shea: Dúirt sé go raibh sé míshásta. Chuir sé fáilte roimh an cinneadh a thug stádas oifigiúil don dteanga, ach dúirt sé nach gceapann sé go bhfuil go leor oibrithe ann chun gach rud a chuir in áit. Is é sin an rud atá á rá agam. An raibh a fhios ag an Aire go raibh an coimisinéir ag caint mar sin?

Deputy Éamon Ó Cuív: Tá sé breá sásta go bhfuil an Rialtas ag déanamh gach rud gur féidir leis. Caithfidh an Aontas breathnú amach ar an cúram seo. Ní féidir linn ach cúnaimh a thabhairt. Tá an Coimisinéir Orban sásta go bhfuilimid ag tabhairt gach uile cúnaimh. Léigh mé rudaí sna páipéir faoi na notaí a tugadh dó a tharraing go leor cainte. Is cosúil go raibh gach sórt ón gcaighdeán anuas sna páipéirí sin. Níl aon fhadhb leis an gcaighdeán mar níl ach caighdeán amháin ann. Níl aon mhíthuiscint faoi sin; níl ach caighdeán amháin sa tír. Muna dtaitníonn an caighdeán le daoine — ní thaitníonn cuid de liomsa, ach sin scéal eile — caithfidh siad glacadh leis gurb é an chaighdeán, mar an gcéanna leis an Béarla.

Sular tháinig an Coimisinéir Orban riamh in aice na tíre seo, bhí socrú déanta agam le Foras na Gaeilge go ndéanfaí athbhreathnú ar an gcaighdeán agus go dtabharfaí suas chun dáta é. Tá an obair sin á eagrú ag Foras na Gaeilge anois. Sílim gur rud é gur cheart dúinn a dhéanamh, ar mhaithe linn féin. Bhí sé sin sa treis i bhfad sular tháinig an Coimisinéir anseo.

Voluntary Work.

7. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs if analysis has been completed in relation to the cost of volunteering in Ireland, the training of such volunteers, insurance costs, the retention factor of volunteers and the recruiting of volunteers; and if he will make a statement on the matter. [5558/08]

Deputy Pat Carey: The report of the task force on active citizenship, which was completed last year, provides research indicators on trends in volunteering over recent years. In comparing the 2002 and 2006 surveys carried out by the ESRI, the report notes that participation in volunteering among Irish people increased from 17% in 2002 to 23% in 2006. Active community involvement is also up from 22% to 29% in the same period. My Department supports a number of organisations that carry out ongoing research and analysis on the volunteer sector in Ireland, such as Volunteer Centres Ireland. Moreover, my Department provides a range of supports for volunteer organisations, including in the area of recruitment, training and core administration costs.

Support for volunteering has steadily increased since a number of measures, amounting to almost €2 million, were announced by my Department in March 2005. Following on from this package of measures, my Department has continued to fund a range of initiatives in this area, including providing financial support for the establishment of 16 volunteer centres throughout the country with further centres anticipated in the near future. In the Towards 2016 partnership

[Deputy Pat Carey.]

agreement the Government underlined its commitment to further develop policy in support of volunteering, informed by the recommendations of the task force on active citizenship. The agreement also provided for increased funding of €5 million per annum to support volunteering and this Department is in consultation with a range of stakeholders to ensure the funding is channelled into best practice activities designed to further support volunteerism in Ireland.

Volunteer Centres Ireland, with the support of this Department, recently established a national database of statistics and opportunities relating to volunteering in Ireland. This initiative will assist in identifying trends and issues relating to volunteering retention and training needs. I am mindful of the need to periodically review and update the value of the volunteer sector within our communities, and officials in my Department are giving consideration to this matter.

Deputy Jack Wall: The Ceann Comhairle refused to allow a question I put on reports the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs commissioned. I cannot see why the Minister and the committee do not interact on such reports.

An Leas-Cheann Comhairle: The Deputy should raise this with the Ceann Comhairle directly.

Deputy Jack Wall: I was disappointed because many of my questions are based on drugs and the reports from the committee are relevant. If the Government does not act on these reports one must wonder about the value of the committee.

I raised this matter with regard to volunteers on the basis of a committee report. All of the major groups including Alone, Aware, the Alzheimer Society of Ireland, Glencree, Feis Ceoil, Muintir na Tíre, the Irish Rugby Football Association, the Red Cross and GOAL stated they have major problems with recruiting volunteers. Despite this, the ERSI report states volunteer numbers are increasing.

The Society of St. Vincent de Paul stated its volunteer numbers decreased from 24,000 to 8,000. Where are the volunteers mentioned in the ESRI report? Aware has stated that maintaining volunteer commitment was a major concern. Feis Ceoil sought volunteers with skills in specialist areas rather than being approached. However, it found it challenging to find young volunteers. Glencree reported problems of obtaining visas for volunteers. The Alzheimer Society of Ireland stated the number of volunteers in its organisation had decreased from 500 to 200.

According to the Oireachtas committee's report all of the numbers are falling. What is the difference between this and the ESRI report? People tell me it is hard to find volunteers and this is verified in the committee's report but not in the ESRI report.

Deputy Pat Carey: Part of the issue is due to the fact that a vast range of voluntary organisations are now in existence. Some of them are much smaller than the large organisations which existed in years gone by. I was in the Leas-Cheann Comhairle's county town last Friday, when I also visited Carlow and Kilkenny. I met with nine organisations during the course of the day and every one of them were driven by volunteers. I see this everywhere.

I take the point that some organisations find it difficult to retain volunteers. I happened to be in Tralee, County Kerry approximately three weeks ago. I was highly impressed by the proactive approach the centre there takes to supporting organisations. The volunteer centres I mentioned in my reply will be built on during this year and next year with an additional 12

centres. These are county based centres and are linked closely to county development boards and other organisations linked to local authorities.

I am confident we will be able to increase the level of voluntary involvement and, more importantly, through support and training will be able to retain volunteers. Part of the problem is that without training many volunteers got burnt out because they are asked to do anything and everything. With the identification of specific tasks for volunteers they are likely to stay in the organisation for a lot longer.

Deputy Jack Wall: The Irish Rugby Football Union claims there will be a missed generation of voluntary administrators. It lists various factors including longer working hours, fewer public holidays than in Europe, increased commuting times and more expensive housing and education. The largest factor is the litigation problem facing many volunteers. Does the Minister of State agree these are problems for clubs seeking volunteers?

Deputy Michael Ring: It is quite simple why people are not volunteering — they are afraid of being sued. Does the Minister of State propose to introduce legislation to protect volunteers from being sued? If a volunteer takes children to a football match on a Saturday or the zoo and an accident happens, the volunteer can be held personally responsible for it. That is one reason that many voluntary groups cannot get individuals involved.

Deputy Pat Carey: I am not sure legislative measures are needed. Among the supports volunteer centres provide are advice on issues such as adequate insurance and governance. We wondered if the vetting of volunteers would have reduced their numbers but it has not. A structure is being put in place to assist the volunteer centres and the organisations which will support the retention of volunteers. If legislative measures are necessary, then they can be examined but I have no immediate proposals to introduce such measures.

Grant Payments.

8. **Deputy Mary Upton** asked the Minister for Community, Rural and Gaeltacht Affairs the Irish language organisations which received funding from his Department in 2007; the amount in each case; the purpose of the grant; and if he will make a statement on the matter. [5595/08]

Deputy Éamon Ó Cuív: I assume the Deputy's parliamentary question refers to voluntary Irish language organisations rather than to funding of the public bodies, Foras na Gaeilge, which includes the functions of the former Bord na Leabhar Gaeilge since 1 January 2008, and Údarás na Gaeltachta, that come under my Department's remit, or to other public bodies.

Funding is provided under my Department's Ciste na Gaeilge to various Irish language organisations and groups, as well as for specific language projects to foster, promote and encourage the use of the Irish language. The grants are aimed primarily at groups or organisations that are operating outside Gaeltacht areas.

In recent years, four sub-funds were launched within the Ciste, namely the fund for Irish courses in third level institutions abroad; the business fund, which covers organisations such as Gael Taca, Gaillimh le Gaeilge and Gnó Mhaigh Eo; the placenames research fund to provide bursaries to postgraduate students who select placenames as a subject for research; and the fund for the provision of Irish language DVDs for children.

Funding is also provided in Gaeltacht areas to Irish language and other community-based organisations that work to sustain and promote the use of the Irish language through their activities. These activities include language planning, recreational and sporting activities, language assistance and home visitation schemes, cultural activities and summer camps.

[Deputy Éamon Ó Cuív.]

I have set out in a table, which will be circulated in the Official Report, details of the voluntary Irish language organisations that received funding from Ciste na Gaeilge and under these Gaeltacht schemes in 2007.

It is also open to voluntary Irish language organisations to apply for assistance under other grant schemes operated by my Department to provide support for organisations in the community and voluntary sector. The bulk of funding for Irish language organisations at national level is provided by Foras na Gaeilge, rather than directly by my Department.

Organisation	Amount	Purpose
	€	
<i>A. Ciste na Gaeilge</i>		
Gaillimh le Gaeilge	225,750	Annual funding is provided to Gaillimh le Gaeilge to promote the Irish language, particularly as an economic resource, in the Galway area. They work in association with Galway City Council, Galway Chamber of Commerce and other groups to develop Galway's unique Irish image and promote Galway city as the Bilingual Capital of Ireland.
Gael-Taca	81,590	Annual funding is provided to Gael-Taca to enable it to market the Irish language in Cork City and County areas thus creating a greater awareness of the language.
Gnó Mhaigh Eo	155,965	Annual funding is provided to Gaeilge Mhaigh Eo to promote Irish in the business sector and in towns throughout Mayo.
Conradh na Gaeilge, Luimneach	214,226	Capital funding was provided to enable Conradh na Gaeilge to carry out necessary structural and restoration work on Áras Íde, Limerick, which is the city's Irish language centre for many years.
Glór na nGael	40,000	This grant — "Duais an Aire" is provided to the winners of a national competition organised by Glór na nGael to promote the Irish Language.
Taibhdhearc na Gaillimhe	480,000	Annual funding is provided to The Taibhdhearc to enable it to carry out its programme of work in relation to promoting Irish drama.
<i>B. Gaeltacht Organisations</i>		
Gaelachas Teo	21,861.00	Grant for pupils in Scoil na nÓg, Gleann Maighir for 2006/07 school year
Eagraíocht na Scoileanna Gaeltachta	90,200.00	Establish the office and employ Chief Executive
Oideas Gael	98,750.00	Administration and Development Grant
Gaeil Uladh	257,335.00	Administration and employing language Assistance for Gaeltacht schools
Áisleann Chill Chartha Teo	45,348.00	Thír Chonaill Music Workshop
Coiste Céim Aniar	80,000.00	Language planning
Comharchumann Forbartha Ghaoth Dobhair	96,000.00	Language planning
CLG Ghaoth Dobhair	70,000.00	Hurling and Football training scheme
Lár Chomh. Par. Ghleann Cholm Cille	20,000.00	Language planning
Comhlacht Forbartha Áitiúil Acla	4,252.00	Assistance to organise activities through Irish for pupils during after school hours
Comhairle Chonnachta	70,000.00	Hurling and Football training scheme

Organisation	Amount	Purpose
	€	
An Gaelacadamh	162,694.10	Administration and employment of music and dance Teachers
Muintearas Gaillimh	66,673.03	Administration of home visitation scheme
Cumas Teo	322,028.22	Language Assistance, administrative costs, administering and providing sports services
Comharchumann Shailearna	188,500.00	Language Planning
Comharchumann Forbartha Inis Mór	36,000.00	Language Planning
Comharchumann Dhúiche Sheoigheach	5,566.00	Language Planning
Oidhreacht Chorca Dhuibhne	403,315.50	Administering the language assistance scheme, home visitation scheme and other activities
Comhchoiste Gaeltachta Chiarraí Theas	35,416.00	Heritage Officer and Irish tutor
Cáirde Choláiste Íde Teo	93,750.00	Management Costs
Scoil na Leanaí Coláiste na Rinne	31,132.50	Boarding Pupils
CLG Rinn Ó gCuanach	20,000.00	Language Planning
Comharchumann Rath Cairn	55,000.00	Language Planning

Deputy Brian O'Shea: What percentage of these funds went to the Minister's Galway West constituency? Were any moneys allocated to the Waterford constituency?

Is the Minister satisfied a substantial dividend for the Irish language is being developed and it is used more because of this funding?

Deputy Éamon Ó Cuív: Am I glad we are getting parochial today?

Deputy Brian O'Shea: The Minister is good at it.

Deputy Éamon Ó Cuív: I run my schemes in an objective manner.

An organisation in my constituency applied for moneys from the Ciste and received them. Under the scheme, if an organisation comes up with €1, it will receive €4, as long as it has a suitable business plan. It is done on an open competition basis and is disbursed on that basis.

No moneys went to Waterford but I understand no application was received from there. It is like the national lottery — if one does not buy the ticket, one cannot win the award.

Half of the Irish-speaking population lives in the Galway Gaeltacht and that is why it gets more moneys than the Waterford Gaeltacht, one of the smallest. Even if Deputy O'Shea were Minister, he would have to recognise this reality and could not make it that Waterford received more than Galway.

Deputy Dinny McGinley: The Minister referred to a wide range of activities funded by his Department, directly and indirectly. Do Irish language publications come under the remit of his Department? *Lá Nua*, a daily newspaper with a cross-Border dimension, is in danger of going out of business due to lack of funding. It would be a pity to see a páipéar laethúil Gaeilge ag imeacht uainn. An bhfuil aon rud gur féidir leis an Aire nó Foras na Gaeilge a dhéanamh to ensure the continuation of this particular newspaper that is read in every part of the country, particularly Gaeltacht areas and on both sides of the Border?

Deputy Éamon Ó Cuív: Bord na Leabhar Gaeilge subsidises and assisted with the publication of books in Irish. On 1 January 2008, funding and responsibility for that matter was transferred

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to Foras na Gaeilge. The bord was established in the 1950s when there was no Foras na Gaeilge. As the Opposition rightly states, we should also examine if we have too many agencies, boards, groups, head offices and so on. This is one case where some North-South synergy makes some sense, although it is only being funded from the South, and giving Foras na Gaeilge responsibility for that.

I have seen much commentary on *Lá Nua*. Foras na Gaeilge provided funding for the newspaper after a tender competition. If a tender winner cannot comply with the terms of the contract signed, to get more money without a new competition would give a legitimate grievance to those parties who failed to win the competition that the terms had changed.

It is not a question of Foras na Gaeilge being mean but of good practice. If *Lá Nua* cannot continue to publish according to the contract with Foras na Gaeilge, Foras na Gaeilge has no option to declare the contract cannot be fulfilled. There was mention of publishing it on the Internet but publishing in paper form was what the original contract demanded.

Deputy Jack Wall: Will the Minister agree there is as much an onus on him and the relevant agencies to give assistance to Irish language-users outside the Gaeltacht areas? In south Kildare alone there are four gaelscoileanna. Many parents sending their children to these schools need assistance in using the Irish language. Many of them inform me they feel isolated in this regard and are solely dependent on the teacher with regard to, say, homework through Irish. What can be done to alleviate the concerns about moving this forward?

Deputy Éamon Ó Cuív: I concur with the Deputy. I do not believe Irish would survive outside the Gaeltacht if the Gaeltacht did not exist, but I also believe, as I have said time and again, that the Gaeltacht could not survive if Irish was not spoken in the rest of the country. I do not see them as being separate and the conditions as different. I have said many times that outside the Gaeltacht, the gaelscoil should be the nucleus of a community of Irish speakers. One of the things that held us up in the past five years was that when Foras na Gaeilge was set up we thought we would see five years of growth and expansion. However, we know what happened; it is history now. Direct rule was reinstated and everything was put in care and maintenance and mothballed.

The primary responsibility for delivery of policies to do with Irish outside the Gaeltacht is devolved to Foras. I recently had a meeting with the newly appointed chairperson of Foras, Liam Ó Maoilmhichil, and one of the things I emphasised to him was the importance of using the gaelscoil as a nucleus around which a community of people interested in Irish could be built. I have no doubt that when we come to develop our 20-year strategy, each gaelscoil will form a kernel. It would not be that the strategy would be exclusive to people attending these schools, but they would be little nodes out of which we could grow the language. This is a vital methodology for the future.

Community Allotment Schemes.

9. **Deputy Willie Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if a local authority has sought funding for the provision of initiating community garden allotment schemes within its authority; his views on such applications; and if he will make a statement on the matter. [5574/08]

Deputy Éamon Ó Cuív: I am informed that this is a matter for local authorities in accordance with their responsibilities under section 67 of the Local Government Act 2001. I have no plans to initiate any scheme or programme in this regard. However, as always, where possible, I am

prepared to consider the use of my Department's programmes and schemes to provide appropriate support to initiatives taken by lead Departments or agencies to support communities.

At present, projects of this type identified locally within RAPID areas by the area implementation team can qualify for co-funding under the housing estate enhancement leverage scheme operated by my Department, the Department of the Environment, Heritage and Local Government, and the local authorities.

Deputy Jack Wall: This is one that got through the net because I received word from the Ceann Comhairle that it had been refused, so it is great to see it on the clár. I greatly appreciate the Minister's reply, especially with regard to RAPID areas because this question relates to a group within a RAPID area. A local support group is seeking to develop a site as a garden for the children of the members who visited the House in the last fortnight. They are willing to do this. Is the Minister saying that if we obtain permission from the local authority, funding will be available through the RAPID programme?

Deputy Éamon Ó Cuív: I can be specific here. Athy was allocated funding for a community garden under the 2007-08 housing estate enhancement scheme, but no funding has yet been drawn down. The new physical environment improvement scheme, under the physical environment strategic theme, will include provision for community gardens. The draft terms provide for that.

Deputy Jack Wall: I will follow it up.

Deputy Éamon Ó Cuív: I do not want to be pernickety but we do not have a scheme.

Deputy Jack Wall: I understand that.

Deputy Éamon Ó Cuív: We do have the funding, however, and under the leverage schemes we are willing to co-fund the project. Theoretically it is the local authority which deals with such projects, but I fully support the scheme.

Deputy Jack Wall: I will get more information. I am delighted this question got through the net.

Deputy Pat Carey: Good news.

Leader Programmes.

10. **Deputy Deirdre Clune** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the delivery of the new Leader and social inclusion programme; and if he will make a statement on the matter. [5451/08]

19. **Deputy Tom Sheahan** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the new Leader programme; when it will be announced; the funding that has been put in place; and if he will make a statement on the matter. [5457/08]

Deputy Éamon Ó Cuív: I propose to take Questions Nos. 10 and 19 together.

I hope to be in a position shortly to commence the process of selecting local action groups to deliver the Leader element of the Rural Development Programme Ireland 2007-2013. The funding available for the delivery of Leader-type activities under the programme will amount to €425.4 million, almost treble the €150 million available for the 2000 to 2006 period. The new programme will complement the other funding for rural development measures by my Department.

[Deputy Éamon Ó Cuív.]

The National Development Plan 2007-2013 commits €49.6 billion to social inclusion, including €417 million for the local development and social inclusion programme, LDSIP. The 2008 voted allocation for the LDSIP is €57.44 million. Transitional arrangements are in place for 2008 to enable the new integrated structures and partnerships to extend their areas of coverage and embed their operations. A value for money review of the programme is being concluded. I intend to use the findings from this review to shape the future programme.

Deputies will be aware that my Department in recent years has been pursuing a process of cohesion in local delivery structures to simplify and enhance the effectiveness of the delivery of a range of local development programmes. Following extensive consultations with and among local agencies to develop the most suitable group configurations, in the course of 2007 the Government decided on revised areas of coverage for local development groups and clarified the arrangements for board membership of these bodies. Leader and partnership groups have been asked to give effect to these decisions and my Department has provided detailed guidelines to secure this outcome. The realignment of local delivery structures will reduce the overall number of local development bodies from 94 to 55, comprising 17 partnerships in urban areas and 38 integrated Leader-partnership bodies in rural areas.

I intend to have the cohesion process completed in advance of the roll-out of the NDP programmes, including the Leader programme and the LDSIP. At this stage, local development bodies are in place in 50 of the 55 operational areas agreed by Government. The representative networks of Leader and partnership groups, whom I met on 31 January, have assured me they are fully behind the Government's policy on cohesion and will endeavour to ensure local delivery structures are in place across the full 55 areas in the coming weeks.

In one case, a Leader group made a complaint to the European Commission regarding the Leader element of the Rural Development Programme Ireland 2007-2013, and in particular the cohesion process. I am satisfied our approach in this area is fully consistent with European regulations. My Department is monitoring the position closely.

Deputy Michael Ring: I tabled this question because there is great concern among Leader groups. They want the announcement immediately. They want to know the rules and regulations and the level of funding. Thousands of people throughout the country are waiting to see what the new Leader programme will bring and how they can apply for it.

Does the Minister have plans to downsize and amalgamate some of the Leader groups rather than having two or three in some areas? When will we have a definite date for the announcement? People want to know. What are the Leader groups doing now? The previous programme is finished and the funding has run out. There is no point in having people sitting in offices when there are people who want to apply for grant aid. The Leader programme has worked and I support the Minister's efforts in this area. We now want to know when the new programme will be rolled out.

Deputy Éamon Ó Cuív: It is difficult to give an absolute deadline. The Deputy would not like me to run off and roll it out before the new structures are in place and the companies are ready. I am ready if they are ready, but I do not think they are quite ready yet. In the Deputy's county they are coming close to being ready at last. I have said many times that we need to get on with the job and allocate the funds. The only good thing is that the funds are available. Even if we lose a month or two at the beginning, it will still be €425.4 million in the end. That is one consolation. I have tried to be as patient as possible because I understand the changes that are taking place. I have stirred a few hornets' nests, perhaps, where people had got into comfortable positions. People are familiar with what they know.

On the matter of the number of companies, once this process is over, that is it. We have no intention of going any further. In the Deputy's county it is a question of having either two or three companies. My gut feeling would be that two is better. It is a big county, so one would not be enough. I sometimes look over the border into County Mayo and think it is a fine county but I am not sure I would like to represent it in the Dáil because it is colossal, extending from the border at Headford to the far end at Fód Dubh. However, those involved in Mayo wanted three companies and I felt I would bow to local wishes if that was what they really wanted, so I went along with it. I do not intend to get caught between two and three. I also mentioned that one Leader company wrote to the European Commission and raised the issues. The Commission wrote to us and we replied. We are satisfied that we are within the regulation. The Commission wrote back to the Leader company, which has the opportunity to reply to our reply. It would be very unfair of me, to put it mildly, if I did not give it every opportunity to state its case if it thinks it has one. I will do my best to deal with the issues it raised and issues the EU might raise. I am confident the EU believes we are totally within the regulation.

An Leas-Cheann Comhairle: It is gratifying to hear that local opinion is so impressive in Mayo.

Deputy Michael Ring: The Minister accepts that Europe sometimes takes a long time to make decisions. It is like writing to Government Departments. I sent a letter to the Department of Education and Science last November and had to put down a question in the Dáil this week to get the reply. After getting the reply, the details were supplied to the person. I was lucky in that the Secretary General of the Department was involved but I will keep that Department so busy next week, the next time I put down a question, it will answer me. I will spend all Sunday preparing Dáil questions for it.

The Minister may have to make political decisions in respect of the Leader programme, be they two, three or one. He should make those decisions and get the programme up and running. I ask him to try to get it up and running as quickly as possible. He cannot wait for Europe, although I know he must. It is their money. One group cannot hold up the entire country. I ask the Minister to try to roll out the programme as quickly as possible.

Deputy Dinny McGinley: I have a brief question as I am conscious of the next question. Will MFG remain responsible for the administration of these matters in Gaeltacht affairs?

Deputy Éamon Ó Cuív: MFG will remain responsible for the roll-out of the programme in Gaeltacht areas. The small section of Achill that is not included in the Gaeltacht is also included. There will be a Leader partnership for the islands. So, beidh Árann Mór agus Tóraí faoi chomhréim le na hoileáin.

To go back to Deputy Ring's question, I assure him that I will go there as quickly as possible but a little bit of patience, as any good fisherman knows, can save one a considerable amount of time in the end when one is trying to land a big fish. We are happy that everything we have done steadily, peacefully and through getting agreement is within the European guidelines. We are very near home and intend ensuring that we get there safely.

The representative group, PLANET, and the core Leader and the community representative groups have been very helpful. Many issues have arisen. Most of the companies have or are being formed so we are nearly there. In respect of the complaint to the EU, that has been replied to in full. It will get an opportunity to comment on that. It would be churlish of me not to wait 28 days to see whether the Cavan-Monaghan Leader company, which is the company involved, has any other questions. Process is important here.

Deputy Joe McHugh: My question is very brief as time is against us. Will the Minister give us a brief indication as to how the compensation of livelihoods will be facilitated through the Leader funding and the fishermen in respect of the hardship fund? I know there will be a slight overlap. From speaking to the Minister for Agriculture and Food, I know that there will be an emphasis on the coastal communities. Could the Minister enlighten us?

Deputy Éamon Ó Cuív: A total of €5 million has been provided. It will be paid for out of the Vote of the Department of Communications, Energy and Natural Resources but will be dispersed by the Leader companies. We will make an announcement about that in the near future and it will be based on a Leader-type model. Basically, the eligibility criteria will be based on those used in the Leader programme.

Deputy Joe McHugh: How much is involved?

Deputy Éamon Ó Cuív: Cúig mhilliún ar fad atá ann. It will be divided in as fair and transparent way as possible between the different fishery areas through the Leader companies. The work is nearly completed and the Minister for Communications, Energy and Natural Resources and I will make an announcement in the near future.

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 Pat Breen — the need to provide a train stop on the Ennis to Athenry tail line at Crusheen village in the interests of regional development and that the Minister for Transport would support the case for same; (2) Deputy Dinny McGinley — an géarghá atá ann le méadú agus deisiúchán a dhéanamh ar scoil i dTír Chonail; (3) Deputy Joe McHugh — the need for funding for the Duchenne muscular dystrophy community; (4) Deputy Joe Costello — the need for the Minister for the Environment, Heritage and Local Government to outline his proposals for conserving and developing 14-17 Moore Street as a national monument; (5) Deputy Chris Andrews — that the Minister for Communications, Energy and Natural Resources deals with the significant delays in the postal services in Ringsend as a matter of urgency; (6) Deputy Joan Burton — the difficulty in the Dublin 15 area in accessing local primary places; and (7) Deputy Olwyn Enright — the steps the Minister for Arts, Sport and Tourism intends to take to ensure that Ireland remains an attractive location for film making, whether he has examined the cultural, economic, tourism and other benefits of same and whether he has examined the reasons for the recently reported loss of a significant international film to another destination.

The matters raised by Deputies McHugh, McGinley, Costello and Burton have been selected for discussion.

Adjournment Debate.

Services for People with Disabilities.

Deputy Joe McHugh: I welcome the Minister of State at the Department of Health and Children, Deputy Devins, to the House. I thank him and Dr. Philip Crowley in the Department of Health and Children for their efforts in respect of this issue. Not long after I was elected, I

approached the Minister of State, Deputy Devins, and in fairness he showed very good leadership. He left politics out of the issue and met with me because he felt it was an important issue. He also worked at exploring different avenues for funding the scheme to fund research for children with Duchenne muscular dystrophy.

However, I am extremely critical of the way in which the families of children with Duchenne disease have been treated. As we know, Duchenne disease involves a shorter life expectancy than muscular dystrophy. With that in mind, we are looking at children with a life expectancy of between 18 and 20 years. Two families in my constituency have been through a very long and arduous three-year campaign. They have fought tooth and nail and used their own initiative and funds to go to Sheffield in the UK to find out about the best international practice in research, new models of research and intervention which would help their children.

When the parents of one family started out, their son Liam was three years old. He is now six. They live with the expectation that he will survive until the age of 18 or 20. They feel very let down because their expectations were heightened throughout the process. They were given hope and open-ended promises in terms of getting funding for research for their children.

The second set of parents from my constituency had two children with Duchenne muscular dystrophy, one of whom is two years old while the other is seven. These parents have spent three years lobbying and campaigning and have been given the false expectation that they would get funding.

I wish to put on the record a one-line answer in correspondence dated 8 February 2008 which I received today, 14 February. The sentence was "Regarding your request for direct Irish Government funding for the trial, there is no mechanism or budget for Government funding to UK health research". That one sentence says it in very black and white terms. Why were these parents and other parents throughout Ireland not told that this was not an avenue to go down from the very beginning? Why were they not told that they would not get Irish Exchequer funding for research in the UK? This is a nonsense because we are not funding UK research. We are funding hospitals within the UK who will help the survival rates of children in this republic.

This is the crux of the argument. These parents feel let down. They were given expectations and false hope. They used their own energies and funds and are now left in a complete vacuum as to what they can do. In fairness to the Minister of State and Dr. Crowley, there are proposals within this correspondence which the parents may attempt to use but, believe me, they have tried these avenues and know that these are not the routes to go down. This is a very specific question of funding. International testing is being carried out in the UK from which these parents could benefit and which could help their children live longer. It is as simple as that. The Minister of State has been through this experience with his own family and I ask him to empathise with these people who are at a crossroads and do not know where to go. They want his help and that of the Government to allow them continue this journey and to ensure their children live beyond 18 or 20 years of age.

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I thank the Deputy for raising the issue which I will take on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney.

As the Deputy is aware, officials from the Department of Health and Children and myself met with representatives of Muscular Dystrophy Ireland in October of last year and discussed at some length the issue raised by the Deputy. I commend the Deputy on the dedication he has shown regarding this issue. At that meeting a presentation was made by Muscular Dys-

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trophy Ireland on seeking funding towards a proposed trial of IV Exon skipping therapy by the MDEX consortium in the United Kingdom.

I issued a letter to the director of Muscular Dystrophy Ireland last week — I apologise to the Deputy if he received it only today but it was issued from my Department last Friday — outlining the Department's position on funding research trials into Duchenne muscular dystrophy in the UK.

I assure the Deputy that I am very aware of the situation for these families. I am aware also of their hopes regarding a proposed trial of IV Exon skipping therapy by the MDEX consortium in the UK. This trial is one of a number of related trials on different Exon skipping therapies being planned in different centres.

It is very positive that Muscular Dystrophy Ireland has secured access for Irish children to the Duchenne muscular dystrophy registry in the UK in order that they can be considered for inclusion in the first systemic trial of this treatment.

Regarding the request for direct Irish Government funding for the trial, unfortunately there is no mechanism or budget for Government funding of UK health research. I have spent some time since the meeting in October investigating the options after meeting with Muscular Dystrophy Ireland. As explained at that meeting, the consortium could apply to the Health Research Board for joint funding for the proposed trial but it would have to compete with all other proposals being received by the Health Research Board.

The Department of Health and Children cannot directly fund UK or Irish research. I assure the Deputy we have examined every possible alternative in this regard. We can only recommend that the researchers apply to the Health Research Board. I would be hopeful, however, that the much larger research funding bodies in the UK will fund this research if they are convinced of the merits of the trial.

Scéimeanna Tógála Scoile.

Deputy Dinny McGinley: Ba mhaith liom buíochas a ghabháil leis an Cheann Comhairle as ucht deis a thabhairt dom an cheist seo a thógáil ar an Athló. Cé nach bhfuil an Aire Oideachais agus Eolaíochta anseo, tá lúcháir orm go bhfuil an Aire Stáit, an Teachta Pat Carey, anseo. Tuigean sé go maith na deacrachtaí atá ag bunscoileanna nach bhfuil áiseanna ceart curtha ar fáil dóibh. Cosúil liom féin, bhí sé ag teagasc i mbunscoil le blianta fada. Is dócha go dtuigean an bheirt againn na deacrachtaí a bhíonn ann nuair nach mbíonn na háiseanna cearta ar fáil. Is é an scoil ata i gceist anseo ná Scoil Chonaill i mBun Beag i gceartlár Gaeltacht Dhún na nGall. Tá suim ar leith agam sa scoil os rud é go raibh mé mar phríomhoide ann sular tháinig mé isteach sa Teach seo. Ó am go ham i rith na 25 bliana ata imithe uainn cheap mé go mb'fhéidir go mbeadh orm filleadh ar mo phost sa scoil, ach níor tharla sé go fóill buíochas le muintir Thír Chonaill a choinnigh anseo mé.

Tógadh Scoil Chonaill, le ceathrar seomra ranga, i 1960. Is scoil den seandéanamh — an sean-chóras múinteoireachta — é. Ní raibh sé dalta-lárnaithe, nó pupil-centred, nuair a thógadh é. Cuireadh dhá seomra breise leis an scoil ó shin. Tá sé seomra ranga i Scoil Chonaill i láthair na huaire. Tá seachtar múinteoir i mbun ranganna sa scoil faoi láthair. Tá dhá múinteoir riachtanaisí speisialta ann. Tá rang speisialta, rúnaí agus cúntóir teangan sa scoil. Cé go bhfuil 12 daoine fásta i mbun oideachais de chineál amháin no chineáil eile sa scoil, níl ach sé seomra ranga ann. Níl cúinne nó pasáiste amháin sa scoil nach bhfuil rud éigin ar siúl a bhaineann le oideachais. Níl sé sin sásúil sa lá atá inniu ann. Tá iarratas istigh le blianta fada anuas ag lorg

áiseanna breise a chuir ar fáil don scoil. Tá dul chun cinn déanta, ach i láthair na huaire tá siad ag fanacht leis an solas glas ón Roinn Oideachais agus Eolaíochta agus an Aire.

Tá socrúithe eile déanta ag an scoil. Muna mbeidh na húdaráis ag dul i mbun oibre ar an scoil, beidh ar na múinteoirí agus na daltaí an scoil a fhágáil agus dul go dtí láithreán de chineál éigin eile. Tá socrúithe déanta ag údaráis na scoile leis an CLG go mbeidh cead acu seomraí réamhdhéanta a chur suas agus úsáid a bhaint as áiseanna na CLG. Tá na socrúithe déanta. Tá cead pleanála faighte fá choinne deisiúcháin agus méadú a dhéanamh ag an scoil. Tá cead acu dul go dtí tailte agus ionad Chumann Lúthchleas Gael. Tá gach uile rud réidh anois ach tá siad ag fanacht bliain i ndiaidh bliana. Ba mhaith liom dá mbeadh an tAire ábalta dóchas de chineál éigin a thabhairt. Muna n-éiríonn linn rud éigin a dhéanamh i mbliana tá seans go dtitfidh na socrúithe atá déanta acu le Cumann Lúthchleas Gael as a chéile. Bhí socrúithe déanta le óstán, ach mar go raibh sé ró-fhada ón scoil agus go raibh coinníollacha ag teacht isteach, thit sin as a chéile. Tá obair mhór déanta ag an bord bainistíochta agus ba mhaith leo anois go mbeadh scéala ag teacht chucu.

Mar a dúirt mé, tá suim ar leith agam sa scoil seo. Scoil lán-Gaeltachta é ar a bhfuil clú agus cáil. Bíonn sí páirteach i Scór agus i Féile Scoil Drámaíochta. Is minic a bhain an scoil craobh na hÉireann — beagnach gach bliain. An bhliain nach mbaineann sí craobh na hÉireann, bíonn rud éigin mícheart. Tá na múinteoirí agus na daltaí ar fheabhas. Tá aithne mhaith agam orthur uilig, ach mar a dúirt mé, tá siad ag gníomhú i bhfoirgneamh atá ann ó 1960, 50 bhliain. Tá a fhios ag an Aire Stáit gur mór iad na hathruithe a tháinig ar chúrsaí oideachais le caoga bhliain anuas. Mar sin, níl na páistí, na múinteoirí nó an scoil ag fáil cothrom na féinne. Tá gach scoil eile sa cheantar go maith, cuireadh méadú leo agus tá siad nua-aimseartha, ach tá Scoil Chonaill i lár an pharóiste agus na háiseanna atá aici mar a bhíodar i 1959 agus 1960 nuair a tógadh an scoil. Tá a fhios agam go maith go dtuigeann an Aire Stáit chomh práinneach agus atá an cás. Tá súil agam mar sin go mbeidh scéala agam le tabhairt ar ais chucu tráthnóna inniu agus go dtosóidh an obair ar Scoil Chonaill go luath agus muna mbíonn an obair ar siúl an ráithe seo go dtosóidh sé, ar a laghad, an bhliain seo.

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Tá mé ag tabhairt freagra ar an Athló ar son an Aire Oideachais agus Eolaíochta, an Teachta Ní Ainifín.

Is mian liom buíochas a ghlacadh leis an Teachta as ucht deis a thabhairt dom seasamh na Roinne a léiriú don Dáil maidir le síneadh a chur le Scoil Chonaill, An Bun Beag, Contae Dhún na nGall agus an scoil a athchóiriú. Tá an síneadh agus an t-athchóiriú atá beartaithe don scoil seo ag céim 3 den phleanáil ailtireachta i láthair na huaire. Infheistíofar beagnach €4.5 billiún i scoileanna faoi i saolré an phlean forbartha náisiúnta. Is leibhéal infheistíochta caipítíl é sin nár facthas riamh cheana agus is léiriú é ar thiomantas an Rialtas leanúint lena chlár infheistíochta inbhuanaithe i scoileanna bunoidreachais agus i scoileanna iarbhunoidreachais. Leis an infheistíocht sin, éascófar soláthar scoileanna nua agus síntí i limistéir atá ag forbairt agus éascófar feabhsúchán na scoileanna atá ann cheana féin trí scoileanna athshóláthair, síntí nó athchóiriú ar scála mór a chur ar fáil sna blianta ata amach romhainn. Déantar cur chun cinn na dtionscadal tógála go léir atá ar scála mór ón gcéad chéim deartha go dtí an chéim tógála a bhreithniú ar bhonn leanúnach i gcomhthéacs an phlean forbartha náisiúnta agus i gcomhthéacs chlár ilbhliantuil tógála agus nuachóirithe scoileanna de chuid na Roinne. Ar an dóigh chéanna, déanfar an tionscadal dá dtagraíonn an Teachta a bhreithniú sa chomhthéacs sin. Ba mhaith liom a dhearbhuí don Teachta go bhfuil an tAire agus an Roinn tiomanta cóirí-

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ocht oiriúnach ar ardchaighdeán a chur ar fáil do Scoil Chonaill, ach ní féidir liom a rá go dtárlóidh sé sin an bhlian seo.

Deputy Dinny McGinley: Tá mé thar a bheith díomách.

Schools Building Projects.

Deputy Joan Burton: I call on the Minister for Education and Science to immediately convene a forum of parents, patrons, principals and other stakeholders in education in Dublin 15 to create a fair and just school enrolment system. This is the time of year when schools throughout Dublin 15 enrol children. Once again, confusion reigns among parents in the Diswellstown, Littlepace, Clonsilla, Tyrelstown and other developing areas of Blanchardstown and Castleknock as to whether their children will get one of the few coveted places in their local primary school next September.

Every day for the past seven or eight years has been groundhog day, with the recurring school place crisis in Dublin 15. Last year, in the run up to the general election, the Minister for Education and Science made a lot of promises about resolving the matter. The then Minister of State with responsibility for children, who is now Minister for Justice, Equality and Law Reform, had his Department fund a ground-breaking report on education and the demand for school places in the Dublin 15 area.

That report was launched to great fanfare by the Minister and proposed, in its 13 principal recommendations, a round-table forum of all the stakeholders and a Green Paper from the Government to deal with the issue of planning for enrolment in areas such as Dublin 15, where there is an explosion in the school-going population and particularly in the new Irish community.

This week the Minister for Education and Science announced her intention to apply for planning permission for three new primary schools in Ongar, the Phoenix Park racecourse and at Kellystown near Clonsilla. There was no consultation. It is not clear how children will be enrolled for these schools. It may be that — as in the case of Scoil Colm, established at the last minute last year under the patronage of the Archbishop of Dublin — these schools will be primarily for children who have failed to get into the existing schools in the area. Therefore, as in the case of Scoil Colm and the Educate Together school in Balbriggan, they may end up being the schools for those children left out. Do we really want to develop ghettoised schools where almost all children are from a non-Irish background?

No matter how fantastic the work of the parents and teachers in schools such as Scoil Colm and Balbriggan Educate Together, which I admire greatly, it is not a desirable development in the long run to have segregated schools. In true Department of Education and Science fashion, the Minister and her officials seem determined to repeat the mistakes of earlier years and of other educational situations like the debate on autism and plunge blindly ahead regardless of the best interests of children and parents. It is time to consult and develop a fair and coherent system of school enrolment that facilitates children attending their local schools. I have proposed a national convention on education to address the delicate question of ethos and religion in respect of education. The primary problem remains the lack of coherent planning for places and the timely building of schools.

The Minister for Education and Science has announced three new schools but cannot tell us who will attend these schools or the enrolment procedure. We are piling mistake on mistake.

The Minister must receive an all-party delegation, as her predecessors used to do, on education in Dublin 15. She is in hiding and while she may have money for the situation she is not considering the best interests of development of the whole community, including members of the traditional Irish community who have purchased houses, who work, pay PAYE and expect a primary school for their children. It is not good that a child from a new community may never go to school with an Irish child through all of the primary cycle and possibly the secondary cycle. This could be resolved if the Minister is prepared to address the issue.

Deputy Pat Carey: I am replying on behalf of the Minister for Education and Science, Deputy Hanafin. I thank the Deputy for raising this matter as it gives me the opportunity of outlining to the House the actions being taken by the Department of Education and Science to address the school accommodation needs of the Dublin 15 area.

The Minister for Education and Science is conscious that the Dublin 15 area is one of the most rapidly developing areas in the country and, as a result, there has been a marked increase in the demand for primary school places. The Department is taking a number of measures to increase the capacity of existing schools in the area concerned along with the development of new schools to meet this growing demand. All building projects arising from these are awarded a band 1 priority rating under the Department's prioritisation criteria for large scale building projects to ensure they are delivered as expeditiously as possible.

The position on recent and ongoing developments in the provision of school accommodation in the Dublin 15 area is as follows. A new 16 classroom school for Mary Mother of Hope national school in Littlepace opened in September 2007. A new school for Castaheany Educate Together is on schedule to open for September 2008 and a new school for St. Benedict's national school is set to follow for September 2009. Extension projects for primary schools in Castleknock, Blanchardstown and Corduff are also being progressed. In the Diswellstown area, St. Patrick's national school moved into a new 24 classroom school last year. This will facilitate an annual three stream intake. In addition, St. Mochta's national school was expanded in 2006 to cater for an annual four stream intake. An extension to cater for this development has been progressed to architectural planning. A site has been secured for a new school for Tyrrelstown Educate Together national school and the building will be provided as soon as possible.

A new State model community national school, under the patronage of the County Dublin Vocational Education Committee, is to be piloted in Phibblestown from September 2008. This will initially provide accommodation for an eight classroom school, to be expanded up to 24 classrooms as need is assessed. The Department conducted a survey of all primary schools in Dublin 15 to determine the number of junior infants who enrolled in September of 2006 and 2007. This survey indicated considerable numbers of children applied to enrol in more than one school. While this is understandable from parents' point of view, it has the result of inflating the number of children apparently seeking places.

Notwithstanding this, the Department of Education and Science is aware of the accommodation demands for September and is addressing this requirement. I can assure the Deputy that all options will be considered to ensure there are enough school places in September. This may include the provision of school transport if necessary.

Due to the level of demand emanating from the Dublin 15 area, the need to make further provision at primary level in addition to that outlined above is being kept under review by the Department. To this end the Minister for Education and Science has established a developing areas unit, headed by a principal officer, whose sole focus is to ensure that significant pupil

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places will be available in such areas of demand. The Minister is confident that the measures outlined will assist in alleviating the immediate demand for pupil places in the area.

National Monuments.

Deputy Joe Costello: I welcome the opportunity to raise this important issue, the conservation and development of the structures at Nos. 14-17 Moore Street. There is a longstanding campaign on this issue. The site is where the 1916 leaders made their last stand. The decision was taken by the city council that this be declared a national monument and developed into an interpretative centre, museum and a history centre. The Shaffrey report was produced in November 2005. Arising from that comprehensive report the city council agreed to include Nos. 14-17 Moore Street on the record of protected structures. This was followed shortly afterwards by a visit to the area, with great fanfare, by the Minister for the Environment, Heritage and Local Government and a declaration by the Taoiseach himself who announced in December 2006 that No. 16 Moore Street was to be a national monument.

One would be forgiven for thinking the listing of the buildings as a protected structure and a national monument would ensure it would be protected and developed in accordance with its new status due to its historic importance. However, nothing has been done to protect these buildings, which have been allowed to fall into a state of disrepair and dereliction. The elements are causing damage to the buildings, this national monument is rapidly falling into dereliction and the local authority seems content to allow this to continue. As far as I understand, the Department of the Environment, Heritage and Local Government has taken no action. Slates are missing from the roof of the building and damage has occurred to the interior. If the building is not protected there is every chance it could be declared a dangerous building and its protected status would be short lived in those circumstances.

Part of the problem relates to the delay in the development of the adjoining streets, the so-called Carlton site, which has been beset by legal difficulties, but these have now been resolved. That said, this is no excuse for either the local authority or the Government. The local authority put the building on its list of protected structures but left it unprotected, and the Government declared it a national monument but took no steps to do anything about it. I seek a commitment that the building be surveyed as a matter of urgency, with a view to protecting both the exterior and the interior. In addition, I wish to hear an outline of the proposals for the building. The Taoiseach referred to long-term phased proposals between now and 2016. He also made proposals regarding the GPO. Nothing specific has been decided about the building's future. Will the building become a museum, a visitor's centre or a heritage centre? When will something happen? We cannot allow private developers to rule the roost and, in the meantime, neither the State, its agencies nor the local authority appears to be in a position to do anything to protect this structure.

Deputy Jimmy Devins: I thank the Deputy for raising this issue which I will take on behalf of my colleague the Minister for the Environment, Heritage and Local Government, Deputy Gormley.

In January 2007, Nos. 14-17 Moore Street in Dublin 1 were given strengthened statutory protection as a national monument through the placement on these buildings of a preservation order under the National Monuments Act 1930. The status of the buildings as a national monument derives from the fact that No. 16 Moore Street was the location of the final headquarters of the leaders of the 1916 Easter Rising and it is where those leaders took their decision to surrender. Nos. 14, 15 and 17 Moore Street were included in the preservation order along with

No. 16 to protect the amenities of the latter building. The building meets the statutory requirements to be considered a national monument, because its preservation is considered to be a matter of national importance by reason of the historical interest attaching to it. The buildings in question were also included on Dublin City Council's record of protected structures some years ago.

The Planning and Development Act 2000 empowers the relevant local authority to take action to secure the conservation of protected buildings such as Nos. 14-17 Moore Street. It is understood that in late 2005 Dublin City Council required a programme of emergency works to be undertaken to temporarily secure the fabric of these buildings. Objectives in the current Dublin City development plan 2005 to 2011 also provide that it is the city council's policy to seek the conversion of No. 16 Moore Street into a council-owned and administered museum serving both commemorative and educational roles.

The national monument at Moore Street remains in private ownership. In those circumstances, and while considerable effort has been expended to protect this highly significant element of our national built heritage, the Minister for the Environment, Heritage and Local Government is not responsible for the day-to-day maintenance and upkeep of these buildings. These responsibilities fall to the private owners of the buildings.

The Minister, however, has a statutory function which comes into play in regard to any future development of privately-owned national monuments, including their physical adaptation for new uses, or in cases where such monuments may be affected by development in their vicinity. Essentially, the effect of the relevant statutory requirements is that any proposed works affecting the national monument, including any excavation or ground disturbance within, around or in proximity to it require the prior written consent of the Minister for the Environment, Heritage and Local Government before they can proceed. In considering any such applications for consent, the Minister is obliged to consult with the director of the National Museum of Ireland before making a decision in the case. A person who contravenes the provisions of the National Monuments Acts with regard to these ministerial consent requirements is guilty of an offence and liable, upon conviction, to substantial fines or terms of imprisonment.

The Minister is aware of his duty to ensure the protection afforded to the national monument through the statutory provisions of the National Monuments Acts is fully respected and that all persons, in particular, the owners, are fully aware of the legal protection extending to these properties and of their legal obligations in this regard.

The expertise of the Department of the Environment, Heritage and Local Government in matters relating to archaeological protection and architectural conservation is available to provide any relevant advice sought by the buildings' owners or agents on matters relating to the conservation and protection of the buildings on Moore Street. To this end, informal discussions have taken place, wholly on a without prejudice basis, between officials in the Department and the agents responsible for preparing proposals for the re-development of the area in which the buildings on Moore Street are located. These discussions took place primarily with a view to ensuring the owners and their representatives are fully aware of and responsive to the legal requirements attaching to the preservation order. They also have been advised of the relevant statutory requirements relating to ministerial consent to any works affecting the monument.

The Minister is satisfied that Nos. 14-17 Moore Street are comprehensively legally protected both through the National Monuments Acts and within the planning code. As a prescribed body under Article 28(1)(c) of the Planning Regulations 2001 the Minister for the Environment, Heritage and Local Government must be notified by a local authority of any proposed

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development likely to impact on the built or natural heritage. In the context of any such referral in the future it is the Minister's intention to carefully consider the potential impact on the monument of any re-development proposals for the area in which the national monument in Moore Street is located.

If in due course proposals come before the Department seeking the consent of the Minister for works affecting or in proximity to these buildings he will consider such proposals, in consultation with the director of the National Museum of Ireland, with a view at all times to ensuring the national monument is preserved for the future and, if possible, enhanced. The Minister is satisfied, therefore, that the Department will have ample opportunity to make an input into any future development proposals in regard to or affecting Nos. 14-17 Moore Street.

I assure the Deputy and the House that the Minister is determined to protect the national monument to the fullest extent of his power, acting in the best interests of securing the integrity of No. 16 in particular into the future.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 19 February 2008.

Written Answers.

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

Questions Nos. 1 to 10, inclusive, answered orally.

Íocaíochtaí Deontas.

11. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil an t-iarratas le haghaidh an bhalla cosanta, Baile Thiar, Oileán Thoráí á mheas ina Roinn agus an gceadófar deontas ina leith. [5539/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá an t-iarratas a fuair mo Roinn ó Chomhairle Contae Dhún na nGall ar 26 Samhain 2007 maidir le hoibreacha feabhsúcháin a dhéanamh ar bhalla cosanta ag Baile Thiar, Toraigh, ar chostas measta €120,000 á mheas faoi láthair. Déanfar an cás a bhreithniú ag tógáil san áireamh riachtanais na hoibre atá i gceist, an soláthar airgid atá ar fáil d'oibreacha den chineál seo i 2008 agus na héilimh éagsúla ar an soláthar sin.

Acht na dTeangacha Oifigiúla.

12. D'fhiafraigh **Deputy Brian O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an mó scéim faoi Acht na dTeangacha Oifigiúla atá ceadaithe anois; an ainmneoidh sé iad; agus an ndéanfaidh sé ráiteas ina leith. [5597/08]

32. D'fhiafraigh **Deputy Brian O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an mó dréachtscéim teanga faoi Acht na dTeangacha Oifigiúla 2003 atá os a chomhair anois agus an ainmneoidh sé iad. [5598/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá i gceist agam Ceisteanna Uimhir 12 agus Uimhir 32 a thógáil le chéile.

Tá 74 scéim teanga, a chlúdaíonn 131 comhlacht poiblí ar fad, daingnithe agam agus foilsithe go dáta. Sa bhreis ar sin, tá 42 scéim teanga nua eile, a chlúdaíonn 79 comhlacht poiblí, á n-ullmhú. Ba mhaith liom a mhíniú don Teachta chomh maith go mbeidh tréimhsí ama na gcéad scéimeanna teanga a dhaingnigh mé i 2005 ag teacht chun deiridh i 2008. Dá bhrí sin, i gcomhréir le forálacha Acht na dTeangacha Oifigiúla 2003, sheol mé fógra, faoi alt 15 den Acht, chuig 19 gcomhlacht poiblí eile roimh Nollaig ag iarraidh orthu

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— athbhreithniú a dhéanamh ar a gcuid scéimeanna, agus

— dréacht-scéim nua (an dara scéim teanga dá gcuid) a ullmhú agus a

thíolacadh chugamsa le daingniú laistigh de sé mhí. Fágann sé seo go bhfuil os cionn 60 dréacht-scéim teanga san iomlán á n-ullmhú faoi láthair. Tá sonraí maidir leis na comhlachtaí poiblí a bhfuil scéimeanna aontaithe leo nó a bhfuil dréacht-scéimeanna á n-ullmhú acu ar fáil ar shuíomh idirlín an Choimisinéara Teanga, www.coimisineir.ie.

Community Development.

13. **Deputy Thomas P. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs the breakdown of his recent announcement of grant assistance to the Orange Order; the effect it is envisaged the proposals will have on the communities of the Border region; and if he will make a statement on the matter. [5571/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I recently announced that funding would be provided for a development officer to address the needs of groups using Orange Halls in border counties. The monies will be allocated to Cadolemo Ltd, a company which is being established by Orange Order Lodges in Counties Cavan, Donegal, Leitrim and Monaghan, to support this innovative community-based initiative. The funding will amount to €120,000 per annum over a two-year period.

The work of the development officer will focus on the provision of support, training and mentoring in relation to capacity building and community development among the groups in question, as well as facilitating the securing of funding for the repair and refurbishment of Orange Hall facilities. Assistance for refurbishment works to a number of Orange Halls has separately been approved under the Locally-based Community Grants Scheme operated by my Department. The development officer will be expected to build on this by prioritising the further repair and refurbishment of facilities in the counties in question in consultation with the communities, local authorities and other relevant agencies. I am confident that this initiative will be well received by all communities in the border region as a positive statement that we respect and support all our citizens, and their traditions and identities, in this State.

National Drugs Strategy.

14. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the fact that the shortfall in detox and rehabilitation beds identified by the expert working group appointed by the Health Service Executive is hindering progress in terms of implementing the national drugs strategy; and if he has approached the Departments of Health and Children and Finance with a view to addressing the shortfall. [5439/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The Report of the Working Group on Drugs Rehabilitation made a series of recommendations for the development of a comprehensive rehabilitation pillar under the National Drugs Strategy. The Programme for Government contains a commitment to implement these recommendations, including the provision of extra detox beds. A subsequent HSE Working Group, which focused on residential treatment needs arising from alcohol and drug misuse, also recommended increased detox facilities.

I can assure the Deputy that I am working to ensure that the commitment in regard to extra detox beds is fulfilled. I have had discussions with both the Departments of Health & Children and Finance regarding this matter and, indeed, I met with Minister Harney last month with regard to progressing the implementation of the recommendations of the Rehabilitation

Report. In this context, it should be noted that my Department received additional funding of €12.5m for drugs initiatives in 2008 and part of this will be used for rehabilitation initiatives. Already this year, I have announced capital funding of €1.5m to eleven projects, a number of which focus on rehabilitation.

While the shortfall in detox and other residential rehabilitation facilities needs to be addressed further, I do not see this as hindering progress in terms of implementing the National Drugs Strategy. On the contrary, I see the increased focus on rehabilitation, which was added as a fifth pillar of the National Drugs Strategy following a Mid-term Review, as being very important in ensuring that the Strategy can cover the drugs problem in a comprehensive way. The Rehabilitation Report highlights the need for inter-agency co-operation and the need to ensure that there is a continuum of care in place for problem drug users coming out of either detox or other residential rehabilitation treatment. It is within the context of the overall rehabilitation effort that any additional detoxification and residential beds need to be considered so as to achieve a seamless progression by the client through the rehabilitation process. I am confident that real progress will be made on the implementation of the recommendations of the Working Group on Drugs Rehabilitation in the short-term and I look forward to the benefits that this will bring to recovering drug users.

Job Creation.

15. **Deputy Phil Hogan** asked the Minister for Community, Rural and Gaeltacht Affairs if he is satisfied with the job levels, following the recent publication of the Údarás na Gaeltachta annual report; if he is further satisfied with the job creation levels; and if he will make a statement on the matter. [5505/08]

142. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if he is satisfied with the job levels, following the recent publication of the Údarás na Gaeltachta annual report; if he is further satisfied with the job creation levels; and if he will make a statement on the matter. [5687/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 15 and 142 together.

I understand from Údarás na Gaeltachta that its 2007 Annual Report will not be published until later in 2008. However, according to the Chief Executive's end of year statement, 1,038 new jobs in total were created in 2007. Significant progress was made in job creation in various sectors, including the services and modern manufacturing sectors. Total employment in Údarás na Gaeltachta assisted companies now stands at 8,026. This is the first year since 2001 that the full-time employment level has exceeded 8,000. I understand that these employment figures are in line with the national trend and indicate continued employment growth in the services sector. A notable aspect of this year's out-turn is the growth in the modern manufacturing sector, an indication that Údarás' strategy of focusing on niche manufacturing is delivering positive results.

National Drugs Strategy.

16. **Deputy Kathleen Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the research carried out in relation to the use of illegal substances on a county basis; the determination of such research; if misuse is on the increase or decrease in each county; and if he will make a statement on the matter. [5581/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Currently research is not available in relation to the use of illegal substances on a county basis. The all-island Drug Prevalence Survey, first carried out in 2002/03 and repeated in 2006/07, is the best indicator of drug prevalence in Ireland. These surveys were carried out jointly by the National Advisory Committee on Drugs (NACD) and the Drug and Alcohol Information and Research Unit of the Department of Health, Social Services and Public Safety in Northern Ireland. I recently launched the first bulletin of the 2006/07 survey. For the first time this allows us to determine trends in the use of various drugs across different categories of the population between the ages of 15 and 65 through comparison of the outcomes of the two surveys.

The second bulletin of the 2006/07 survey, which will be published in early Summer, will provide a breakdown of the prevalence of drug usage on a regional basis (based on the former Health Board areas), again allowing us to track changes at that level. With respect to heroin in particular, a three-source Capture-Recapture Study is being undertaken by the National Advisory Committee on Drugs and this will facilitate comparison (at a Dublin and Rest of Ireland level) with the results of a previous study carried out in 2000/01.

Departmental Programmes.

17. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his proposed expenditure in 2008 under the RAPID and CLÁR programmes; and if he will make a statement on the matter. [5541/08]

54. **Deputy Joe Costello** asked the Minister for Community, Rural and Gaeltacht Affairs if a review of the effectiveness of the CLÁR and RAPID programmes is envisaged or proposed; the number of areas that have received funding under any aspects of the two programmes over each of the past five years; and if he will make a statement on the matter. [5572/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 17 and 54 together.

€21.2 million has been provided on my Department's Vote for the CLÁR programme for 2008. The position in respect of the RAPID Programme is that €1.5 million for current and a capital allocation of €7.8 million in 2008 has been provided. The provision in my Department's Vote funds the community support and administrative costs of RAPID Area Implementation Teams (AIT) and Pobal and the capital cost of the RAPID Leverage schemes. As I have indicated to the House on a number of occasions, it is a matter for individual Departments to report on the provision of funding and progress on delivery with respect to projects under their responsibility in the RAPID areas.

An independent evaluation of the RAPID Programme, commissioned by Pobal at my request, was published in June 2006. This report is available on Pobal's website at <http://www.pobal/media/Publications>. The recommendations of this evaluation are currently being implemented. A Value for Money review of the RAPID and CLÁR leverage schemes operated by my Department in co-operation with a range of other Departments and Agencies is planned for 2008. I am providing further details on the programmes in the appendices to my reply.

Appendix 1 — RAPID

The RAPID Programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within the 46 designated RAPID areas. As I have indicated to the House on a number of occasions, it is a matter for individual Departments to report progress under the RAPID programme. In support, Pobal collects data from each RAPID area in respect of funding allocations received by projects from Government Departments and local state agencies. The latest data in respect of the programme is available on Pobal's website under the RAPID section (<http://www.pobal.ie/live/RAPID>). The Deputy may find it helpful to access this information. I understand that full data in respect of the year 2007 will not be collected until early 2008.

I initiated the leverage schemes in 2004 in order to support small-scale projects identified locally by the Area Implementation Teams in each of the RAPID areas. These schemes are co-funded by the relevant agencies and fund projects that focus on estate enhancement, graffiti removal, traffic calming, CCTV, health and sports facilities, and the provision of playgrounds. Earlier this year I agreed to co-fund the provision of facilities in schools located in, or mainly servicing children from, RAPID areas. Each of the 46 RAPID areas are allocated €66,000 under the playgrounds leverage scheme, €100,000 under the traffic calming measures leverage scheme and €100,000 under the Housing Estate Enhancement Leverage scheme. Differing levels of funding are allocated in each RAPID area under the Health Co-fund and Sports Capital Programme. The total allocation by my Department for each County is set out in the table below:

Funds Allocated to Projects under Leverage Schemes 2004-2007

County	Rapid Area	Amount
		€
Dublin		10,629,505
Cork	Cork City, Mallow, Youghal	4,292,060
Limerick	Ballynanty & Kileely, King's Island, South City	1,649,023
Waterford	Waterford	1,060,023
Louth	Drogheda & Dundalk	2,049,852
Wicklow	Bray	829,154
Westmeath	Athlone	709,860
Wicklow	Athy	670,272
Galway	Galway, Ballinasloe & Tuam	1,879,881
Carlow	Carlow	743,000
Tipperary	Carrick-on-Suir, Clonmel, Tipperary Town	1,767,593
Cavan	Cavan	461,641
Clare	Ennis	1,116,750
Kilkenny	Kilkenny	1,004,100
Longford	Longford	530,566
Meath	Navan	381,477
Wexford	Wexford & New Ross	899,128
Sligo	Sligo	1,162,453
Kerry	Tralee	675,103
	Total	32,511,441

[Deputy Éamon Ó Cuív.]

Total capital expenditure by my Department in all RAPID areas under the leverage schemes for each of the years 2004 to 2007 amount to 16.264m as set out in the table below:

Expenditure under Leverage Schemes 2004-2007

Year	Expenditure
	€m
2004	1.98
2005	4.52
2006	4.45
2007	5.32
Total	16.26

In addition, I have provided €2m to support initiatives in RAPID areas undertaken by the Department of Justice, Equality and Law Reform to install community CCTV and remove graffiti.

Under the initial round of funding from the Dormant Accounts Fund approximately €32m was approved for projects based within RAPID areas. Following enactment of the Dormant Accounts (Amendment) Act 2005, funding totalling over €19m has been ring-fenced to support priority projects in RAPID areas in 2006 and 2007.

In addition, I have provided €2m to support initiatives in RAPID areas undertaken by the Department of Justice, Equality and Law Reform to install community CCTV and remove graffiti. Under the initial round of funding from the Dormant Accounts Fund approximately €32m was approved for projects based within RAPID areas. Following enactment of the Dormant Accounts (Amendment) Act 2005, funding totalling over €19m has been ring-fenced to support priority projects in RAPID areas in 2006 and 2007.

Appendix 2 — CLÁR

CLÁR

The CLÁR Programme provides funding and co-funding to Government Departments, State Agencies and Local Authorities to accelerate investment in selected priority developments. These investments support physical, economic and social infrastructure across a variety of measures. The measures introduced under the Programme reflect the priorities identified by the communities in the selected areas. A budget of approx €21.2 million has been allocated to the programme for 2008. The table below sets out the expenditure by county from 2002 to 2007 under the CLÁR programme.

Expenditure on Clár Schemes by County 2002 to 2007 (€)

County	2002	2003	2004	2005	2006	2007
Carlow						96,632
Cavan	862,755	808,301	704,741	1,283,033	1,348,860	1,044,000
Clare	987,590	544,665	1,270,569	1,630,756	1,494,120	1,010,825
Cork	1,230,439	589,760	769,792	670,102	2,238,508	1,740,705
Donegal	1,073,862	946,670	984,888	1,399,037	1,691,604	1,974,962
Galway	967,306	159,333	1,756,410	1,369,626	970,561	1,195,530
Kerry	1,468,524	638,618	931,777	1,003,080	1,816,185	1,671,757

County	2002	2003	2004	2005	2006	2007
Kilkenny					20,038	216,170
Laois					206,706	109,067
Leitrim	1,882,396	1,083,257	1,581,902	595,841	2,782,131	1,587,227
Limerick	90,000	38,000	25,601	15,000	290,775	264,996
Longford	335,793	221,577	175,184	239,383	542,395	563,690
Louth	287,033	330,421	379,532	168,951	204,398	220,943
Mayo	2,326,137	1,280,045	1,631,274	2,474,475	4,911,703	5,439,585
Meath	87,170	10,000	34,049	25,284	36,770	71,248
Monaghan	200,666	154,936	200,482	266,812	734,841	817,111
Offaly					104,755	35,244
Roscommon	1,121,942	951,788	590,674	1,103,716	1,492,703	1,993,496
Sligo	854,427	523,049	642,272	752,065	1,554,606	459,783
Tipperary	254,234	132,312	231,834	112,544	411,113	364,786
Waterford		178,408	140,318	281,422	82,666	310,474
Westmeath	100,040	21,459	65,065	69,292	71,194	126,118
Wicklow						15,000
Total	14,139,318	8,612,597	12,116,364	13,443,634	23,006,640	21,329,361

Grant Payments.

18. **Deputy Mary Upton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of grants made under his Christmas Lights as Gaeilge initiative; the organisations which benefited; the extent to which the use of the Irish language was promoted in each case; and if he will make a statement on the matter. [5596/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The following organisations have received funding to date under the initiative referred to by the Deputy:

Year	Organisation	Amount
		€
2006	Dublin City Centre Business Association	11,331
2007	Gaillimh le Gaeilge	57,750
2007	Cumann Tráchtála Clár Chlainne Mhuiris	45,000

As I have indicated in previous replies to similar Questions, my Department provides funding under the Fo-Chiste Gnó of Ciste na Gaeilge to voluntary and business groups to assist in promoting the Irish language among local business communities. In order to qualify for such funding, a group must provide a business plan to include specific targets relating to the promotion of Irish and a clear exposition as to how these targets will be met. Funding from my Department is provided on the basis that matching funding (to a minimum of 25%) is secured by the applicant from the local authority or from the local business community.

I am satisfied that the organisations to which funding has been provided have fulfilled these criteria and that the Irish language was promoted in an integrated and cohesive manner in accordance with the business plan provided by each organisation. Finally, while the Fo-Chiste Gnó is open to new applications, I should again reiterate that funding is limited and it may not be possible to meet all requests made.

Question No. 19 answered with Question No. 10.

Irish Language.

20. **Deputy Eamon Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made to date in regard to the development of the 20 year strategy for the Irish language; and if he will make a statement on the matter. [5593/08]

46. **Deputy Jim O’Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has engaged consultants to assist in preparing a strategy on the Irish language; and if he will make a statement on the matter. [5514/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 20 and 46 together.

As I have indicated previously in replies to Questions in this House, the Government published its Statement on the Irish Language in December 2006. That Statement provides for the development of a 20-year Strategy for the Irish language, which is intended to be the foundation for practical action for supporting and promoting the language, based on a modern, integrated approach. My Department undertook a public procurement process in relation to the appointment of consultants to advise in relation to the Strategy. Two tenders were received, neither of which were deemed, following an independent assessment process, to meet all of the Department’s requirements. Subsequently, my Department opened negotiations with one of the unsuccessful tenderers, Fiontar, Dublin City University, who have now been appointed as consultants on the basis of a revised proposal.

It was envisaged at the time of the Statement’s publication that it would take up to two years for the Strategy to be prepared. I am confident that this target will be achieved and that process of preparation of the Strategy will be completed this year.

Youth Services.

21. **Deputy Ruairí Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding provided by his Department for youth cafes; the location of this funding; the plans to increase such funding; and if he will make a statement on the matter. [5589/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): As the Deputy will be aware, my Department does not operate a specific scheme or programme to support youth cafes, however, my Department does operate a number of programmes and schemes where some funding is available for the purposes of youth cafes. Details of all the programmes and schemes operated by my Department can be accessed on the Department’s website at www.pobail.ie. I can confirm that a number of youth cafes have received some funding from my Department, details of which are listed below.

Under the Young People’s Facilities and Services Fund (YPFSF) Mountain Park, Tallaght Youth Service (Foróige), received Capital funding of €175,000 in 2005 to establish a Youth Health Café. Under the Emerging Needs Fund, funding has been allocated through Tallaght Local Drugs Task Force in 2008 towards a full-time worker to co-ordinate the running of the above Youth Café and to provide Outreach, Group Work and Health Programmes. In the Dublin 12 Local Drugs Task Force area, the “Somewhere to Go” Project has also been allocated funding in 2008. Other facilities funded under the YPFSF provide a safe space for young people to drop in. They also benefit from the activities that are on offer.

A small number of Youth Cafés with a strong drug education dimension are being supported on a pilot basis under the Regional Drug Task Force plans consistent with the education &

prevention pillar of the National Drugs Strategy. These are located in Ennis, Shannon, Kilkee, Westport and Swords. Funding of €20,000 has also been approved by my Department under the CLÁR Community Initiative measure for Co. Roscommon Youth Services Co. Ltd. to provide support, projects and programmes including a youth café for local youths. Two organisations providing youth cafe facilities have also been funded under the 2006 Programme of Grants for Locally-Based Community and Voluntary Organisations, they are as follows:

Glounthaune Community Association — Refurbishment — €3,936

The Crib Youth Project & Health Café, Foroige — Equipment — €1,513 Since the beginning of 2006, 8 projects providing grants to youth cafes have been approved for support from the Dormant Accounts Fund. Details of these grants are set out in the table attached at Appendix 1.

Appendix 1

Dormant Accounts Funding Measure	Name of Group	County	Grant Amount	Purpose of Funding
			€	
Projects Tackling Alcohol Related Harm	Monaghan Youth Federation	Co. Monaghan	50,000	Castleblaney Youth Café.
Projects Tackling Alcohol Related Harm	MFG Comhar Dhuibhne	Co. Kerry	100,000	Funding to support youth café.
Priority Projects in RAPID Areas	Athy Town Council	Co Kildare	200,000	Funding to support youth café.
Priority Projects in RAPID Areas	Limerick Youth Service	Co Limerick	219,000	Funding to support youth café.
Priority Projects in RAPID Areas	Navan School Completion Programme	Co Meath	34,105	Funding to support youth café.
Priority Projects in RAPID Areas	Tipperary Regional Youth Service	Co Tipperary	150,000	Funding to support youth café.
Priority Projects in RAPID Areas	Youghal Youth Committee (in partnership with Foroige)	Co Cork	162,474	Funding to support youth café.
Young Persons Recreation Supports	Southside Partnership	Co Dublin	29,600	Funding to support youth café.
	Total		945,179	

National Drugs Strategy.

22. **Deputy Liz McManus** asked the Minister for Community, Rural and Gaeltacht Affairs the action his Department has taken to implement the recommendations of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs in relation to the report received by that committee in July 2006 on cannabis use; if he or his officials have met that report group since; the results of such a meeting or meetings; and if he will make a statement on the matter. [5583/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): In December 2006 my predecessor as Minister of State with responsibility for the National Drugs Strategy, Mr. Noel Ahern, T.D., met with the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs in relation to the report on cannabis that it published the previous July. At that meeting he outlined his position, which I support, with respect to the seven recommendations of the report.

Some of the recommendations of the report deal with issues such as the provision of support for further neurobiological and clinical research and the provision of integrated treatment prog-

[Deputy Pat Carey.]

rammes for those with concurrent mental illness and substance abuse issues. While in broad terms I have no difficulty with the points raised, these issues fall under the remit of the Department of Health & Children, at a policy level, and the Health Service Executive, at an operational level.

The report also called for a National Strategy on the cannabis problem and for public information campaigns focusing on that drug. I think that it is more effective to continue to tackle drugs through a comprehensive National Drugs Strategy, covering all illicit drugs including cannabis. This is particularly so now as there is increasing evidence of polydrug use. The National Drugs Awareness Campaign, lead by the HSE and which I launched earlier this week, is focused on cocaine use among younger people as available evidence suggests that this should be a priority at this time. Meanwhile, cannabis has continued to be targeted by the Gardaí and the Customs Service of the Revenue Commissioners, as evidenced by the recent cannabis seizure in Co. Kildare valued at €10m.

I have initiated the process that will lead to the development of a new National Drugs Strategy for the period 2009-2016. I already attended at a meeting of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs in January and I stressed that I would welcome their input to that process. I also intend that any new Strategy will tackle the problems associated with all illicit drugs, including cannabis.

Job Losses.

23. **Deputy Dan Neville** asked the Minister for Community, Rural and Gaeltacht Affairs if he has held discussions with a company (details supplied) in County Mayo or with Údarás in relation to recent job loss announcements. [5512/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I wish to inform the Deputy that I have no formal role in relation to discussions regarding the operation of companies in receipt of assistance from Údarás na Gaeltachta. I have been informed, however, by an tÚdarás that discussions took place recently between their representatives and representatives of the company regarding the company's future.

The Deputy will by now be aware that, following an announcement on Monday last, the situation within the company is not as serious as had been suggested beforehand. I have also been assured by an tÚdarás that they will continue to work towards identifying new business opportunities for the facility with a view to maintaining employment in the company.

National Drugs Strategy.

24. **Deputy Ciarán Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs his plans or proposals to ensure a document (details supplied) or a document of a similar nature is given to every school and every relevant age group; and if he will make a statement on the matter. [5587/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I have already arranged, following consultation with the Minister for Education & Science, the recent circulation of an earlier more comprehensive publication from the same source to all second level schools. The Deputy may now be familiar with this publication, as I have circulated it to all Oireachtas Members this week. I see this publication as providing very useful information for our young people. In some cases differing views are put forward in the document on how to tackle aspects of the drugs problem and I see it contributing to debate in

our society on the drugs issue at a time when a new National Drugs Strategy for 2009-2016 is being considered.

Meanwhile, on Monday I launched the National Drugs Public Awareness Campaign, which is led by the HSE. As part of that campaign two information leaflets, “Know the facts about drugs” and “Cocaine the facts” have been published and are available through Health Promotion Unit of the HSE or through www.healthinfo.ie.

Community Development.

25. **Deputy Pat Breen** asked the Minister for Community, Rural and Gaeltacht Affairs the details of the recently announced RAPID thematic strategy; the targets and objectives that are expected to be reached in 2008; and if he will make a statement on the matter. [5518/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The 2006 evaluation of the RAPID Programme indicated that the experience of the Programme has been very positive in many areas and that it has made substantial progress in identifying the needs of disadvantaged communities and in implementing important local projects in response to those needs. The evaluation recommended that a future Programme should be developed under a number of key Strategic Themes. These were Community Safety & Anti-social Behaviour, Family, Youth, Physical Environment, Education, Health and Employment/Training.

A national framework for the development of these strategic themes is now in place and will support the development of strategies and plans to respond to the issues within a local context identified by the Area Implementation Teams (AIT). Each Department/Agency with responsibility for the strategic themes has prepared guidance for the AIT that includes objectives, performance indicators and targets. These will be further developed within the AIT in each RAPID area. I launched the Health, Family and Community Safety and Anti-social Behaviour themes on 30th January 2008. Responsibility for the development of each strategic theme rests with the lead Department or Agency.

Irish Language.

26. **Deputy Eamon Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the discussion he has had with the Department of Education and Science in regard to the proposed Irish Language Education Centre in Baile Bhuirne, County Cork; and if he will make a statement on the matter. [5594/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I would like to indicate at the outset that the issue of the proposed Irish Language Education Centre in Baile Bhuirne, County Cork is primarily one for the Minister for Education and Science. However as I have already indicated to the House, I have had discussions with the Minister for Education and Science on different occasions with regard to the development of these facilities at Baile Bhúirne, County Cork. Discussions have also taken place between officials of my Department and the Department of Education and Science with a view to progressing this matter. These were attended by senior representatives of Údarás na Gaeltachta, Foras na Gaeilge and An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta.

The Deputy may be aware that my Department provides various supports for the Irish language in the Gaeltacht, some of which are channelled through the Education system. My Department and Údarás na Gaeltachta will continue to assist in any way possible with the development of the Irish Language Education Centre in Baile Bhuirne in the future.

Drug Seizures.

27. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs his views in relation to the major drug find in County Kildare on 6 February 2008; if he had meetings with the relevant authorities in regard to such a find; his plans to protect such communities as those in the county of Kildare where areas of the county appear to be used as bases for drug activity for the Dublin market; and if he will make a statement on the matter. [5575/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I want to take this opportunity to welcome the major drug find in County Kildare, to which the Deputy refers, as well as the recent overall significant level of drug seizures and associated arrests made by the Gardaí. I am advised that the recent successes are directly attributable to increased law enforcement at all levels through intelligence driven operations.

It would not be my normal practice to hold meetings with the Gardaí on specific operations and I have not met with them in regard to the Kildare find. However, I regularly meet with Garda representatives to keep up-to-date with developments in respect of their drug-related operations. Reports on their progress are also made to the Inter Departmental Group on Drugs, which I chair. Similarly, I also have regular contact with representatives of the Customs Service of the Revenue Commissioners, who are also playing a major part in drug seizures, and with the Dept Justice, Equality & Law Reform through the structures of the National Drugs Strategy.

The protection of communities in Kildare and elsewhere, whether in relation to threats linked to illicit drugs or otherwise, is a central part of the remit of the Gardaí and the actions and deployment of resources to counter such threats is an ongoing operational matter for them.

Tourism Development.

28. **Deputy John Perry** asked the Minister for Community, Rural and Gaeltacht Affairs the level of funding to be made available in 2008 under the LEADER programme for the development of rural tourism; the regions that will be targeted by this investment; and if he will make a statement on the matter. [5516/08]

33. **Deputy Ruairí Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the meetings he has had or is proposing to have with the Department of Agriculture and Food in relation to the development of rural areas and with a specific view of developing agri-tourism; if he has granted funding in relation to such development; if so, the persons to whom and the amount of funding involved; and if he will make a statement on the matter. [5590/08]

44. **Deputy John Perry** asked the Minister for Community, Rural and Gaeltacht Affairs if he has initiated a study into the development of farm based tourism; his intentions in relation to the development of farm based visitor attractions; and if he will make a statement on the matter. [5519/08]

141. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the level of funding that will be made available in 2008 under the LEADER programme for the development of rural tourism; the regions that will be targeted by this investment; and if he will make a statement on the matter. [5686/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 28, 33, 44 and 141 together.

The new Rural Development Programme for Ireland 2007-13 will be delivered by my Department and the Department of Agriculture, Fisheries and Food. My Department is responsible for the delivery of Axes 3 and 4 of the Programme. Axis 3 focuses on the Quality of Life in rural areas and diversification of the rural economy, while Axis 4 deals with the administration of the Local Action Groups who will deliver the measures in Axis 3. Specific measures and projects under the Programme, including agri-tourism projects will be approved through the Local Action Groups that deliver the Programme on the ground throughout the country.

Included in Axis 3 and 4 of the new Programme include measures which should provide significant opportunities in the rural/agri-tourism sectors. Two measures, in particular, are relevant. Firstly, the Diversification into Non-Agricultural Activities measure, which has an overall budget of €16.66m, and will support the development of tourism facilities and the development of niche tourism and educational services. Secondly, while the objective of the Encouragement of Tourism Activities measure, with a budget of €45.4m, is to maximise the tourism potential of all rural areas. The allocations referred to are for the duration of the Programme; there is no specific allocation for any one year. The areas to be covered will be all areas outside the local authority boundaries of the “Hub” and “Gateway” towns and cities identified in the National Spatial Strategy.

My Department maintains regular contact with the Department of Agriculture, Fisheries and Food in relation to the implementation of the Programme, including tourism measures. In addition, no specific discussions have been held with that Department on tourism related issues but discussions with the Department of Arts, Sport and Tourism and Fáilte Ireland in relation to the specific tourism-related measures in the Programme take place as required.

My Department has not grant-aided agri-tourism projects but Local Action Groups involved in the delivery of past LEADER Programmes have. I have not commissioned any studies into the development of farm-based tourism; however, the Programme does provide for such studies or analysis where required.

Irish Language.

29. **Deputy Pat Breen** asked the Minister for Community, Rural and Gaeltacht Affairs if he has had discussions with the Department of Education and Science regarding the provision of education through Irish in Gaeltacht regions; and if he will make a statement on the matter. [5517/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I am in regular contact with the Minister for Education and Science with regard to various matters involving the Irish language in the Gaeltacht, which are relevant to both our Departments. As part of its Gaeltacht remit, my Department provides a range of support measures for the Irish language in the Gaeltacht, some of which are delivered through the education system. However, as the Deputy will be aware, the provision of education in the Gaeltacht is a matter for the Minister for Education and Science.

National Drugs Strategy.

30. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs if it is within the remit of local drugs task forces to liaise with schools, particularly with senior cycle classes; if he will establish a formal link between the local drugs task forces and schools, which would serve to further educate young people about the dangers of drugs and drug abuse; and if he will make a statement on the matter. [5521/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): It is open to Local Drug Task Forces to liaise with schools through the various projects that are funded in their areas of operation. Also the Department of Education & Science is represented on Local Drug Task Forces (LDTFs), as well as on the other National Drug Strategy groups. However, the links between LDTFs and schools are not on a formal basis across all Drug Task Forces.

Underlying the Deputy's question is the importance of the education of young people and their level of awareness in regard to the dangers of illicit drugs. Since my appointment as Minister for State with responsibility for the National Drugs Strategy, I have repeatedly stressed the importance of prevention. At the same time I am not sure if it is necessary to have formal links at local level, rather it may be best to encourage initiatives developed in a local context.

Meanwhile, through the Walk Tall programme at primary level and the Social Personal and Health Education (SPHE) programme at second level, all school children now receive substance misuse prevention education as an integral part of their curricula up to Junior Certificate level. I have raised the issue of extending SPHE to the senior cycle with the Department of Education & Science on a number of occasions, most notably through the Inter-departmental Group on Drugs which I chair. In that regard there seems to be particular scope for bringing more focus on drugs education in the Transition Year. The Department are looking at these issues and it is hoped that some progress can be for the next school year.

Meanwhile, I can confirm that prevention measures will be among the issues that will be considered by the Steering Group that I have established to work on the development of a new National Drugs Strategy for the period 2009-2016.

Grant Payments.

31. **Deputy Jan O'Sullivan** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding he has allocated through the grant programmes operated by his Department to each constituency for each of the past five years; and if he will make a statement on the matter. [5586/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, my Department administers and delivers a wide range of programmes and measures, descriptions of which are available on its website at www.pobail.ie. While expenditure under these programme areas takes place countrywide, it is not possible to give a constituency breakdown of that expenditure. For example, a number of my Department's programmes are delivered through agencies and other intermediary bodies that operate across constituencies and these bodies do not provide the Department with a detailed breakdown of expenditure on a constituency basis. In addition, groups and organisations that receive grants directly from my Department are not necessarily constituted on a single constituency basis.

In view of the wide range of my Department's schemes and programmes and the large volumes of applications received thereunder on an ongoing basis, I am satisfied that the work involved in compiling and collating a full constituency-by-constituency breakdown of expenditure would exceed the information value of such statistics. If, however, the Deputy would like specific information in relation to a particular county and/or scheme, I would be glad to arrange to have consideration given to any such request.

Question No. 32 answered with Question No. 12.

Question No. 33 answered with Question No. 28.

34. **Deputy Martin Ferris** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that the Feis Ceoil is urgently seeking subventive arrangements to secure its future; and if he will make funding available to this end. [5438/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I have no Ministerial responsibility in relation to funding of initiatives such as this. I understand that funding was in the past provided to the Feis by the Arts Council.

Foras na Gaeilge.

35. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndéanfaidh sé ráiteas maidir leis an mbagairt don Ghaeilge sna meáin chlóite mar gheall ar chinneadh Fhoras na Gaeilge gan tacú le plean tarrthála an nuachtáin Gaeilge Lá Nua agus an bhagairt anois go mbeidh ar an nuachtán sin dúnadh dá bharr agus an gá leis an Aire gníomhú gan mhoill chun an t-aon nuachtán laethúil Gaeilge a shlánú. [5435/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tuigim ó Fhoras na Gaeilge nach bhfuil cinneadh déanta acu gan tacú le Lá Nua. Tá deontas a sholáthar ag Foras na Gaeilge do Phreas an Phobail le Lá/Lá Nua a fhoilsiú ó bunaíodh an Foras. Tuigim, áfach, go bhfuil cinneadh déanta ag Bainistíocht Phreas an Phobail gan leanúint de bheith ag clóbhualadh ó 1 Márta. Shínigh an comhlacht conradh aontaithe, tar eis comórtas oscailte, le Foras na Gaeilge i 2006 le haghaidh páipéar laethúil a fhoilsiú agus mar chuid de sin bhí spriocanna aontaithe maidir le díolacháin, líon leathanach, srl.

I gcás go mbrisfear an conradh aontaithe, tuigtear dom go mbeidh ar Fhoras na Gaeilge comórtas nua oscailte a réachtáil. Anuas ar aon rud eile, tuigtear go bhfuil dreamanna eile a chuirfeadh isteach ar chomórtas le haghaidh nuachtán leictreonach, ach a leithéid a bheith fógartha ag an bhForas, ach nach gcuirfeadh isteach ar chomórtas le haghaidh nuachtán fisiciúil. Beidh rogha ag an bhForas comórtas le haghaidh páipéar fisiciúil, nó nuachtán leictreonach, nó an dá rud, a fhógairt má tá conradh nua i gceist.

Decentralisation Programme.

36. **Deputy Ciarán Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the position of the decentralisation of his departmental offices; the cost to date of such decentralisation; the cost of a transfer of his Department on a temporary basis or the cost of leasing buildings and so on to date; and if he will make a statement on the matter. [5579/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): To date, 79 of the 140 staff of my Department originally due to relocate to Co. Mayo have transferred to an interim location in Tubbercurry, Co. Sligo, pending the acquisition of a site and the building of a new headquarters at Charlestown, Co. Mayo. It is planned to increase the number at the interim location to just over 100 from March 2008. The Department has already fulfilled its commitment to relocate 10 officers to Na Forbacha, Galway.

Non-property costs incurred by my Department to end-July 2007 amounted to €817,467. The Office of Public Works has also incurred costs of about €650,000 in relation to accommodation for my Department's decentralisation programme.

National Drugs Strategy.

37. **Deputy Seán Sherlock** asked the Minister for Community, Rural and Gaeltacht Affairs the breakdown of all funding provided to local drug task forces; the research that has been

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carried out in relation to the effectiveness of such funding; the area that commands the greatest need for funding; the reason for same; and if he will make a statement on the matter. [5591/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): A total of €21m in current funding has been allocated to date in 2008 to the 14 Local Drugs Task Forces (LDTFs). A broad range of factors influence the level of funding at Drug Task Force level, including the needs identified, the quality of projects proposed, population and the size of the area involved. A breakdown of the current funding allocated by LDTF is detailed in the table below. Some capital funding is also available for LDTF projects under the Premises Initiative.

An Expenditure Review of the LDTFs completed in late 2006 found that:

- the LDTF programme has been effective and highly relevant to the implementation of the National Drugs Strategy;
- extensive measures have been implemented to address the drug problem at a local level; and
- there are indications of high cost benefit ratios of projects such as those delivered through the LDTF programme.

The Review also identified some areas for improvement and substantial progress has been made in that regard. More recently an evaluation of nearly 300 interim funded Local Drugs Task Force projects has been carried out and the report on this is expected to be finalised shortly.

Local Drugs Task Force	*2008 allocation to date
Ballyfermot	1,865,603
Ballymun	1,270,730
Blanchardstown	1,168,684
Bray	1,646,273
Canal Communities	1,626,384
Clondalkin	1,337,948
Cork	798,570
Dublin 12	1,337,948
Dublin North East	1,259,577
Dún Laoghaire/Rathdown	933,091
Finglas/Cabra	869,675
North Inner City	2,745,555
South Inner City	2,392,736
Tallaght	1,270,328
Cross Task Force	454,386
Total allocated	20,977,488

* Figures in respect of previous years will be supplied on request to my Department.

38. **Deputy Jim O’Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs when the interdepartmental group on the national drugs strategy last met; if policy decisions or recommendations regarding the implementation of the national drugs strategy were con-

sidered at the meeting; the recommendations the group made to the Cabinet committee on social inclusion; and if he will make a statement on the matter. [5513/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The Inter-Departmental Group on Drugs (IDG) last met on Thursday, 13 December 2007. Among the issues discussed were:

- development of a new National Drug Strategy 2009-16;
- implementation of the recommendations of the Report of the Working Group on Drugs Rehabilitation;
- an update on progress in implementing the recommendations of the joint National Advisory Committee on Drugs (NACD) and National Drug Strategy Team (NDST) report on cocaine, including a presentation on the new National Drugs Awareness campaign;
- updates from the HSE and Dept Health & Children on a number of drug-related topics;
- report on accommodation issues (linked to the recommendations of the Rehabilitation Report) from Dept Environment, Heritage & Local Government;
- report from Dept Social & Family Affairs on ancillary benefits in the context of problem drug users;
- report from Dept Education & Science on prevention and awareness measures;
- reports from the Gardaí and the Customs Service of the Revenue Commissioners on drug seizures; and
- updates on Young Peoples Facilities and Services Fund and from the NACD and the NDST.

No recommendations to the Cabinet Committee on Social Inclusion, Children and Integration arose from this meeting.

39. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the full extent of funding available through his Department for disbursement to the various community based bodies involved in drug treatment programmes in 2008; the number of applications received to date; and if he will make a statement on the matter. [5540/08]

146. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of drug treatment programmes funded by his Department; the extent to which he will increase this in 2008; and if he will make a statement on the matter. [5811/08]

147. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he proposes to increase the number of drug treatment programmes funded by his Department; and if he will make a statement on the matter. [5812/08]

148. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the need to extend and increase funding to those providing drug treatment programmes in County Kildare; and if he will make a statement on the matter. [5813/08]

150. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals to increase funding to community groups involved in combating drugs; and if he will make a statement on the matter. [5816/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I propose to take Questions Nos. 39, 146 to 148, inclusive, and 150 together.

Tackling the problem of drugs misuse is a key priority of the Government. This commitment is evidenced by the increasing levels of funding provided to my Department to tackle the drugs issue. The allocation of over €63m this year represents an increase of 28% on the 2007 allocation. This allocation will facilitate progress towards the fulfilment of commitments in the Programme for Government in regard to initiatives to facilitate rehabilitation and to tackle the problem of cocaine, the development of Drug Task Force projects and the increased targeting of “at risk” young people through the Young People’s Facilities and Services Fund.

The majority of expenditure allocated to community groups through my Department for drugs initiatives is channelled through the Local Drugs Task Forces (LDTFs), the Regional Drugs Task Forces (RDTFs) and the Young People’s Facilities and Services Fund (YPFSF). Local and Regional Drug Task Force projects normally originate at community level and are submitted through Drug Task Forces to the National Drugs Strategy Team who make recommendations to me on funding. Again, under the YPFSF, projects are normally brought to the Development Groups for the 18 urban areas involved. The Development Groups submit proposals as they see fit to the National Assessment Committee of the YPFSF, chaired by my Department, and recommendations to me arise from there.

Over 440 Local Drugs Task Force (LDTF) projects, including those under the Emerging Needs Fund, are receiving funding from my Department. The 2008 allocation for such projects shows an increase of 9.5% over the amount spent in 2007. In the region of 200 of these projects focus on treatment and rehabilitation. Across the ten Regional Drug Task Force (RDTF) areas, work is progressing on the implementation of their Action Plans with the level of expenditure expected to increase by 40% this year. In 2007 a total of 67 treatment and rehabilitation projects were approved for funding and this is expected to rise to around 90 in 2008. In addition, all Drug Task Forces can access capital funding under a Premises Initiative. Already this year, I have announced capital funding of €1.5m to eleven projects, a number of which focus on treatment and rehabilitation.

With regard to Co. Kildare, funding was made available to the Community Drug Team for Kildare and West Wicklow last year and €0.34m will be allocated for this in 2008. Some of the other funding provided to the South West Area RDTF will also provide benefit across their region of operation, including Co. Kildare. On top of this, a sum in the region of €170,000 has been made available to Teen Challenge, a rehabilitation project at Shechem House, Richardstown, Co. Kildare, arising from applications through the South Inner City LDTF in Dublin. Meanwhile, capital funding of €22,354 was approved to Newbridge Family Resource Centre in June 2007 under the Premises Initiative for the purchase and installation of a semi-permanent structure to provide a dedicated drop-in facility for “at risk” youth. I can assure the Deputy that adequate resources will continue to be made available to support drug treatment programmes.

Community Development.

40. **Deputy Thomas P. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs the effectiveness of youth clubs in relation to community development in view of the changes in respect of the number of different nationalities that constitute each community area;

the grants available or planned from his Department to assist with the advancement of such clubs or the need to restructure such clubs to meet the changing demographics of communities; and if he will make a statement on the matter. [5570/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): My Department operates a number of programmes and schemes that support young people in their communities and that are complementary to supports offered by other Departments and Agencies. Details of all the programmes and schemes operated by my Department can be accessed on the Department's website at www.pobail.ie. A number of schemes are delivered through locally based bodies that can respond flexibly to changing community circumstances. Young people are also considered a specific target group under a number of key programmes such as the Local Development Social Inclusion Programme and the National Drugs Strategy.

Each of these schemes and programmes is governed by eligibility criteria that applicants must meet in order to receive funding from the Department. My Department does not operate a specific scheme or programme to support youth clubs.

Calafóirt agus Céanna.

41. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na céanna i nDún na nGall a bhfuil iarratais ina leith ina Roinn faoi láthair le haghaidh deontas tógála nó feabhsúcháin agus an mbeidh deontais á gceadú ina leith. [5538/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Mar is eol don Teachta, tá scéimeanna éagsúla ag mo Roinn le haghaidh deontas tógála nó feabhsúcháin i leith céanna, .i. scéimeanna Gaeltachta/ Oileánda agus an clár CLÁR. Faoi láthair tá iarratais ag mo Roinn ó Chomhairle Contae Dhún na nGall i ndáil leis na céanna seo a leanas:

- Rannaigh
- Inis Bó Finne
- Cladach na gCaorach
- Málainn Bhig
- Mucros
- Ros na Coire (An Machaire)
- Clúid an Churraigh (Oileán na Cruite)
- Machaire Gathláin
- Tulaigh Oileáin
- Cé na hÁithe (Ailt an Chorráin)
- Cionn Caslach.

Tá an cás maidir le deontais a cheadú faoi scéimeanna Gaeltachta/oileánda mo Roinne chun na saoráidí seo a fheabhsú á mheas faoi láthair, ag tógáil san áireamh riachtanais na hoibre, an soláthar airgid a bheidh ar fáil d'oibreacha den chineál seo i 2008 agus na héilimh éagsúla ar an soláthar sin.

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Mar eolas don Teachta, tá scéim ar leith faoin clár CLÁR bainteach le calaí, céanna agus creimeadh cósta. Cuireann an scéim seo maoiniú ar fáil chun calaí agus céanna a fhorbairt i gceantair CLÁR, má tá riachtanas ann d'áiseanna feabhsaithe. Mar eolas don Teachta, cuirtear iarratais faoin scéim seo go díreach chuig an Roinn Talmhaíochta, Iascaigh agus Bia agus níl aon tionchar ag an Roinn Gnóthaí Pobail Tuaithe agus Gaeltachta i roghnú nó monatóireacht na dtograí. Aontaíonn an dá Roinn, áfach, ar liosta na dtograí atá le maoiniú ar bhonn bhliantúil.

National Drugs Strategy.

42. **Deputy Liz McManus** asked the Minister for Community, Rural and Gaeltacht Affairs the action taken by his Department in relation to the report of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs on the inclusion of alcohol in a national substance misuse strategy in July 2006; and if he will make a statement on the matter. [5584/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): In its ninth report published in July 2006, the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs, recommended that alcohol should be included in a new national substance misuse strategy. In December that year my predecessor as Minister of State with responsibility for the National Drugs Strategy, Mr. Noel Ahern, T.D., met with the Joint Committee and indicated that he had an open mind on the issue and was supportive of exploiting any potential synergies that are identified. I would support this view.

Also in December 2006, a Working Group on Alcohol and Drug Synergies was established by the Department of Health & Children, which has overall responsibility for the coordination of alcohol policy, to explore the potential for better co-ordination between the two areas and I receive regular up-dates on their progress through the Inter-departmental Group on Drugs which I chair. The report of that Group is likely to be available in the coming months and any recommendations arising will be considered by the Steering Group that I have established to work on the development of a new National Drugs Strategy for the period 2009-2016.

Meanwhile, I attended at a meeting of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs in January and I stressed that I would welcome their input to the process that will lead to a new Strategy.

Security of the Elderly.

43. **Deputy Kathleen Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the grants available through his Department or agencies under the remit of his Department that deal with security in the family home, particularly those of senior citizens; the meetings he has had or proposes to have with the Garda authorities to examine this security position especially from a rural perspective; and if he will make a statement on the matter. [5582/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): As the Deputy will be aware, my Department operates the Scheme of Community Support for Older People, which is designed to foster community support for older people through the provision of community-based grants that improve the security of people aged 65 years of age and over. Details in relation to this Scheme can be accessed on my Department's website at www.pobail.ie.

For completeness I should also mention that funding is being made available under Dormant Accounts to assist community based supports for older people. Details of the grants are also

available on my Departments website. While no meetings have taken place at Ministerial level with the Gardaí in relation to security in the family home, I can confirm that officials in my Department have ongoing contact with the Garda authorities and groups who administer the Neighbourhood Watch/Community Alert Schemes.

Question No. 44 answered with Question No. 28.

Rural Development.

45. **Deputy Billy Timmins** asked the Minister for Community, Rural and Gaeltacht Affairs the decisions and outcomes of meetings and discussions that have taken place between him and the Ministers of State in his Department in relation to rural issues over the past 12 months. [5520/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I and the Ministers of State at my Department engage in regular discussions about the development of policies, programmes and operational matters across the range of my Ministerial functions with each other and with officials. Such discussions tend to be ongoing as policies are refined and programmes are reviewed and improved or changed. Generally no formal record is kept of such discussions.

Question No. 46 answered with Question No. 20.

National Drugs Strategy.

47. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the significant piece of research undertaken by the Ballyfermot local drugs task force in 2007 and the needs that were identified on foot of that research; and if he will ensure that ample resources are made available to meet those needs. [5436/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I understand that the Deputy is referring to the Strategic Plan that has been prepared by Ballyfermot Local Drugs Task Force. In December 2006 the National Drugs Strategy Team (NDST) invited the Local Drug Task Forces (LDTFs) to undertake a process of strategic review to identify the extent to which the services being provided meet current needs and to consider what changes and improvements might be considered. On completion of the reviews by the LDTFs, they will be reviewed by the NDST with a view to developing an overall strategic approach for the future. It is anticipated that this process will feed into the work that has started on the development of a new National Drugs Strategy for the period 2009-2016.

I am advised that the Strategic Plan prepared by Ballyfermot LDTF has been submitted to the NDST and that it is being considered by them at present. I expect that a copy of the finalised document will be forwarded to me in due course and I will consider any recommendations therein in the context of the development of a new Strategy.

Irish Language.

48. **Deputy Paul Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs the extent of the work of the placenames branch to date; and if he will make a statement on the matter. [5515/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Placenames Branch of my Department 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 Branch has provided Irish forms for placenames in all counties. The most public manifestation of its work can be seen on the Irish versions of placenames on the bilingual road signs throughout the country.

The Branch is engaged in a comprehensive research programme to provide Irish versions for all placenames in the State on a county basis. Seven counties have been completed and published under this programme to date, namely, Counties Kilkenny, Limerick, Louth, Monaghan, Offaly, Tipperary and Waterford. Research has been completed on Counties Dublin, Galway and Wexford and will be completed in Counties Cork, Clare and Leitrim by 2009. Substantial research has been undertaken on the placenames of the other counties and these counties will be completed in the medium future.

The recent work of the Branch also includes providing Irish language versions of the administrative placenames in the Gaeltacht areas of Cork, Donegal, Galway, Kerry, Mayo, Meath and Waterford and it has just completed work on some 5,500 non-administrative names in these areas, that is, names shown on Ordnance Survey Ireland's large-scale maps. The Branch has responsibility for preparing draft Placenames Orders for An Coimisiún Logainmneacha, who in turn advise me under section 5 of the Official Languages Act 2003. I have made ten Placenames Orders on the advice of the Commission to date and three further orders are planned for 2008, namely, for Counties Dublin and Galway (except for Gaeltacht areas), and for minor and non-administrative placenames in Gaeltacht areas.

The Placenames Branch is also engaged in a joint project with Ordnance Survey Ireland, with the collaboration of local authorities, to provide authoritative Irish versions of approximately 35,000 streetnames in cities and towns throughout the State. Irish versions have been provided for almost 20,000 streetnames to date. This two-year programme is due for completion at the end of this year.

In addition to its programmes, the Branch researches and provides Irish language versions of placenames to customers on request each year. The Branch is responsible for providing Irish language placenames under the CLÁR bilingual signage scheme. This scheme, which is sponsored by my Department, encourages and funds local communities to erect signs showing the names of their townlands in Irish and English in CLÁR areas.

The Placenames Branch publishes the results of its work on a county basis in the *Liostaí Logainmneacha* series, County Tipperary being the most recent volume. Volumes for other counties will be published as Placenames Orders are made for these. A new enlarged version of *Gasaitéar na hÉireann / Gazetteer of Ireland* will be published this year. The Branch also has a programme to publish in book form the evidence for, and explanations of, the names it has researched. The Branch recently published a volume on certain aspects of the placenames of County Tipperary (*Logainmneacha na hÉireann II: Cill i logainmneacha Co. Thiobraid Árann, Pádraig Ó Cearbhaill, 2007*) and two further volumes are in preparation covering the placenames of County Wexford and placenames in one area in County Cork.

The Placenames Branch is currently working in collaboration with Fiontar in Dublin City University to develop an online searchable national database of placenames. A pilot version of the database will be available to a limited number of users in early April next and it is planned to have the full database available to the public by November of this year. The database will contain information on over 100,000 names, including the names of all the administrative units in the country, a certain number of non-administrative placenames, and all the streetnames within the State.

All the Irish versions of placenames that have been determined by the Placenames Branch to date, including both those that have been given legal status by Placenames Orders and those that are not yet covered, will be given; an estimated 40,000 Irish forms in total. The Irish versions of the streetnames will also be given. The evidence on which the Irish forms are based is being included and this will be made available to the public at a later date. In addition, the database will also contain a sound recording of each placename. The database should prove to be an invaluable asset for all who require not only the Irish forms of placenames, but also general information on the placenames of the country.

Údarás na Gaeltachta.

49. D'fhiafraigh **Deputy Michael D. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na hathruithe ar chumhachtaí agus feidhmeanna Údarás na Gaeltachta a bheidh sa Bhille um Údarás na Gaeltachta atá geallta; agus an ndéanfaidh sé ráiteas ina leith. [5600/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá cinneadh déanta agam an cheist maidir le cumhachtaí agus feidhmeanna an Údaráis a mheas sa chomhthéacs níos leithne a eascraíonn as na moltaí atá sa Staidéar Cuimsitheach Teangeolaíoch ar Úsáid na Gaeilge sa Ghaeltacht a foilsíodh le déanaí. Mar is eol don Teachta, tá Coiste Comh-Aireachta bunaithe ag an Rialtas chun moltaí an staidéir seo a scrúdú agus plean gníomhaíochta comhtháite don Ghaeltacht a aontú laistigh de bhliain.

Committee Reports.

50. **Deputy Joan Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the actions he has taken as a result of the reports commissioned over each of the past five years by the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs; and if he will make a statement on the matter. [5560/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The reports commissioned by the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs in the last five years that are relevant to the areas of responsibility of my Department are as follows:

- Volunteers and Volunteering in Ireland
- The Treatment of Cocaine Addiction, with Particular Reference to the Irish Experience
- The Inclusion of Alcohol in a National Substance Misuse Strategy
- What Everyone Should Know about Cannabis
- Drug Abuse in Ireland — a Waterford Perspective

In view of the short timeframe available for reply to this Question, I am arranging for my Department to collate the information requested and to provide it to the Deputy as soon as possible.

National Drugs Strategy.

51. **Deputy Arthur Morgan** asked the Minister for Community, Rural and Gaeltacht Affairs his view on the fact that all local drugs task forces except two are situated in Dublin; and if, in view of the prevalence of illegal drug use and related crime outside of Dublin, he will take

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steps to establish additional local drugs task forces in areas such as, for example, Limerick and Waterford. [5437/08]

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.

Subsequently ten Regional Drugs Task Forces (RDTFs) were set up in 2003, covering all parts of the country not covered by an LDTF and thus achieving full coverage of the country. Following extensive consultation processes, each RDTF prepared a Strategic Plan and the implementation of these Plans is now progressing. With the increased level of activity at RDTF level, I am satisfied that Drug Task Forces are making considerable progress across the country in relation to the problems of illicit drugs. A sub-group of the Mid-West Drugs Task Force has recently been established to focus on Limerick City. Last month I allocated an extra €1.3m, on top of the funding already available to the RDTF, specifically for initiatives in Limerick City. I anticipate that this funding will facilitate a significant response to the drug problems there in the short-term.

Allocations totalling €200,000 have been approved to date this year for 9 Waterford projects through the South East RDTF. Further South East RDTF projects provide benefits broadly across the whole region, including Waterford. At this point I do not feel that a separate structure for Waterford City is warranted. Meanwhile, I have established a Steering Group to make recommendations to me on a new National Drugs Strategy for the period 2009-2016. The work of that Steering Group will include the review of the operational effectiveness of the structures of the current Strategy.

52. **Deputy Joan Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of meetings he has had with the drinks industry in relation to underage binge drinking and the effect of advertising of the drinks industry; and if he will make a statement on the matter. [5569/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The issue of alcohol policy is primarily one for my colleague, Mary Harney, T.D., Minister for Health & Children. Consequently, I have not had meetings with the drinks industry in relation to the issues you mention.

At the same time, I recognise that there is significant potential for synergies between the National Drugs Strategy and the approach to the abuse of alcohol in our society. Indeed, a Working Group on Alcohol and Drugs, chaired by Dept Health & Children, is exploring the potential for better co-ordination between the two areas and I receive regular up-dates on their progress through the Inter-departmental Group on Drugs which I chair. Furthermore, the Minister for Justice, Equality & Law Reform has recently established the Government Alcohol Advisory Group to look at aspects of the problem pertaining to his Department.

As is the case with illicit drugs, it is clear that the abuse of alcohol, including underage binge drinking, is leading to many problems in our society, particularly in regard to health, public order and crime. I am of the view that any proposals that emerge aimed at tackling these problems deserve serious consideration.

53. **Deputy Jan O’Sullivan** asked the Minister for Community, Rural and Gaeltacht Affairs the action he has taken to implement the proposals of the final report prepared for the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs of July 2005 on the treatment of cocaine addiction with particular reference to the Irish experience, particularly in relation to aspects of the conclusions and recommendations (details supplied); if he consulted with this expert group since it presented the paper; if so, the form it took; the facilities that have been put in place to provide assessment of treatment; and if he will make a statement on the matter. [5585/08]

153. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the strategy, in view of the recent survey carried out (details supplied) regarding the use and availability of cocaine in the Tallaght, Clondalkin, Ballyfermot and Lucan areas, of his Department in tackling this widespread use; the new measures he proposes to introduce to respond to this latest crisis; and if he will support the measures recommended by the NACD and the NDST in the joint report, *An Overview of Cocaine Use in Ireland II*. [5867/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I propose to take Questions Nos. 53 and 153 together.

Arising from concerns expressed about the emergence of cocaine in our society in 2005, including through the report of the Joint Committee on Arts, Sport, Tourism, Community, Rural & Gaeltacht Affairs, my predecessor as Minister for State with responsibility for the National Drugs Strategy, Mr. Noel Ahern, T.D., requested the National Advisory Committee on Drugs (NACD) and the National Drug Strategy Team (NDST) to examine the issue and to report back to him with a set of recommendations on how best to tackle the problem. He also approved funding for a series of pilot cocaine projects and a number of programmes to train people to an appropriate level to deal with users of cocaine. Furthermore, under the Emerging Needs Fund, he approved funding in 2005/06 for 6 cocaine specific projects and 9 other projects that had a polydrug focus.

With respect to the drugs education/awareness aspect of the Joint Committee report to which Deputy O’Sullivan refers, I must emphasise that a skills based approach with a focus on all drugs has been a fundamental driver of the National Drug Strategy’s prevention pillar. Through the Walk Tall programme at primary level and the Social Personal and Health Education (SPHE) programme at second level, all school children now receive substance misuse prevention education as an integral part of their curricula up to Junior Certificate level and I have raised the issue of extending SPHE to the senior cycle with the Department of Education & Science.

On 30 January last I attended at a meeting of the Joint Committee to discuss the cocaine issue and I outlined the Government’s response to its emergence as a problem. The implementation of the recommendations of the joint National Advisory Committee on Drugs (NACD) and National Drug Strategy Team (NDST) report “*An Overview of Cocaine Use in Ireland II*”, to which Deputy Ó Snodaigh refers, forms the recent basis of that response. I am vigorously pursuing the implementation of the recommendations of the report with the HSE, the Gardaí, Drug Task Forces and others, through the Inter-Departmental Group on Drugs which I chair. The recommendations principally relate to treatment but also cover supply, prevention and research.

With regard to treatment, some stimulant specific treatment interventions are recommended though it is accepted that drug services generally should be capable of catering for the individual problem drug user, regardless of the drugs they use. The HSE, at the last IDG meeting in December, indicated that they are satisfied that existing services can be re-engineered to meet

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the needs and they have rolled out a significant training programme in partnership with the Waterford Institute of Technology.

I have secured funding for initiatives to tackle the cocaine problem this year and I will be using part of this to develop cocaine awareness campaigns at a more local and regional level to dovetail with the National Drugs Awareness Campaign, which I launched last Monday and which focuses on cocaine use among the 15-34 years age group. The choice of cocaine, and the targeting of younger people, arises directly from the evidence of the 2006/07 Drugs Prevalence Survey, which itself confirmed the findings of the joint NACD/NDST report mentioned above. I am satisfied that the steps we are taking will have a real impact on the cocaine problem in Ireland.

Question No. 54 answered with Question No. 17.

Security of the Elderly.

55. **Deputy Seán Sherlock** asked the Minister for Community, Rural and Gaeltacht Affairs if he has had or proposes to have meetings with the Department of Social and Family Affairs and the telephone companies that provide land line services as a means of addressing the unacceptable cost to the senior citizen of the installation of a land line telephone service and thus the reason that many such senior citizens have not got security systems attached to their home; and if he will make a statement on the matter. [5592/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Officials in my Department have ongoing discussions with a range of groups concerned with the welfare and security of older people, including the Garda authorities and groups who administer the Neighbourhood Watch /Community Alert Schemes. However, my Department has no role in relation to the installation of landline equipment.

My Department operates the Scheme of Community Support for Older People. This scheme is designed to foster community support for older people through the provision of community-based grants that improve the security of people aged 65 years of age and over. Any locally based community and voluntary organisation working with older people can apply to my Department for funding. Funding is available for a range of security measures for older people under this Scheme, including measures which do not require a landline. Full information in respect of the scheme is available on my Department's website www.pobail.ie.

North-South Co-operation.

56. **Deputy Joe McHugh** asked the Tánaiste and Minister for Finance the action, in chronological order, he, his Department or the North-South Ministerial Council have taken for North-South co-operation in relation to relevant EU programmes, that is, INTERREG; and if he will make a statement on the matter. [5762/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Territorial Cooperation Objective is the successor to the INTERREG Programme in the 2007-2013 round — it is informally known as the INTERREG IVA Programme. As well as those areas of Northern Ireland and the Border Counties of the Republic of Ireland (Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth) that are eligible under the current INTERREG IIIA Ireland/Northern Ireland Programme, parts of the west coast of Scotland will now also be eligible in the new round of funding. This is because part of the Irish coast is less than 150km from the western

Scottish coast. The Managing Authority for the Programme is the Special EU Programmes Body (SEUPB).

In total, the European Union has provided €192m (in current prices) towards the Territorial Cooperation programme in the 2007-2013 period. Member States will supplement this with an additional €64m Exchequer funding bringing the total programme budget to €256m.

The Interreg IVA Programme was formally submitted to the European Commission for approval in June 2007. It was formally approved by the European Commission in November 2007. The NSMC Sectoral Meeting of 7 November 2007 welcomed the adoption of the EU North-South Programmes. The Operational Programme is open for applications and Steering Committees are now actively considering project proposals screened by the Joint Technical Secretariat.

Tax Clearance Certificates.

57. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the reason, in view of the requirement under section 62 of the National Cultural Institutions Act 1997 and section 1094 of the Tax Consolidation Act 1997 for a tax clearance certificate in order to hold a liquor licence for cultural institutions, an application certificate is not accepted in lieu of a tax clearance certificate to comply with the relevant legislation and regulations as is permitted under the Standards in Public Office Act 2001; and if he will make a statement on the matter. [5836/08]

58. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the reason, in view of the requirement under section 49 of the Finance Acts 1909 to 1910 and section 1094 of the Tax Consolidation Act 1997 for a tax clearance certificate in order to hold a liquor licence, an application certificate is not accepted in lieu of a tax clearance certificate to comply with the relevant legislation and regulations as is permitted under the Standards in Public Office Act 2001; and if he will make a statement on the matter. [5837/08]

64. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the reason, in view of the requirement under sections 8, 9 and 10 of the Auctioneers and House Agents Act 1947 and section 1094 of the Tax Consolidation Act 1997 for a tax clearance certificate in order to hold an auctioneer's or house agent's licence, an application certificate is not accepted in lieu of a tax clearance certificate to comply with the relevant legislation and regulations, as is permitted under the Standards in Public Office Act 2001; and if he will make a statement on the matter. [5912/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 57, 58 and 64 together.

The Standards in Public Office Act 2001 does not require only the submission of an application statement or tax clearance certificate, as the Deputy's questions imply. Briefly, it requires the submission to the Standards in Public Office Commission of either a tax clearance statement or an application statement, plus in either case a statutory declaration by the person concerned that to the best of his or her knowledge or belief, he or she was tax-compliant at the time of making the declaration and nothing prevented the issue to him or her of a tax clearance certificate.

The Act provides for the request for, and issue of, an application statement where a person has applied for a tax clearance certificate to the Collector-General of the Revenue Commissioners and

- no decision has been taken on the application by the Collector-General, or

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- the Collector-General has refused to issue a certificate but the refusal is the subject of an appeal yet to be determined.

In accordance with the Act, the Collector-General will, on request, provide an application statement to the applicant confirming that the person has applied for a tax clearance certificate and that no decision on the application has been made. Under the Act, the person is deemed not to be in breach of the requirement to produce a tax clearance certificate until such time as the application for a certificate is refused and the refusal has not been appealed or an appeal has not been upheld. In this circumstance, the Collector General must inform the Standards Commission of the refusal. The Standards Commission must produce a report on the matter which in the case of Oireachtas members (including office-holders) must be submitted to the Select Committee on Members' Interests of the relevant House and must be laid by that Committee before the Houses, and in the case of others covered by the 2001 Act must be submitted to the head of the public body concerned.

There are a number of differences between the Standards in Public Office Act 2001 and other tax clearance legislation, reflecting the different circumstances of the groups to whom they apply. Responsibility for the administration of the various tax clearance schemes is assigned in legislation to the Revenue Commissioners.

Tax Code.

59. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Finance his views on introducing legislation that would add registered veterinary premises to the definition in section 268 of the Taxes Consolidation Act 1997 to enable veterinary practitioners to avail of the industrial buildings allowance; and if he will make a statement on the matter. [5698/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): As I have indicated previously, while I am a supporter of properly focused, clearly defined specific tax reliefs, such reliefs narrow the tax base. A broad tax base is the price that must be paid to keep tax rates low and low tax rates benefit businesses generally in this country, including that of veterinary practitioners. Any proposal for new tax reliefs has to be considered in this context. At this point I have no plans to introduce a new tax break for the provision of financial assistance to registered veterinary practitioners for the upgrading of their practice premise. Veterinary practitioners can qualify for wear and tear allowances on plant and machinery used in their business in the normal way.

60. **Deputy Denis Naughten** asked the Tánaiste and Minister for Finance if, in view of his changes to the VAT code in the Finance Bill 2008, he will make similar changes to the level of VAT charged to community groups for the purchase of defibrillators; and if he will make a statement on the matter. [5832/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I assume the Deputy is asking for the rate of VAT applied to the supply of defibrillators to be reduced. The Deputy should be aware that in matters relating to the VAT rating of goods and services, I am constrained by the requirements of EU VAT law with which Irish VAT law must comply. In this regard, I would point out that the rate of VAT that applies to a particular good or service depends on the nature of the good or service and not on the status of the consumer. Accordingly, there is no provision in EU law that would permit the removal or reduction of VAT based on the social or economic status of the consumer.

In relation to the VAT rate that applies to defibrillators, the position is that under the VAT Directive, Member States may retain the zero rates on goods and services which were in place on 1 January 1991, but cannot extend the zero rate to new goods and services. The zero VAT rate cannot therefore be applied to defibrillators which are subject to the standard rate.

In addition, Member States may only apply the reduced VAT rate to those goods and services which are listed under Annex III of the VAT Directive. While Annex III does include the supply of medical equipment for the exclusive personal use of a disabled person, it does not include defibrillators for general use. The reduced rate cannot be applied to the supply of defibrillators. Therefore the only rate of VAT that can apply to the supply of defibrillators is the standard VAT rate which in Ireland is 21%.

61. **Deputy Willie Penrose** asked the Tánaiste and Minister for Finance the tax allowances and credits due to a person who is the father of three children and is living with the mother of the said three children, which partner is not employed outside of the home; if that person is entitled to tax credits for said three children. [5842/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am assuming in this case that the Deputy's question refers to an unmarried cohabiting couple with children. On that basis, I am informed by the Revenue Commissioners that the main tax credits and reliefs available to a person in the circumstances set out in the question are as follows:

- the single person's tax credit of €1,830;
- the employee tax credit of €1,830 (assuming the individual is in PAYE employment); and
- relief in respect of health expenses for himself and his 3 children and, for the tax year 2007 onwards, for his partner. For the three years prior to 2007, any claim in this regard would be subject to a de minimis deduction of €125 if the claim is for one qualifying person or €250 if the claim is for more than one qualifying person.

The first €35,400 of his income is taxable at 20% and the balance is taxable at 41%.

I am further informed by the Revenue Commissioners that, other than the incapacitated child tax credit, there are no tax credits available in respect of children and that the one parent family tax credit is not due in cases where a parent is cohabiting with a partner as man and wife.

62. **Deputy Joan Burton** asked the Tánaiste and Minister for Finance if, in relation to the exemption from capital gains tax enjoyed by sporting and certain other bodies provided that no portion of the body's income or property is paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit, to the members, the use by such a body of the capital sum paid to it in connection with a land swap deal for the purposes of subsidising membership fees at a rate that would otherwise be uneconomic and unsustainable could be held to amount to a return of profits by the body to its members and so be in breach of the rules relating to the exemption from CGT for such bodies; and if he will make a statement on the matter. [5892/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that the exemption from Capital Gains Tax (CGT) for sporting bodies is contained in Sections 235, 610 and Schedule 15, Paragraph 37, Taxes Consolidation Act 1997. Section 235 gives an Income Tax exemption to sporting bodies, which have been approved by the Revenue Commissioners on the basis that the body was established for, and exists for the sole purpose of promoting athletic or amateur games or sports. The exemption extends to the

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proportion of the income of the approved body as has been, or will be, applied to the sole purpose mentioned above. This approval may be withdrawn.

The CGT exemption is given to an approved body to the extent that the proceeds of any disposal (or if greater, the consideration) are applied to the sole purpose of Section 235. The specific circumstances surrounding a situation where the proceeds of a land swap were used to reduce membership fees would have to be considered in the context of that case in order to examine what the implications would be for CGT (and perhaps Income Tax) exemptions, and on the body's approval status.

Disabled Drivers.

63. **Deputy Bernard Allen** asked the Tánaiste and Minister for Finance if he will re-examine the rules for the primary medical certificate in relation to supports for drivers with a disability in view of the fact that numerous applicants have been refused the primary medical certificate because of the regulations and therefore they are being prevented from buying vehicles which will give them a better quality of life. [5902/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and Vehicle Registration Tax (up to a certain limit), and exemption from motor tax, on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities. The disability criteria for these concessions are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get a Primary Medical Certificate, an applicant must be permanently and severely disabled within the terms of these Regulations. As the Deputy will be aware, there was an interdepartmental review of the Scheme. However, given the scale and the scope of the scheme, any possible changes can only be made after careful consideration and with regard to the existing and prospective cost of the scheme and the available resources.

Question No. 64 answered with Question No. 57.

Health Service Allowances.

65. **Deputy Seán Sherlock** asked the Minister for Health and Children if a decision on an application by a person (details supplied) in County Cork in respect of domiciliary care allowance in February 2007 can be expedited; and if she will make a statement on the matter. [5719/08]

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.

North-South Co-operation.

66. **Deputy Joe McHugh** asked the Minister for Health and Children the action, in chronological order, she, her Department or the North South Ministerial Council have taken for North-South co-operation in relation to health care; and if she will make a statement on the matter. [5760/08]

Minister for Health and Children (Deputy Mary Harney): Prior to the suspension of all Ireland Institutions in 2002, the five North South Ministerial Council (NSMC) agreed areas for North/South cooperation in relation to health care were Accident and Emergency, Health Technology, Cancer Research, Emergency Planning and Health Promotion. In the period 2002 to 2007, the Institutions continued on a care and maintenance basis and significant progress was made in the five designated areas of cooperation. Progress was also made on North/South cooperation in other areas of health such as Suicide Prevention, Pandemic Flu Planning, GP Out of Hours Services and Child Protection. Since the restoration of the Institutions in May 2007, both Health Departments have agreed to undertake a Feasibility Study on the potential for future cooperation. A Project Board representative of the Department of Health, Social Services and Public Safety, the Department of Health & Children, the Health Service Executive and Cooperation And Working Together (CAWT) has been established to oversee the Study and it is expected that a final report will be published later this year.

Since the restoration of the Executive in Northern Ireland, I have met with the Minister for Health, Social Services and Public Safety to discuss progress on North/South cooperation in the health sector. A full NSMC Health Sector and Food Safety meeting also took place last November, when progress on North/South cooperation in health was reviewed.

Health Services.

67. **Deputy Joe Costello** asked the Minister for Health and Children if her attention has been drawn to the situation of a person (details supplied) in Dublin 7; if there is any source of funding for minors in this area; and if she will make a statement on the matter. [5696/08]

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. In regard to the Deputy's question on funding, the Programme for Government contains a commitment to create an orthodontic fund in the National Treatment Purchase Fund (NTPF) to treat children who have been waiting the longest for treatment. Officials from my Department will examine the steps involved in advancing this issue while also having discussions with the National Treatment Purchase Fund.

Hospital Services.

68. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Carlow; if they will be seen as a matter of urgency; and if she will make a statement on the matter. [5702/08]

Minister for Health and Children (Deputy Mary Harney): The management of out-patient waiting lists is a matter for the Health Service Executive (HSE) and the individual hospitals concerned. The HSE is therefore 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.

In 2005, at my request, the National Treatment Purchase Fund (NTPF) set up a number of out-patient pilot projects. Public hospitals are invited by the NTPF to participate in the out-patient pilot scheme to treat public patients who are longest waiting longest for first time appointments with a consultant. NTPF is currently accepting and agreeing proposals from

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public hospitals for 2008. It is planned that up to 13,500 out patient appointments will be offered this year under the scheme.

Grant Applications.

69. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will approve the application by an organisation (details supplied) for a grant in the amount of €145,000 to host an International Family Day Care Organisation conference in July 2009, as part of Ireland's current presidency of the IFDCO; and if she will make a statement on the matter. [5769/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The Department of Health and Children have received an application, for a grant allocation of National Lottery funds, from the organisation referred to. There is a protocol in the Department of Health and Children for processing applications for National Lottery grants. Following assessment, evaluation and recommendation applications are considered in the context of the overall level of funds available. This application is one of many under consideration for a grant from the Department of Health and Children and the organisation in question will be informed as soon as a decision has been made.

Services for People with Disabilities.

70. **Deputy Finian McGrath** asked the Minister for Health and Children if persons (details supplied) in Dublin 5 will be assisted. [5770/08]

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.

Nursing Home Subventions.

71. **Deputy Ciarán Lynch** asked the Minister for Health and Children the funds allocated to the nursing home subvention scheme in 2007; the increase in funds allocated for 2008; the scope that exists to deal with cost increases charged by nursing homes in 2008; and if she will make a statement on the matter. [5771/08]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): Budget 2007 provided an additional €85m in respect of the nursing home subvention scheme, which included €30m for enhanced subvention. As the Deputy will be aware the subvention scheme is being replaced by an improved system of nursing home support, A Fair Deal. The Bill

providing for the Fair Deal scheme is at a very advanced stage and is being finalised by the Office of the Attorney General at present. It is intended to introduce the scheme on a national basis once the necessary legal and administrative arrangements are in place and the existing subvention scheme will be phased out over time. This year, an additional €110m is being provided for the introduction in 2008 of the new scheme and the development of long-term residential care services.

72. **Deputy Ciarán Lynch** asked the Minister for Health and Children if she will confirm that there is a moratorium on increases under the nursing home subvention scheme and enhanced subvention scheme pending the introduction of the fair deal scheme; if she will consider the case of a person (details supplied) in County Cork faced with an increase of €60 per week; and if she will make a statement on the matter. [5772/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): There are no plans to change the rate of subvention. As the Deputy will be aware the subvention scheme is being replaced by an improved system of nursing home support, A Fair Deal. The Bill providing for the Fair Deal scheme is at a very advanced stage and is being finalised by the Office of the Attorney General at present. It is intended to introduce the scheme on a national basis once the necessary legal and administrative arrangements are in place and the existing subvention scheme will be phased out over time.

Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. The Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

73. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the reason no treatment for anorexia has been offered to a person (details supplied) in County Kildare whose husband has been employed here for four years; and if she will make a statement on the matter. [5779/08]

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.

Homeless Persons.

74. **Deputy Ciarán Lynch** asked the Minister for Health and Children the expenditure by the Health Service Executive on services for homeless people in Dublin, Cork, Galway, Waterford and Dundalk in each of the past four years; and if she will make a statement on the matter. [5803/08]

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

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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.

75. **Deputy Ciarán Lynch** asked the Minister for Health and Children if a separate allocation is made by her Department to the Health Service Executive for services to the homeless or if the funds come from the general HSE budget; the funding made available by the HSE for the provision of services to the homeless in each of the past four years; the amount of that funding that was spent; the allocation made for 2008; and if she will make a statement on the matter. [5804/08]

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.

Health Services.

76. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Wicklow; if they will have the necessary treatment as a matter of urgency; and if she will make a statement on the matter. [5805/08]

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.

77. **Deputy Denis Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 315 of 5 February 2008, the number of appeals which have been rejected by the health repayment scheme appeals office up to 1 February 2008; the number of originally rejected applications which have received an offer following a review by the appeals office; the number of appeals which sought a review of the original offer which were rejected; and if she will make a statement on the matter. [5807/08]

Minister for Health and Children (Deputy Mary Harney): The Health Repayment Scheme Appeals Office is an independent office established to provide an appeals service to those who wish to appeal the decision of the Scheme Administrator under the Health (Repayment Scheme) Act 2006. The Appeals Office does not reject appeals, it makes a determination as to whether the Scheme Administrator's decision should be upheld.

The Health Repayment Scheme Appeals Office has informed my Department that as of 1 February 2008, the Appeals Office has issued a total of 546 decisions. Of this total figure, 467 cases relate to claimants who were rejected by the Scheme Administrator. In 67 of these cases the Appeals Office has disagreed with the decision of the Scheme Administrator, which will result in an offer being made to the claimant. The remaining 79 cases in which the Appeals Office has issued decisions relate to appeals which sought a review of the original offer from

the Scheme Administrator. In 48 of these cases the decision of the Scheme Administrator was upheld by the Appeals Office.

Accident and Emergency Services.

78. **Deputy Olwyn Enright** asked the Minister for Health and Children when the accident and emergency unit at the Midlands Regional Hospital, Portlaoise will open; if the unit will open at full capacity or on the same basis as the current unit; and if she will make a statement on the matter. [5820/08]

79. **Deputy Olwyn Enright** asked the Minister for Health and Children her views on the fact that the accident and emergency unit at the Midlands Regional Hospital, Portlaoise is under staffed with resultant health and safety issues for the patients and staff; and if she will make a statement on the matter. [5821/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 78 and 79 together.

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 issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

Medical Cards.

80. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she will seek guarantees from the Health Service Executive that the medical card public counter service currently provided at a health centre (details supplied) in Dublin 24 will be retained; if her attention has been brought to the importance of this local service to the community; and if she will make a statement on the matter. [5824/08]

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 addressed and to have a reply issued directly to the Deputy.

Hospital Services.

81. **Deputy Deirdre Clune** asked the Minister for Health and Children the reason adult patients are unable to access general anaesthetic dental treatment at Cork University Hospital; and if she will make a statement on the matter. [5848/08]

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.

Vaccination Programme.

82. **Deputy Denis Naughten** asked the Minister for Health and Children if she has received

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the final report from the vaccine damage working group; the recommendations of same; and if she will make a statement on the matter. [5854/08]

Minister for Health and Children (Deputy Mary Harney): The Group is continuing with its consideration of this matter, and is consulting with a number of representative bodies and individuals. I look forward to receiving its report and recommendations shortly.

Health Reports.

83. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the report, Taking the first steps to a Healthier Fettercairn, launched in September 2007; and the actions she will take to address the many serious issues raised in the report. [5860/08]

Minister for Health and Children (Deputy Mary Harney): I am conscious of the complex range of social and environmental circumstances which affect Fettercairn and a number of other disadvantaged urban areas around the country. The health services have a key role to play in working with communities and a range of other statutory and non-statutory interests to ensure a co-ordinated and integrated response in such areas.

I am also aware of the research study entitled “Taking the First Steps to a Healthier Fettercairn” which was launched in 2007. In this regard, the Health Service Executive (HSE) has indicated that it met with Fettercairn Community Project Team on 26th November 2007 to discuss and progress implementation of the report’s recommendations on health services. The HSE continues to liaise closely with the Project Team. The Primary Care Strategy aims to develop services in the community to give people direct access to integrated multi-disciplinary teams of general practitioners, nurses, home helps, physiotherapists, occupational therapists and others.

It has been estimated that up to 95% of people’s health and social services needs can be properly met within a primary care setting and the establishment of new Primary Care Teams can contribute greatly to enhancing community based services. The HSE received additional funding of €40m over the period 2006 to 2008 for the establishment of some 200 primary care teams involving 600 front line professionals. The Programme for Government commits to ensuring that there is a primary care team serving every community, with particular reference to new and rapidly growing areas. The HSE has indicated that it intends to establish 3 Primary Care Teams in the West Tallaght area and that a needs assessment has been commenced to establish the precise needs of the area.

Under the Health Act 2004, the management and delivery of health and personal social services are the responsibility of the Health Service Executive. This includes operational responsibility for the selection and recruitment of general practitioners to provide services under the General Medical Services Scheme and also the selection of locations for Primary Care Teams. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address these matters and to have a reply issued directly to the Deputy.

84. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the possible health implications from dust and rock blasting as raised in the Taking the first steps to a Healthier Fettercairn report launched in September 2007; and if her Department has had contact with the Department of the Environment, Heritage and Local Government on the issue of dust emissions and its possible effect on local residents. [5861/08]

Minister for Health and Children (Deputy Mary Harney): These issues are for the relevant local authority to consider.

Hospital Services.

85. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if Tallaght Hospital has the busiest accident and emergency trauma hospital in the State; and if it is €18.2 million in red and was recently financially penalised by the Health Service Executive. [5880/08]

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 issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

86. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if there is a shortage of six physiotherapists at Tallaght Hospital; and the way this is affecting patients recovery and care. [5881/08]

87. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if there is a shortage of social workers at Tallaght Hospital; and the way this situation is affecting patients and their families. [5882/08]

94. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if there is a shortage of pharmacists in Tallaght Hospital; if this situation is increasing the workload on already overstretched nursing staff; and her views on the possible effect this is having on patient care. [5889/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 86, 87 and 94 together.

Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the number of doctors, nurses and other health care professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the health care needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of the Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Hospital Services.

88. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if, in view of

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the centre of excellence designation being awarded to St. James's Hospital, she will move cancer surgery from Tallaght Hospital from 2009. [5883/08]

Minister for Health and Children (Deputy Mary Harney): The decisions of the HSE to designate four managed cancer control networks and eight cancer centres will be implemented on a managed and phased basis. Prof. Tom Keane took up his post as National Cancer Control Director in November 2007. The delivery of cancer services on a programmatic basis will serve to ensure equity of access to services and equality of patient outcome irrespective of geography. This will involve significant realignment of services to move from the present fragmented system of care to one which is consistent with international best practice in cancer control. Prof. Keane has advised that meetings and discussions are underway with the eight designated centres and with the non-designated hospitals currently providing cancer services, including Tallaght Hospital in order to manage the transition. A detailed transitional plan will be put in place to facilitate the progressive, gradual and carefully managed transfer of services over the next two years or so.

89. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if the removal of overnight beds for sick children from Tallaght Hospital and the proposed move from Our Lady's in Crumlin to the Mater Hospital will mean that there will be no overnight beds for sick children on the south side of Dublin city. [5884/08]

90. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if the proposal to replace the National Children's Hospital in Tallaght with an urgent care centre will mean that there will be no overnight beds for sick children in the hospital. [5885/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 89 and 90 together.

I am aware of the concerns previously raised regarding the level of service to be provided at Tallaght in the context of the development of the National Paediatric Hospital. It should be noted that currently the vast majority of children attending the National Children's Hospital Emergency Department do not require admission, and will continue to access their care at the new Ambulatory and Urgent Care Centre which is to be developed at Tallaght. It has been estimated that when the first Ambulatory and Urgent Care Centre is developed at Tallaght it will cater for approximately 48,000 emergency attendances, 9,000 day cases and 58,000 out-patient attendances. Clearly the projected level of activity would change depending on the number of such centres to be developed. My Department has asked the HSE to reply directly on the specific operational issues raised in the Deputy's questions.

Hospital Staff.

91. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if there is only one accident and emergency consultant assigned to Tallaght Hospital despite it being the busiest accident and emergency in the State. [5886/08]

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 issue raised by the Deputy. My Department has requested the Parliamentary

Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

92. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if funding was to be set aside for a new CT scanner in Tallaght Hospital; the status of that proposal; and if the outdated machinery is having a detrimental effect on patient care in the hospital. [5887/08]

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 issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

93. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if one ward in Tallaght Hospital is short seven and a half nurses; if there is any prospect of those positions being filled in the near future; and her views on whether this is having a detrimental effect on access and care in the hospital. [5888/08]

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. It is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 94 answered with Question No. 86.

95. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if Tallaght Hospital is short of an anaesthetist; if this is leading to operations being cancelled or delayed particularly for elderly patients awaiting hip operations; and the steps being taken to resolve this crisis. [5890/08]

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 issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

96. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the waiting time for a hip operation in Tallaght Hospital. [5891/08]

Minister for Health and Children (Deputy Mary Harney): Statutory responsibility for the collation, management and publication of data on waiting times and numbers of persons waiting for surgical procedures rests with the National Treatment Purchase Fund (NTPF). My Department has, therefore, asked the Chief Executive of the NTPF to reply directly to the Deputy in relation to the information requested.

Infectious Diseases.

97. **Deputy Kathleen Lynch** asked the Minister for Health and Children her views on establishing an official register to record deaths from hospital acquired infection; if such a register is in place; if there are proposals to set up a register; her views on whether such a register would allow for accurate data to be compiled to assist in controlling this problem; and if she will make a statement on the matter. [5893/08]

Minister for Health and Children (Deputy Mary Harney): At present I do not have any plans to establish a new register specifically for recording deaths from hospital acquired infections. However, the monitoring and control of Healthcare Associated Infections (HCAIs) is a priority for this Government and the HSE. A HCAI is an infection that someone may get after a stay in hospital or after receiving medical treatment. Such infections are most often linked to treatment in hospitals but can happen after treatment in outpatient clinics, nursing homes and other health care settings. The more medical care a person requires, the more likely they are to develop an infection and HCAIs are most common in people with serious illnesses or risk factors, such as patients who require a long period of stay in a health care setting or patients with weakened immune systems.

It is not currently possible to identify the number of fatalities attributable directly or solely to HCAIs as most cases involve significant co-morbidity factors. In November 2006, a coroner's court recorded what is believed to be the State's first verdict of death by MRSA infection. The coroner ordered that deaths due to hospital infections must be reported to the coroner. The proposed Coroners Bill 2007 now defines MRSA as a reportable death. A National Surveillance System has recently been established by the HSE to collect data and provide information on a quarterly basis on four key areas, to monitor HCAIs in our health system:

1. Staphylococcus bacteraemia;
2. Antibiotic consumption;
3. Alcohol gel use;
4. MRSA surveillance in Intensive Care Units.

The data for 2006 is currently being finalised and a report will be released by the Health Protection Surveillance Centre in the near future. This report will include rates of MRSA bloodstream infection, listed by individual hospital. Data for 2007 will be available in early 2008 and MRSA bloodstream infection rates for all publicly funded hospitals will be published quarterly thereafter. All of this will greatly assist in the monitoring of improvements in infection control.

Clostridium difficile, which is another significant HCAI, is not at present a notifiable disease and, as a result, it is difficult to quantify the extent of infection in the health care system. However, Clostridium difficile infection was examined in the Third Prevalence Survey of Health Care Associated Infections in acute hospitals in 2006. The survey found that thirty-six patients had Clostridium difficile representing 0.5% of patients studied. My Department, in conjunction with the HSE, is actively considering the addition of a small number of diseases

including *Clostridium Difficile* to the list of notifiable diseases. This will be finalised as soon as the EU issues a new list of case definitions. In the meantime I am arranging that *Clostridium Difficile* be included as an organism which is notifiable under the category acute infectious gastroenteritis. This will in effect make *Clostridium Difficile* notifiable in the short term.

The HSE launched a National Infection Control Action Plan in March 2007. An Infection Control Steering Group, chaired by Dr. Pat Doorley, National Director (Population Health) is responsible for overseeing the implementation of the plan. Over the next three to five years, the HSE aims to reduce HCAs by 20%, MRSA infections by 30% and antibiotic consumption by 20%. Achievement of these targets will benefit all patients who are at risk. These targets will be achieved through the development of national and local level action plans to reduce the potential for spread of infections between persons in health care settings, and, in addition, will focus on reducing antibiotic use in Ireland. The Steering Group is supported by eight Local Implementation Teams which will ensure that all local facilities are focused on achieving the national targets.

Improvements on hygiene are critical to effective infection control. The Health Information and Quality Authority (HIQA) undertook a comprehensive review of hygiene in our hospitals in 2007 against hygiene standards developed by the Irish Health Services Accreditation Board. HIQA published its report, the National Hygiene Services Quality Review, on 13th November, 2007. The report represents a thorough assessment of how hygiene services are provided and managed in 51 HSE-funded acute care hospitals. Hospitals generally performed well on hygiene in the service delivery area. Most hospitals achieved either extensive or exceptional compliance with the standard in the service delivery section of the report. However, the results were poor on governance.

While the good hygiene practice of front line staff highlighted in the report is vital, real improvement in this whole area also depends heavily on good leadership and a system of governance. HIQA is currently working with managers and clinicians to develop national standards for Infection Prevention and Control. When completed these, along with the national hygiene standards, will provide a comprehensive framework to help reduce the spread of infection and improve the quality of our health care. While accepting that not all HCAs are preventable, I am satisfied that significant steps are being taken to reduce the rates of infections and to treat them promptly when they occur.

Health Services.

98. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Wicklow who is anxious to be seen by the orthodontist as they have been diagnosed as needing treatment for their dental condition; if they will be seen as a matter of urgency; and if she will make a statement on the matter. [5894/08]

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.

Care of the Elderly.

99. **Deputy Willie Penrose** asked the Minister for Health and Children the number of people over 66 years in Dublin 1, 2, 3, 4 and 5; the number of people over 66 years in Wicklow, Kildare/west Wicklow, in Laois/Offaly and in Longford/Westmeath; the number of public bed

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facilities available for elderly people in each of the foregoing geographical areas; and if she will make a statement on the matter. [5895/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): The 2006 Census of Population records that there were 122,369 people in the age category 65 plus living in the Dublin/Mid-Leinster region. It also records that there were 92,487 people in this category living in the Dublin/North East Region. The recently published 2006 Survey on Long Stay Activity Statistics (available on the Department's website) provides a summary of individual long stay units, including the geographical information requested. A copy of the report has been posted directly to the Deputy. I would also like to advise the Deputy that the HSE has indicated that it will be opening an additional 100 long stay beds early in 2008 in a new Community Nursing Unit at St Mary's Hospital in the Phoenix Park.

Hospital Waiting Lists.

100. **Deputy Michael Ring** asked the Minister for Health and Children when a bed will be found for a person (details supplied) in County Mayo. [5921/08]

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 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.

Nursing Homes Repayment Scheme.

101. **Deputy Denis Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 59 of 29 November 2007 regarding the issue of interest owing to long stay patients, the recommendations and conclusion as a result of these meetings; the estimate of the value of interest which is owed to patients; when repayment will commence; the cost of the administration of this repayment programme; and if she will make a statement on the matter. [5922/08]

Minister for Health and Children (Deputy Mary Harney): The Department has been advised by the Health Service Executive (HSE) that it is progressing with the task of transferring past interest retained on invested Patient Private Property Accounts. A process to undertake this transfer has been agreed and the HSE is now making final arrangements to commence repayments, initially for the period 2005-2006. The Department has been advised by the HSE that it is working on proposals to refund interest retained on the investment of PPP funds prior to 2005. The HSE anticipates that these proposals will be forwarded to the Department as soon as possible for further discussion and agreement. Until these proposals are agreed, the HSE indicated that it will not be in a position to provide estimates of the cost of administering these refunds. The overall estimate for total refund of interest remains as previously advised, approximately €31m or approximately €48m when adjusted for inflation by reference to the Consumer Price Index.

At the most recent meeting of 8 November 2007 on this issue, the Department requested that the HSE should proceed as speedily as possible with proposals to refund past interest retained. The Secretary General also wrote to the HSE on 19 December 2007 asking that the matter be progressed as a matter of urgency.

Health Services.

102. **Deputy David Stanton** asked the Minister for Health and Children the supports and assistance available through her Department or the Health Service Executive for the families and carers of people with acquired brain injury or who have suffered a stroke; and if she will make a statement on the matter. [5939/08]

103. **Deputy David Stanton** asked the Minister for Health and Children the organisations that provide services to people who have suffered stroke or acquired brain injury; the location of these services; the funding from her Department or from State agencies allocated to these organisations in 2007 and 2008 respectively; and if she will make a statement on the matter. [5940/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 102 and 103 together.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Aids and Appliances.

104. **Deputy Denis Naughten** asked the Minister for Health and Children the steps she will take to regulate the private hearing aid sector and to establish the minimum qualifications and training required by persons performing the testing; and if she will make a statement on the matter. [5941/08]

Minister for Health and Children (Deputy Mary Harney): I have no current plans to regulate the provision of hearing aids in the private sector.

North-South Co-operation.

105. **Deputy Joe McHugh** asked the Minister for Transport the efforts made to bring together those with executive responsibilities in Northern Ireland and the Irish Government to develop consultation, co-operation and action within the island of Ireland in the area of road connectivity, in particular the region west of the Bann, which includes Derry city and Letterkenny; if the North South Ministerial Council deems such connectivity as a matter of mutual interest within the competence of the Administrations, North and South, under strand two of the Good Friday Belfast Agreement; and if he will make a statement on the matter. [5751/08]

Minister for Transport (Deputy Noel Dempsey): The Irish Government has agreed to make available funding of €580 million to provide for a major upgrade of roads within Northern Ireland serving the North West Gateway of Letterkenny/Derry. The project is being taken forward under the auspices of the North-South Ministerial Council.

106. **Deputy Joe McHugh** asked the Minister for Transport the efforts made to bring together those with executive responsibilities in Northern Ireland and the Irish Government to develop consultation, co-operation and action within the island of Ireland in the area of high speed rail connectivity, in particular the region west of the Bann, which includes Derry city and Letterkenny; if the North South Ministerial Council deems such connectivity as a matter of mutual interest within the competence of the Administrations, North and South, under strand two of the Good Friday Belfast Agreement; and if he will make a statement on the matter. [5752/08]

Minister for Transport (Deputy Noel Dempsey): I refer the Deputy to my reply to Question No. 1897/08 on 12 February which sets out, inter alia, the position, in relation to responsibility for capital projects and programmes. The North-South Ministerial Council in its transport sectoral format has considered a wide range of cross border transport issues including, in relation to railway services, the Dublin-Belfast Railway link and railway safety. It has not discussed the area of high speed rail connectivity either generally or in relation to the region west of the Bann.

107. **Deputy Joe McHugh** asked the Minister for Transport the action, in chronological order, he, his Department or the North South Ministerial Council have taken for North-South co-operation in relation to strategic transport planning; and if he will make a statement on the matter. [5763/08]

Minister for Transport (Deputy Noel Dempsey): The main forum for such co-operation in strategic transport planning is through the Transport Sector of the North South Ministerial Council. Since taking office I have attended two meetings of that Sector, one on the 14th September 2007 and the other on the 12th December 2007.

Rail Network.

108. **Deputy Tom Hayes** asked the Minister for Transport the position regarding Tipperary town station and its train lines; the plans for repair and upkeep of these train lines; the plans for development of the station itself; the breakdown of the stages; the budget for this work; and when he expects the work to start. [5712/08]

109. **Deputy Tom Hayes** asked the Minister for Transport the position regarding Limerick Junction and its train lines; the plans for repair and upkeep of these train lines; the plans for development of the station itself; the breakdown of the stages ; the budget for this work; and when he expects the work to start. [5714/08]

Minister for Transport (Deputy Noel Dempsey): I propose to answer Questions Nos. 108 and 109 together.

The maintenance and development of the railway network including railway stations, is a matter for Iarnród Éireann. I understand from the company that, as part of its ongoing programme of works:

- Track renewal and re-signalling works are currently underway at Limerick Junction to improve the efficiency of the Dublin-Cork InterCity mainline operations through the junction;
- Tipperary Town station, which is on the Limerick Junction to Waterford regional line, is benefiting from ongoing track renewal works;
- All Iarnród Éireann stations, including Limerick Junction and Tipperary Town station, are being upgraded to provide improved accessibility for all customers;
- Limerick Junction is served by 10 trains per day to Dublin, 10 to Cork, 8 to Limerick and 4 to Waterford.
- Tipperary Town station has 4 services a day each way to Waterford and Limerick Junction

Motor Insurance.

110. **Deputy Michael Kennedy** asked the Minister for Transport if his attention has been drawn to the less comprehensive legal requirements of mandatory insurance in eastern European countries and the possible ramifications this has for foreign insured drivers here and Irish insured drivers who have accidents in these eastern European regions; if there are plans to tackle same; and if he will make a statement on the matter. [5715/08]

Minister for Transport (Deputy Noel Dempsey): Under the EU Motor Insurance Directives a single policy covering third party insurance cover is required to operate a mechanically propelled vehicle anywhere within the EU. Under these Directives a non-national driver in Ireland or an Irish driver in another EU State with third party insurance are equally covered. The Gardaí have responsibility for enforcing the law in relation to motor insurance within the State. For countries outside the EU, Irish drivers are advised to consult their motor insurance provider to ensure adequate cover before driving in such countries.

Public Transport.

111. **Deputy Michael Kennedy** asked the Minister for Transport if his attention has been drawn to the recent presentation to the Joint Committee on Transport relating to quality bus corridor pinchpoints where buses experience the longest delays and the reason for them; if action is being taken to combat these areas, particularly at an area (details supplied); when bus operators can expect to see these pinchpoints improved as per SIPTU report's recommendations; and if he will make a statement on the matter. [5716/08]

Minister for Transport (Deputy Noel Dempsey): I understand that the Quality Bus Network Project Office of Dublin City Council has sent to the Chairman of the Joint Oireachtas Committee on Transport a statement in relation to the actions being taken to deal with the list of Pinch Points which was submitted to the Committee by SIPTU. In relation to the Whitehall Church location, Dublin City Council is currently carrying out a major Quality Bus Network scheme on the Swords Road between Collins Avenue and Iveragh Road which involves road widening to provide a continuous bus lane between Whitehall Church and the existing bus lane south of Iveragh Road. It is a difficult construction scheme due to the need to relocate underground services and maintain traffic flows on the Swords Road. It is expected that the scheme will be completed by the end of August 2008.

Driving Tests.

112. **Deputy Joe Carey** asked the Minister for Transport if his Department will fulfil his commitment to clear the backlog of 122,000 driving test applications by early March 2008; the structures in place to allow for a driving test sitting within ten weeks from June 2008; and if he will make a statement on the matter. [5731/08]

Minister for Transport (Deputy Noel Dempsey): Responsibility for driver testing was transferred to the Road Safety Authority (RSA), under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006). The arrangements in relation to driver testing are therefore a matter for the RSA.

113. **Deputy Joe McHugh** asked the Minister for Transport the rules and regulations with regard to first, second and third provisional drivers licence holders; and if he will make a statement on the matter. [5735/08]

Minister for Transport (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006), driver licensing is a matter for the RSA, and full details of licence requirements are available on their website www.rsa.ie

114. **Deputy Joe McHugh** asked the Minister for Transport the legal situation for drivers from Northern Ireland holding provisional licences travelling in the Republic of Ireland; and if he will make a statement on the matter. [5738/08]

115. **Deputy Joe McHugh** asked the Minister for Transport the legal repercussions of driving in Northern Ireland on a provisional licence with reference to annex B of the Belfast Agreement which calls for scope in structural co-operation between the criminal justice agencies on both parts of the island; and if he will make a statement on the matter. [5740/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 114 and 115 together.

Arrangements for the mutual recognition of driving licences within the EU are governed by the provisions of EU Directive 91/439 which provides for the mutual recognition of full EU driving licences but not learner permits or provisional licences. The learner permit issued in this State and the provisional licence issued in Northern Ireland only have effect in the jurisdiction in which they are issued.

Airport Development Projects.

116. **Deputy Olivia Mitchell** asked the Minister for Transport the progress that has been made towards the development of autonomous airports for Shannon and Dublin; and if he will make a statement on the matter. [4900/08]

Minister for Transport (Deputy Noel Dempsey): The State Airports Act, 2004 provides the framework for the establishment of Shannon, Cork and Dublin as independent airports. Under the Act, both the Minister for Finance and I will have to be satisfied as to the state of operational and financial readiness of the three airports before any vesting of assets can take place. The actual timing of airport restructuring will depend on the creation of the appropriate conditions that will ensure the financial sustainability of each of the three State Airports. The restructuring process will require coordinated strategies for the achievement of operational and financial readiness of each airport. In this regard, the Dublin Airport Authority (DAA) has a key role to play in finalizing the financial framework and coordinating the individual business plans for the three airports that will enable airport separation to take place.

The three Airport Authorities recently submitted their draft business plans to the DAA and I understand that discussions are underway between the parties on the content of the plans. Their plans and the DAA's views on them are currently being considered within my Department and I hope to be in a position to make a decision on the matter in the near future.

Consular Services.

117. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the progress made on an investigation (details supplied); the plans his Department has to provide further assistance to the family during the investigation; and the support and assistance that will be given to the family from the Irish consulate. [5868/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): As the Deputy will be aware from my reply to him of 27 September 2007, my Department has provided extensive consular assistance to the family of the person concerned since his tragic death in Lanzarote on 1 August 2007.

Officials from our Consular Section, our Embassy in Madrid and our Honorary Consulate in Lanzarote have maintained direct contact with the family and have assisted in making significant progress on a wide range of practical and sensitive issues.

As the Deputy will appreciate, the investigation into the circumstances surrounding the death is a matter for the Spanish authorities. My Department was informed yesterday that the court judge had decided to request the police to provisionally close the case as there was no evidence that the death was caused as result of a crime. I understand that a term of three days has been given to appeal this Court resolution. This decision has been communicated to the family. The Embassy and Honorary Consulate will remain in contact with the Spanish authorities on the implications of the decision and will communicate any further developments to the family immediately. I can also assure the Deputy that my Department will continue to provide all possible consular assistance to the family.

Industrial Development.

118. **Deputy Joe McHugh** asked the Minister for Enterprise, Trade and Employment the reason there are no grants available for people to set up small new businesses in rural areas; and if he will make a statement on the matter. [5745/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The 35 County and City Enterprise Boards (CEBs) were set up in 1993 to provide support for micro-enterprises 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. The CEBs deliver a series of Programmes to underpin this role and they can provide both financial and non-financial assistance to a project promoter.

The Boards are widely dispersed geographically and provide a single point of contact at local level for new and established small businesses. Rural areas of the country are served by and benefit from, the full range of Enterprise Board grant supports and entrepreneurial development programmes. Subject to certain eligibility criteria urban and rural enterprises may access assistance and support from the CEBs. The forms of financial assistance which are available, subject to certain restrictions, include Capital Grants, Employment Grants and Feasibility Study Grants. The provision of non-financial assistance can take the form of a wide range of business advice such as Programmes covering Business Management, Mentoring, E-commerce, Enterprise Education, and Women in Business networks.

While the provision of enterprise supports can play an important role in terms of community and rural development, I am anxious to ensure that the provision of such supports is delivered in a manner that complements rather than duplicates the activities taking place within the areas of responsibility of any other Department or enterprise support body or agency. Accordingly, there has been in place for a number of years now a local-level sectoral protocol between CEBs and Local Action Groups implementing LEADER-type actions.

In 2008 the Capital allocation for the 35 CEBs stands at over €20m. This will enable the Boards to continue to be actively involved in the area of economic development and will ensure that available funds are targeted to maximise entrepreneurial development at both an urban and rural level. This will be done not just by direct grant aid to businesses and project promoters but also through the provision of a range of other important business supports such as mentoring, business training and business advice all of which help to stimulate indigenous enterprise creation.

Work Permits.

119. **Deputy Bernard J. Durkan** asked the Minister for Enterprise, Trade and Employment when a work permit will issue to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [5777/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department informs me that a work permit has now issued in this case.

120. **Deputy Bernard J. Durkan** asked the Minister for Enterprise, Trade and Employment the procedure to regularise the position in the case of a person (details supplied) in County Kildare whose employment in the EU concluded and who now is a health worker; and if he will make a statement on the matter. [5778/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section has indicated that they have no record of a valid application in this case. However, if an application is submitted it will be considered on its own merits.

121. **Deputy Finian McGrath** asked the Minister for Enterprise, Trade and Employment if he will assist persons (details supplied) in Dublin 3. [5852/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department informs me that this application was refused on the grounds that the position on offer is currently one of the occupations ineligible for an employment permit. In addition it appears that the proposed employee has already been in employment without a valid employment permit. An appeal was received in the Employment Permits Section on the 12th February, 2008. A decision will be made on this appeal in the near future.

Job Creation.

122. **Deputy Aengus Ó Snodaigh** asked the Minister for Enterprise, Trade and Employment the new measures he proposes to introduce to tackle a growing problem (details supplied), particularly in the manufacturing sector; and if he plans to introduce new supports or initiatives to the area. [5866/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Over the last number of years there has been churn in employment as is typical of a developed, open, and dynamic economy such as Ireland's. Ireland is no longer a low cost economy and manufacturers in particular are facing increased competition from producers in lower cost economies. Other sectors, especially the services sector, are providing significant new employment opportunities. Since 1997, over half a million new jobs were created in Ireland and the number in employment now exceeds 2.1 million.

The manufacturing sector in Ireland has evolved noticeably since 2000, in terms of the composition of industry and the nature of activities, and is likely to continue to do so. Manufacturing continues to be a significant employer accounting directly for 11% of total employment and a significant amount of associated services employment. In order to sustain and grow the sector, the Irish based manufacturing enterprises will have to continue the progression to high value added sectors and activities, and continue to increase productivity through investments in human capital, technology and innovation. Irish manufacturers who engage in specialised, sophisticated, high technology and value added activities can continue to compete successfully on international markets. These sectors often require specialised skilled staff, specialised technologies and flexible operations, and other factors which are not readily available in many

low cost economies, such as modern IP protection laws, a business friendly regulatory environment, etc.

Many companies in Ireland have built world-class high value added manufacturing and services capabilities, particularly in food, information and communications technology, software development, pharmaceuticals and medical technologies. Ireland's existing expertise provides a base for continued wealth creation over the next decade and we envisage that Ireland's manufacturing base will continue to move up the value chain. As part of the commitments included under the partnership agreement 'Towards 2016', I established the High-Level Manufacturing Group, to review the challenges facing the manufacturing sector and to identify further measures to meet those challenges. This Group is currently in the process of finalising a report outlining their views and recommendations to ensure that manufacturing continues to play a major role in our economy and will report back to Partnership within the next two months.

The new Programme for Government contains a range of commitments focussed on maintaining and enhancing our framework competitive conditions, and promoting new areas of competitive advantage, including developing our R&D base, investing in critical physical and communications infrastructures, and promoting tertiary education and lifelong learning. Over the period of the new National Development Plan the Government will provide €3.3bn investment specifically to support the development of the indigenous and FDI enterprise base.

Job Losses.

123. **Deputy Jack Wall** asked the Minister for Enterprise, Trade and Employment the action he is taking to overcome the loss of employment in Athy, County Kildare due to the closure of a company (details supplied); the reason the Industrial Development Authority has only created three visiting itineraries to the area in relation to employment creation in the past five years; the reason he has not invited any of the development officers or council officials of the local authority of the area to accompany him on all of the trade missions that he has undertaken under his brief since he became Minister, to permit such officials the opportunity to seek employment opportunities; and if he will make a statement on the matter. [5879/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The National Training and Employment Authority, FÁS, will be giving immediate attention to the workers at the company in Athy who are losing their jobs and will be making contact with the company to offer its full range of services to all staff who wish to avail of its assistance. It is a matter for companies themselves to decide which sites they wish to visit and where they wish to locate their business. Large multinational Companies attracted to Ireland tend to be concentrated in the Pharmaceuticals, Healthcare and Internationally Traded Services sectors and prefer to locate in high population centres which have full educational and infrastructural requirements.

The National Spatial Strategy aims to achieve a better balance of social, economic and physical development across the country. The Strategy proposes that areas of sufficient scale and critical mass will be created through a network of gateways and hubs. If Ireland is to continue to be successful in bringing about a large proportion of investments outside of the larger cities and towns, the focus will need to have a regional rather than a local bias. The Industrial Development agencies have been very successful in the past in attracting industry and employment opportunities to Co. Kildare as a whole. I am confident that they will continue to do so in the future and that this approach will benefit the town of Athy.

The Trade Missions that I have led since becoming Minister are undertaken with the assistance of Enterprise Ireland, who invite relevant company clients to participate. The purpose of

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such missions is to facilitate these companies to develop their exporting potential and to enable them to meet partners and business contacts. There is not, therefore, any scope for the participation of Development Officers or other County Council officials on such missions, as the development of exports is undertaken by reference to individual exporting companies, not geographic areas. Likewise, such missions would not be an appropriate mechanism to seek employment opportunities for specific regional areas.

North-South Co-operation.

124. **Deputy Joe McHugh** asked the Minister for Arts, Sport and Tourism the action, in chronological order, he, his Department or the North South Ministerial Council have taken for North-South co-operation in relation to tourism; and if he will make a statement on the matter. [5758/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): North South cooperation on tourism has been ongoing for a number of years and continues on a regular basis between the relevant Departments north and south and the respective tourism agencies. As the Deputy will be aware, tourism was specifically identified in the Good Friday Agreement as an area of cooperation. Even before the Agreement however, there was significant co-operation in tourism and joint marketing started in the mid 1990s through the Overseas Tourism Marketing Initiative (OTMI). The establishment of Tourism Ireland however, as a North South Body responsible for marketing the island of Ireland overseas has, in my opinion, been an impressive example of the tangible benefits to be achieved from closer more structured economic collaboration on this island.

Since assuming full responsibility for marketing the island overseas in the 2001/2002 period, the company has grown to become a professional, sophisticated international marketing organisation which is widely respected by its peers and the international tourism and travel trade in its main markets. The company has been highly successful in terms of attracting overseas visitors. It is estimated that the tourism industry on the island is now worth in excess of €6.5 billion per annum and well over 9 million overseas visitors came to the island last year alone. In terms of recent developments, on the 8th November last I met with the Minister for Enterprise, Trade and Investment in Northern Ireland, Nigel Dodds MP, at the first North South Ministerial Council meeting in Tourism Sectoral format since the restoration of the Northern Ireland Executive and Assembly. At this meeting, we approved Tourism Ireland's Business Plan for 2008 and its Corporate Plan for the period 2008 — 2010. These plans set ambitious targets for the continued growth of tourism to the island of Ireland which, if achieved, will result in up to 10.6 million visitors to the island by 2010 with an associated €16 billion in tourism revenues over that 3 year period.

On the development side, my Department has been working with the tourism agencies, the Department of Enterprise Trade and Investment in Northern Ireland and the Special EU Programmes Body to advance the selection of tourism projects which may benefit from funding under the next round of the EU Interreg Programme. This work has generated a number of agreed themes for tourism cooperation such as:

- Access, accessibility and dispersal
- Transnational & UK Links
- Tourism product development, major projects and attractions
- International Competitiveness (businesses, skills and capacity)

- Marketing & E Commerce
- Green Tourism Standard.

Another recent example of north/south cooperation on tourism was the hosting of Rally Ireland last November which was supported by both the Irish (through Fáilte Ireland's International Sports Tourism Initiative) and Northern Ireland authorities. The rally route took in eight counties on both sides of the Border and it is estimated that the event was seen by 800 million television viewers in 180 countries. These viewers got to see some of the most scenic landscapes on the island including the lake lands of Sligo, Leitrim, Tyrone and Fermanagh and the Atlantic coast roads of Donegal. The decision to award a further round of the Rally in 2009 to the island of Ireland was a strong endorsement of the success of last year's event.

North/South cooperation on tourism exists on a less formal basis in areas such as education and training; product marketing and publicity; tourism statistics and research; E-business and e-marketing; and accommodation standards. A variety of initiatives are being developed and pursued by the tourism agencies across these areas to enhance the level of cooperation that already exists. These are just some examples of the variety of North-South initiatives underway to develop tourism on this island. For my part, I am fully committed to the development of North-South cooperation at all levels and I am ready to support any new opportunities that may emerge in this regard in the future.

Swimming Pool Projects.

125. **Deputy Frank Feighan** asked the Minister for Arts, Sport and Tourism the position in relation to developments on Ballaghaderreen swimming pool, County Roscommon; when the project is expected to commence; and if he will make a statement on the matter. [5822/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The current round of the Local Authority Swimming Pool Programme, which is administered by my Department, provides grant aid to a maximum of €3.8 million towards the capital costs of new swimming pools or the refurbishment of an existing pool. There are four principal stages in developing a swimming pool project following the submission of a feasibility study. These, in order of progress, are: Preliminary Report; Contract Documents; Tender and Construction. Grant-aid is allocated only when tenders have been approved for the project. The Department and its technical advisors, the Office of Public Works, evaluate each stage and local authorities cannot proceed to the next stage of a project without my prior approval.

Following the submission of a Feasibility Study by Roscommon County Council in relation to a proposal for a swimming pool in Ballaghaderreen, I agreed last October that the Council may now proceed to the preparation of a detailed Preliminary Report and Design Brief in relation to the project. This is now awaited in my Department.

Employment Statistics.

126. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the number of people directly and indirectly employed in the sporting sector of the Irish economy; and if he will make a statement on the matter. [5872/08]

128. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the value of the sporting sector to the economy annually; and if he will make a statement on the matter. [5875/08]

131. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the number of voluntary staff who work in sporting organisations here; and if he will make a statement on the matter. [5878/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): I propose to take Questions Nos. 126, 128 and 131 together.

The Deputy will be aware that I have no direct responsibility regarding the compilation of employment statistics. I am, however, informed by the Central Statistics Office (CSO) that the information requested by the Deputy is not available. The CSO has informed me that, while it compiles extensive statistics on employment, sectoral data are compiled using the NACE classification, which is the standard EU classification for economic activity and, that due to the fragmented and diverse nature of Sports, it is not identified as a sector within the classification. The Deputy will also be aware that the Irish Sports Council (ISC) was established on a statutory basis on 1 July 1999 with responsibility for the promotion and development of sport.

Under Section 6 of the Irish Sports Council Act 1999, the functions of the Council include (i) Section 6(1)(e) “where the Council considers it appropriate to do so, to initiate and encourage research concerning either or both competitive sport and recreational sport” and (ii) Section 6(1)(f) “where the Council considers it appropriate to do so, to facilitate research and disseminate information concerning either or both competitive sport and recreational sport”. In that regard, in 2003 the ISC commissioned the Economic and Social Research Institute (ESRI) to undertake studies on its behalf. The second report in the series entitled “Social and Economic Value of Sport in Ireland” was published in 2005. In this report, it was estimated that the number of volunteers involved in sport in 2003 was in the region of 400,000 persons.

Also in that report it was estimated that the following four areas of activity (i) volunteers, (ii) membership subscriptions to sports clubs, (iii) attendance at sports events and (iv) spending on sports equipment, sports clothing and related costs of playing sport, generated approximately €1.4 billion per annum. The report also suggested that further additions, such as tourism, government spending and horse and greyhound racing, increased that estimate to €1.86 billion per annum.

127. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the number of people directly and indirectly employed in the arts and cultural sector of the economy; and if he will make a statement on the matter. [5874/08]

130. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the value of the arts and cultural sector to the economy annually; and if he will make a statement on the matter. [5877/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): I propose to take Questions Nos. 127 and 130 together.

At present there is no definitive measure of the number of people directly and indirectly employed in the arts and cultural sector of the economy. The Central Statistics Office does not currently publish figures specifically for the arts and cultural sector and I intend to pursue this issue with the CSO. In the meantime, I am considering conducting a research exercise to establish the number of people employed in the sectors and the economic impact of the arts and culture sector.

Question No. 128 answered with Question No. 126.

Tourism Industry.

129. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the value of the tourism sector to the economy annually; and if he will make a statement on the matter. [5876/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): As the Deputy will be aware, the compilation of statistical data relating to economic activities in the State is primarily a matter for the Central Statistics Office. Fáilte Ireland produces an annual summary of Tourism Facts. The most recent year for which full data is available is 2006. According to Fáilte Ireland, in 2006 out-of-state tourist expenditure, including spending by visitors from Northern Ireland, amounted to €4 billion. With a further €0.66 billion spent by overseas visitors on fares to Irish carriers, total foreign exchange earnings were €4.66 billion. Domestic tourism expenditure amounted to €1.4 billion making tourism in total a €6 billion industry in 2006. The comparative figures for 2007 will be available later this year.

Question No. 130 answered with Question No. 127.

Question No. 131 answered with Question No. 126.

North-South Co-operation.

132. **Deputy Joe McHugh** asked the Minister for Social and Family Affairs the action, in chronological order, he, his Department or the North South Ministerial Council have taken for North-South co-operation in relation to social security and social welfare; and if he will make a statement on the matter. [5757/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The main areas of North-South co-operation undertaken by my Department are as follows. In June 2002 the North South Ministerial Council (NSMC) Plenary agreed that a dedicated cross-border website be established to counteract the complexity and difficulty people found in accessing relevant information on a range of issues from social security and taxation rights to housing and education. This work is being taken forward by the Cross Border Mobility Information Group, made up of officials from the two Administrations and the Joint Secretariat in Armagh. My Department is represented on the Group. Funding of €173,000 for the project was approved in July 2006 under the Peace II programme, and the contract to develop this website awarded to the Centre for Cross Border Studies (CCBS).

The website, www.crossbordermobility.info, is structured around the four concepts of “Commuter”, “Work”, “Live”, and “Study” and includes information on public sector issues such as taxation, social security and job seeking, health and education as well as private sector issues such as banking, housing and telecommunications. The site, which is a tangible and practical example of the two Governments working together for the benefit of citizens, North and South, has been available to citizens since 2007. The strengthening links with Northern Ireland and direct contact between the respective social welfare organisations are very important. For the past number of years my Department has hosted a number of Information Seminars in partnership with the Department of Social Development (DSD) and the Social Security Agency (SSA) in Northern Ireland. The objective of the Seminars is to provide frontline staff with the level of information needed to promote and increase benefit uptake within both jurisdictions by sharing information and good practice, and developing links between the two organisations and the voluntary sectors.

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Themes covered in past Seminars include Pensions and Disabilities (2003), Families with particular emphasis on Carers and Lone parents (2004), “Best Practice” within both Departments, and issues relating to posted workers (2005), and the challenge of providing social services in multi-ethnic society, with a particular focus on the migrant worker mobility in 2006. The theme for the 2007 Seminar was “Supporting people in older life”. In addition, the ninth annual Social Welfare Summer School was held in the National University of Ireland, Maynooth College, between 12th-18th August 2007. This joint venture between my Department and DSD, which is hosted alternately by each jurisdiction, aims to provide staff in both Departments with the opportunity to study a specific policy theme in an academic setting.

The all-Ireland Free Travel Scheme for senior residents in all parts of the island was introduced on foot of a commitment in the previous programme for Government (2002-2007). It enables certain people in each jurisdiction to travel free of charge within the other jurisdiction. Seniors (over 66) resident in the Republic can travel free of charge on all bus and rail services in Northern Ireland and this travel is funded by the Northern authorities. Likewise, seniors (over 65) in Northern Ireland can participate free of charge in the Free Travel scheme here in this State.

The scheme was launched on 2 April 2007. Funding by this Department is expected to rise to €1.9 million this year. While it is not possible to predict precisely the number of customers likely to participate in the scheme, approximately 220,000 cross-border journeys are undertaken each year by an estimated 40,000 passengers, and it is hoped that take up of the scheme will be high. Common text, which appears in Ireland’s National Action Plan for Social Inclusion 2007-2016 and in Northern Ireland’s Lifetime Opportunities: Government’s Anti-Poverty and Social Inclusion Strategy for Northern Ireland, outlines how the UK and Irish Governments are committed to developing and promoting co-operation in relation to combating poverty and social exclusion. It commits Ireland and Northern Ireland to preparing a Joint Report to include: an overview of areas of existing North/South co-operation; areas potentially suitable for further cooperation; and advice on the mechanisms by which this work might be undertaken and delivered.

The common text also appeared in the Irish and UK’s National Strategies for Social Protection and Social Inclusion (NSSPI), covering the period 2006 to 2008, which were submitted to the EU by each Member State in September 2006. In February 2007, approval was given by the British Irish Inter-Governmental Conference (BIIGC) to continuing North/South joint work to alleviate ‘social exclusion, poverty and deprivation to help create a more inclusive society on the island of Ireland’. Finally, Officials of my Department continue their long-standing practice of liaising with their counterparts in Northern Ireland and other jurisdictions on matters relating to controlling abuses of social welfare schemes.

Social Welfare Benefits.

133. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when arrears of basic payment will be granted to a person (details supplied); and if he will make a statement on the matter. [5781/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Health Service Executive has stated that the matter is currently under review with the Executive’s Appeals Office and has advised that the person concerned will be informed of the outcome of its decision in due course.

Social Welfare Payment System.

134. **Deputy Pádraic McCormack** asked the Minister for Social and Family Affairs if he proposes to proceed with the switching from book to swipe card payment for a number of social welfare payments; if his attention has been drawn to the fact that these proposed changes will result in further marginalisation of social welfare recipients who chose to collect their payments at the post office in cash and that all recipients will have to attend in person to sign for their payments as their payment dockets will not be transferred to their agent to collect on their behalf; his views on whether it will cause hardship to some people that the proposed changes will only mean that the dockets are valid for 20 days while under the old system they were valid for three months and sometimes at Christmas and back to school times where some social welfare recipients used this as a type of saving method, for example, children's allowance dockets are valid for six months and this is also proposed to be reduced; and if he will make a statement on the matter. [5697/08]

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 interests of developing a world-class payments environment in Ireland. In this context, the National Payments Implementation Program Advisory Group, under the aegis of the Department of An 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 at a local post office or to a bank or building society account; 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 Post Office, bank or financial institution. The remaining customers are paid by paper based payment instruments — cheques, post drafts or personal payment order books. The Department is implementing a three-year strategy to change paper based payment instruments to electronic payments at post offices and financial institutions. The programme is being implemented on a phased basis to coincide with book renewal production schedules and as personalised payable order books expire.

Concerns have been raised about the position of customers who use “agents” to collect their payments. The Department is aware of these concerns and have put in place arrangements to continue using book payments in these cases. 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 underway to inform customers of the change in payment methods and to allay fears and concerns which they may have regarding the use of Social Services Cards to collect their payment at post offices. It should be noted that the use of the Social Services Card will be possible at all post offices.

Excluding agent related customers, all other customers are 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 them. An Post and the Irish Postmaster's Union (IPU) are committed to assisting customers in the use of cards for collecting their payment. 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, Citizens Information Centres and throughout the Department's local office network. In addition, the change from paper to electronic payment will be a key

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element of all public information events, seminars and information briefings being carried by my Department in the coming year.

Customers, who collect their payment at a post office, will present their Social Services Card and sign for their payment in the normal way. Payments can be collected up to 60 days after the due date in the case of pensioners and up to 100 days for child benefit recipients. Certain other customers have 20 days to collect their payment which is considered to be the optimum time for collection of a weekly means based payment. After these times the payments go out of date and are returned to the Department. Where a payment is not collected in time the Department can be contacted and a replacement payment made as appropriate. An Post has a number of savings products available at post offices which offer customers additional benefits and security.

Social Welfare Benefits.

135. **Deputy Paul Gogarty** asked the Minister for Social and Family Affairs the options open to a person (details supplied) in County Dublin whose rent has been recently increased by their landlord and now surpasses the rental cap who cannot find alternative accommodation in the locality and who may be forced to declare themselves homeless. [5701/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): Rent supplement is administered on my behalf by the Health Service Executive (HSE) 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.

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. The Health Service Executive has advised that it has awarded a rent supplement to the person concerned. The Executive has also advised that it has exercised its discretionary power to pay a rent supplement in excess of the specified rent limits, due to the exceptional circumstances of this case.

Pension Provisions.

136. **Deputy Michael Ring** asked the Minister for Social and Family Affairs his proposals to provide a pension for women who were debarred from continuing work in the Civil Service from the 1960s to the 1980s on marrying; and if he will make a statement on the matter. [5775/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Government is anxious to ensure that as many people as possible can be accommodated within the social welfare pensions system, with due regard being paid to the contributory principle underlying entitlement to contributory payments and, in the case of non-contributory payments, the need to ensure that resources are directed to those who are most in need. Over the last 10 years, means tests have been improved and qualifying conditions for contributory payments made easier. Many women in both the private and the public sector left employment on marriage because they were required to, or because that was the societal norm at the time. Civil servants who

left the workforce through the operation of the marriage bar were not insured for social welfare pension purposes. Accordingly, the loss of pension rights in their case relates more to their occupational position rather than social welfare pension entitlements.

That said, the Green Paper on Pensions which I published on 17th October includes a full discussion on the social welfare pension position of women who had to resign due to the marriage bar. In this context, the Green Paper sets out a range of reforms including the use of universal entitlements and back-dating the homemakers scheme. A consultation process on the Green Paper is now underway and will remain open until mid 2008. The Government will respond to the process by publishing a framework for future pensions policy and I expect that this will happen towards the end of the year. Decisions in relation to those who are not at present receiving support through the social welfare system, including those who had to leave employment on marriage, will be considered in that context.

Social Welfare Benefits.

137. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs, further to his reply to Parliamentary Question No. 116 of 22 November 2007, the reason his Department has failed to address the issue of arrears of €2,000 in respect of rent which can only be resolved by means of a once off payment to meet their exceptional needs; if he will address this aspect of the case; and if he will make a statement on the matter. [5799/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Health Service Executive has advised that the person concerned is in receipt of a rent supplement (in addition to a one parent family payment) at the maximum rate payable appropriate to her circumstances. The Executive have further stated that the person concerned was advised by the Community Welfare Officer (CWO), to contact the local Money Advice and Budgeting Service (MABS). The person concerned met the MABS representative in January 2008 in order to discuss her situation. A number of options relating to the repayment of the rent arrears were discussed and the person concerned was asked to contact the MABS office again to discuss these options further. The MABS office in Kildare has informed my Department that the person concerned contacted the MABS office last week with a view to arranging a resolution to the issue.

Additionally my Department has asked the CWO to contact the person concerned again to arrange a meeting to see if her circumstances have changed since their last meeting. The CWO has already advised the person concerned that she should proceed with an agreed course of action, in consultation with the MABS.

Social Welfare Code.

138. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the protection his Department has under social welfare regulations, legislation or guidelines to ensure that social welfare recipients in receipt of recent family increases in Budget 2008 do not have the percentage rise clawed back by a local authority increasing its rent by a similar amount as to the budget rise; if, in determining social welfare payments in general the percentage of social welfare payments is determined by him as possible rent or accommodation payments; and if fuel or living alone allowances are included; and if he will make a statement on the matter. [5919/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The determination of rents payable under the terms of the differential rent scheme and the income to be assessed for this purpose is the responsibility of the relevant local authority and is subject to broad principles, as laid down by the Department of Environment, Heritage and Local Government. I under-

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stand that guidelines issued by that department to local authorities indicate that no more than 15% of any increase in social welfare payments should be absorbed by an increase in rent.

Entitlement to rent supplement, administered by the Health Service Executive on my behalf, is determined on the basis of the circumstances of each individual case, including accommodation costs and the income of the applicant. Income from social welfare payments in excess of the rate of supplementary welfare allowance appropriate to family size is generally assessed as means for the purposes of the rent supplement scheme. Income from allowances such as fuel and living alone is not assessable as means. Special arrangements are applied to income from pensions and carers allowance, enabling people in receipt of those payments to receive a higher amount of Rent Supplement than would otherwise be the case.

Payment is normally calculated to ensure that the person, after payment of the rent has a weekly income equal to the rate of supplementary welfare allowance appropriate to his or her circumstances, less €13. This €13 represents the minimum contribution which all applicants are required to pay towards accommodation costs from their own resources. Because the calculation is based on the current rate of Supplementary Welfare Allowance, Budgetary increases in that rate do not lead to a reduction in rent supplement payment rates.

North-South Co-operation.

139. **Deputy Joe McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs the action, in chronological order, he, his Department or the North South Ministerial Council has taken for North-South co-operation in relation to inland waterways; and if he will make a statement on the matter. [5756/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Waterways Ireland was set up in December 1999 under the British-Irish Agreement Act 1999 to manage the inland navigable waterways, primarily for recreational purposes. Waterways Ireland has responsibility for the management, maintenance, development and restoration of the following navigable waterways: the Barrow Navigation; the Erne System; the Grand Canal; the Lower Bann Navigation; the Royal Canal; the Shannon-Erne Waterway; the Shannon Navigation.

Since its establishment, the body has been carrying out these functions, in line with business and corporate plans approved periodically by the North/South Ministerial Council. Most recently, at a meeting of the North/South Ministerial Council on 17 October last, approval was granted to Waterways Ireland to proceed with the restoration of the stretch of Ulster Canal from Upper Lough Erne to Clones. If the Deputy requires further information in respect of any particular aspect of the body's operations, I will be happy to request the CEO to provide this to him directly. I should add that the annual report and accounts of Waterways Ireland are laid before the Houses of the Oireachtas.

140. **Deputy Joe McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs the action, in chronological order, he, his Department or the North South Ministerial Council has taken for North-South co-operation in relation to urban and rural development; and if he will make a statement on the matter. [5761/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I wish to advise the Deputy that a group consisting of representatives of the Department of Community, Rural and Gaeltacht Affairs, the Department of Agriculture and Rural Development Northern Ireland and the Special E.U. Programmes Body meets on a regular basis to review progress on projects under the LEADER Programmes. A total of 9 cross-border co-operation projects were

approved in the 2000-06 round of funding. It is anticipated that there will be continued good progress under the Co-operation measure in the Rural Development Programme for Ireland 2007-2013.

Furthermore a Steering Committee on Cross Border Rural Development (SCCBRD) was established to promote the maximum co-operation in the implementation of rural development programmes and on EU programmes, to exchange information on experience and best practice in both jurisdictions in relation to rural development, and to examine the scope for a common approach to the feasibility of developing cross-border area based strategies and rural development research. SCCBRD continues to focus on the maximum co-operation in the implementation of rural development and EU programmes, including PEACE and INTERREG, and on rural policy issues. A meeting of this Committee is scheduled for Monday, 18 February 2008.

Officials from my Department also attend the NSMC Agriculture Sector Working Group meetings. My officials are attending the next working group meeting scheduled for today, 14 February 2008. I attended the NSMC Agriculture Sectoral meeting on the 9 November 2007, and will be attending the forthcoming meeting on 30 April 2008. My Department has also funded the Programme for Peace and Reconciliation (Peace 2 and Interreg 3A) since 2002. The Peace 2 Programme seeks to address the legacy of the conflict and to help promote a stable and normal society where opportunities arise. The Interreg 3A Programme aims to develop cross border co-operation. Six cross border Measures under these programmes have been implemented by Border Action on behalf of the Department in co-operation with partners in Northern Ireland.

Two of the cross border Peace measures support projects which focus on the development of cross border reconciliation and understanding, and projects which promote joint approaches to social, education, training and human resource development. While two rural Peace measures have sought to address cross border agriculture and rural development co-operation including cross border community development, and cross border farm diversification. The rural Peace measures closed in March 2007. My Department also fund two Interreg 3A measures which provide support for projects under a rural development initiative and social community infrastructure. All projects under the Programme for Peace and Reconciliation are due to be completed this year.

Question No. 141 answered with Question No. 28.

Question No. 142 answered with Question No. 15.

Dormant Accounts Programme.

143. **Deputy Bernard Allen** asked the Minister for Community, Rural and Gaeltacht Affairs when a decision will be made by Pobal on an application made on 14 November 2007 by a committee (details supplied). [5695/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Among the priority measures approved by Government for assistance under the 2007 Dormant Accounts Programme is one providing funding for community based supports for older people. The closing date for receipt of applications was late November 2007 and over 360 applications were received, including one from the organisation in question. The applications are currently being assessed and as soon as this process is completed, I will bring recommendations to Government for approval in accordance with the legislative provisions.

Departmental Programmes.

144. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he proposes to increase expenditure and funding to the RAPID programme; and if he will make a statement on the matter. [5809/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I refer the Deputy to my reply to Oral Question Number 17 & 54 which I have answered earlier today.

145. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he proposes to increase funding or extend the scope of the RAPID programme; and if he will make a statement on the matter. [5810/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy is aware, the CLÁR Programme is a targeted investment programme for rural areas, which was launched in October 2001. The areas covered by the Programme were reviewed in 2002 and, more recently, in 2006 and as a result, CLÁR now covers parts of 23 counties with Kildare, Wexford and Dublin now being the only counties not included in the programme. CLÁR benefits a population of nearly 727,000. I have no plans at present for a further extension of the Programme. A number of new measures are under consideration by my officials at present.

With regard to expenditure, a budget of €21 million has been allocated to the programme for 2008. Under the NDP, the CLÁR sub-programme is to be allocated in the region of €141 million in the period 2007-2013 for the on-going regeneration of rural areas suffering from population decline.

Questions Nos. 146 to 148, inclusive, answered with Question No. 39.

Youth Services.

149. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he proposes to increase expenditure under the various programmes operated by his Department in County Kildare with particular reference to youth services; and if he will make a statement on the matter. [5815/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): As the Deputy will be aware my Department provides funding for a wide range of projects and services, through a number of programmes and schemes in Co. Kildare, including projects with a particular reference to “youth services”. Funding is available for “youth services” projects under the Programme of Grants for Community and Voluntary Organisations, the LEADER programme, RAPID programme, the Local Development and Social Inclusion Programme and from the Regional Drugs Task force in Co Kildare. Each of these schemes and grant programmes are governed by rules and eligibility criteria, which projects have to meet in order to qualify for funding. Details of the schemes and programmes, along with the rules and eligibility criteria are available on the Department’s website www.pobail.ie

Details of funding available can also be accessed on the website. I am satisfied that the allocations are sufficient to meet the funding commitments approved for these schemes.

Question No. 150 answered with Question No. 39.

Departmental Programmes.

151. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht

Affairs the number of applications for funding received by his Department for County Kildare in 2008; his proposals to respond; and if he will make a statement on the matter. [5817/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware my Department operates a wide range of programmes and schemes, details of which are available on the Department's website at www.pobail.ie. A number of these schemes and programmes are administered, on behalf of the Department by various groups and bodies, and accordingly applications for funding are made directly to these groups and bodies. In relation to the Deputies request for the number of applications for funding received by my Department in 2008 from Co. Kildare, I can confirm that two applications for funding from Co. Kildare were received directly by the Department under the Scheme of Community Support for Older People.

152. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals to address urban or rural social or economic deprivation throughout County Kildare in 2008; and if he will make a statement on the matter. [5818/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware my Department operates a wide range of programmes and schemes, across the state, including in Co. Kildare. Details in relation to these programmes and schemes, including measures delivered by my Department to address urban or social or economic deprivation across the state, including Co. Kildare are available on the Department's website, www.pobail.ie.

Question No. 153 answered with Question No. 53.

North-South Co-operation.

154. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food the action, in chronological order, she, her Department or the North South Ministerial Council have taken for North-South co-operation in relation to agriculture, animal and plant health; and if she will make a statement on the matter. [5753/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): There has been one North South Ministerial Council (NSMC) Agriculture Sectoral meeting since the NSMC Plenary meeting in July last year. This sectoral meeting was held in Donegal on 9th November 2007. In relation to animal health and welfare, the Council

- recognised the important work that has been undertaken to develop an all-island Animal Health and Welfare Strategy;
- noted the all-island Animal Health and Welfare Strategy paper developed by the North/South Animal Health and Welfare Steering Group and which includes a list of initial activities for delivery of key elements of the strategy with various milestones and deadlines for the immediate period ahead;
- agreed that the way forward is through co-operation and the development of complementary policies;
- agreed that the free movement of animals on the island continues to be the ultimate aim of an animal health and welfare strategy; and

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- requested officials to continue to oversee progress on delivery of the initial activities of the Strategy and to identify further issues to progress the Strategy for approval at the next NSMC sectoral meeting.

In relation to co-operation on plant health, the Council

- welcomed the close North/South co-operation on plant health;
- agreed that the focus of this co-operation should continue to be the status of pests and diseases threatening the island's plant health; research developments on diagnostic tools and eradication measures; new items of EU or national legislation; and co-operation on EU matters;
- noted that the Department of Agriculture and Rural Development is developing a plant health strategy for Northern Ireland which will include a section on North/South co-operation consistent with DAFF plant health strategies; and
- agreed that the work of the North/South Pesticide Steering Group should focus on the production of co-ordinated pesticide usage surveys for grassland and fodder crops and for arable crops.

On Common Agriculture Policy issues, the Council:

- agreed that officials should remain in close contact on a range of key CAP issues including the EU Commission's recent adoption of a single Common Market Organisation, the reform of the Fruit and Vegetable sector and the forthcoming CAP "Health Check" to examine how the CAP reforms of 2003 have worked as a result of EU enlargement and other changes;
- noted that future NSMC meetings will consider and review common challenges and opportunities arising from the EU dimension of agriculture.

The next NSMC Agriculture Sectoral meeting is scheduled to take place in 30th April in Enniskillen.

Grant Payments.

155. **Deputy Dan Neville** asked the Minister for Agriculture, Fisheries and Food if she will look favourably on an application for a single farm payment for a person (details supplied) in County Limerick. [5700/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named applied for the 2007 Single Payment Scheme on 25 April 2007. He also submitted an application to consolidate his entitlements on 26 April 2007. On 10 December 2007, the applicant was notified that his application to consolidate his entitlements was rejected as he had previously consolidated his entitlements and he did not declare sufficient eligible hectares in 2007 to meet the requirements of Article 7 of Commission Regulation (EC) No 7956/2004. In accordance with the provisions of Article 7, an applicant must declare at least 50% of the average number of hectares farmed during the 2000 to 2002 reference period in order to be eligible to consolidate his or her entitlements.

The person named lodged an application to add additional land to his application on 21 January 2008. He was informed that under the EU Regulations governing the Single Payment

Scheme, the land could not be added to his application after 9 June 2007. Under the Regulations, it was possible to accept amendments, received on or before 31 May 2007, adding eligible land to the 2007 Single Payment application. It was also possible to accept amendments from that date until 9 June 2007 subject to the penalty provided for in the Regulations.

The legal requirements of the Single Payment Scheme in so far as the submission of late amendments to an application are concerned have been fully explained to the person named and his agent. He has been advised of his rights of appeal and the procedures to follow in submitting an appeal.

156. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the position in relation to a person (details supplied) who is waiting to be awarded their REP scheme payment; if this will be awarded; and if she will make a statement on the matter. [5723/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named is a participant in REPS 3. 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.

157. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in payment of the early payment in relation to REP scheme two, three and four which affects up to 40,000 posts; and if she will make a statement on the matter. [5736/08]

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.

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Payments to REPS 4 farmers under contracts which commenced in 2007 are beginning to issue this week.

158. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when her attention will be brought to the proposed changes in payment arrangements for the REP scheme; if she informed the relevant farming bodies of same; and if she will make a statement on the matter. [5827/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The farming organisations were made aware in December 2007 of the fact that the EU Regulations governing REPS 4 might, if applied strictly, require a departure from the existing practice of paying REPS participants in full at the beginning of each contract year. My officials informed them that they were making every effort to persuade the Commission that the existing practice should continue for REPS 4.

In the course of 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. I was informed of this and my officials immediately began to engage with the Commission seeking to resolve the problem. At a meeting with the Commission in Brussels on 25 January, my Department's position was set out in considerable detail. I met with Commissioner Fischer Boel on 29 January when she was in Dublin for the Annual General Meeting of the IFA and made clear my concerns about the seriousness of the situation and the need for an early solution. 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.

159. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their REP scheme payment. [5829/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named is a participant in REPS 3. 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.

Rural Environment Protection Scheme.

160. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the way the proposed rearrangements under the REP scheme and in particular in relation to the existing

participants in REP scheme two and three accords with her Department's contractual obligations under the scheme with these participants; and if she will make a statement on the matter. [5830/08]

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.

161. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the number of farmers in REP scheme two and three affected by the proposal to change the payment arrangements in each county; and if she will make a statement on the matter. [5831/08]

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 and awaiting release. The information requested is set out in tabular form below.

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

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County	Payments approved for REPS 2 participants	Payments approved for REPS 3 participants
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

Grant Payments.

162. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when a REP scheme payment will be made to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [5849/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application for REPS 4 from the person named was received in my Department on 19 December 2007. His contract cannot therefore commence before 1 January 2008. As regards REPS 4 contracts commencing on or after 1 January 2008, my Department is in discussions with the European Commission as to whether the previous practice of paying farmers at the start of each contract year in REPS can continue. 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.

Payments to REPS 4 farmers under contracts which commenced in 2007 are beginning to issue this week.

Crop Losses.

163. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the contingency plans that have been and are in place for the outbreak of brown rot in potatoes here; and if she will make a statement on the matter. [5896/08]

164. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food if her attention has been drawn to the three potato growers in County Wexford whose crop has been locked up because of being contaminated with brown rot. [5897/08]

165. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the financial aid package in place for three potato growers in County Wexford whose crop has been contaminated with brown rot in potatoes; and if she will make a statement on the matter. [5898/08]

166. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food when potato growers whose crop has been contaminated with brown rot in potatoes will receive financial aid; and if she will make a statement on the matter. [5899/08]

167. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food if she and her officials will meet the potato farmers and grocers whose crop has been locked up with brown rot in potatoes; and if she will make a statement on the matter. [5900/08]

168. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the restrictions that have been placed on potato growers and farmers whose crop has been contaminated with brown rot in potatoes; the aid her Department has provided to these farmers; and if she will make a statement on the matter. [5901/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I propose to take Questions Nos. 163 to 168, inclusive, together.

Brown rot is caused by the bacterium *Ralstonia Solanacearum* and results in yield losses in host plants and the rotting of tubers. The disease poses no risk to human or animal health. The handling of this disease is governed by EU legislation, which is being followed by my Department in this case. My Department has also had a contingency plan in place for some time prior to this outbreak.

Brown rot was for the first time found on Irish produced potatoes in September 2007. Since then the Department has implemented its contingency plan for a brown rot outbreak and has worked tirelessly to control and eradicate this dangerous bacterial disease. Disease prevention notices have been served on growers where the disease has been confirmed. Potatoes may only be moved off the farms involved under permit and under the control of officials from my Department.

My Ministers of State and I have met these farmers on a number of occasions and officials from my Department are in constant contact with the individual potato growers involved, the farming organizations and the potato trade in an effort to control the spread of this disease and to try to address issues faced by the individual farmers concerned. The latest such meeting took place last evening in my Department and the issues raised are being currently examined.

Farm Waste Management.

169. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the reason her Department's staff mileage expenses are being curtailed when there are a huge number of farm waste management applications awaiting inspection for payment particularly in the west and north west which will lead only to a hold up in farm grants being paid; if there will be sufficient funds available to pay all the farm grants by the end of 2008; and if she will make a statement on the matter. [5903/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I am satisfied that sufficient resources are available in my Department's estimates for 2008 to ensure that the necessary inspections can continue to take place under the Farm Waste Management Scheme and that all financial commitments under the Scheme will be met.

Grant Payments.

170. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be granted their REP scheme payment. [5909/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named is a participant in REPS 3. 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.

[Deputy Mary Coughlan.]

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.

171. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Westmeath will receive their REP scheme payment; and if she will make a statement on the matter. [5936/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named applied for his REPS payment on 30 November 2007. Further information was requested and was received in my Department on 30 January 2008. However, I understand that additional information, related to the compulsory purchase of some of his land, is still required by my officials before processing of the application can be completed. If the application is found to be correct, the timing of the release of payment will depend on the current discussions with the European Commission about REPS payment arrangements.

North-South Co-operation.

172. **Deputy Joe McHugh** asked the Minister for Education and Science the action, in chronological order, she, her Department or the North South Ministerial Council have taken for North-South co-operation in relation to teacher qualifications and exchanges; and if she will make a statement on the matter. [5754/08]

Minister for Education and Science (Deputy Mary Hanafin): This is an important area for North South co-operation in my Department and I look forward to continuing to work closely with my counterparts in Northern Ireland to ensure that the maximum benefit is gained by teachers in Ireland and Northern Ireland through close cooperation and exchange of best practice in the continuing professional development of teachers. In 2000 a Joint Teacher Qualifications Working Group was established under the auspices of the North South Ministerial Council to examine a range of issues related to teacher mobility.

A key area considered as an obstacle to cross border teacher mobility from North to South was the issue of the Irish language requirement for recognition as a primary teacher. Since 2000, significant changes have been made to the requirements for proficiency in the Irish language in respect of teaching posts. Since 2003 the Standing Conference on Teacher Education North and South (SCoTENS) has been funded by the two Education Departments, North and South, and the Department of Employment and Learning. SCoTENS provides support for all-island conferences on social, scientific and environmental education, initial teacher education, citizenship education and special educational needs and for North/South research projects on continuing professional development and on profound and multiple learning difficulties.

The Special Educational Needs Cross Border Professional Exchange Programme, supported by the EU Programme for Peace and Reconciliation in Northern Ireland and the Border

Region of Ireland (Peace II) enabled teachers, principals and educational psychologists, from Northern Ireland and the border counties, to participate in professional exchanges. The project, which resulted in the production of resources being distributed to schools — North and South, ended in 2006. My Department and the Regional Training Unit in the North collaborated on North/South leadership conferences over a three year period. Most recently in 2007 a two day conference was held in Cavan. Under the auspices of the Organisation for Economic Co-operation and Development (OECD), the two Education Departments North and South jointly hosted a conference on School Leadership Development Strategies in November 2007.

Higher Education Grants.

173. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if a person (details supplied) in Dublin 15, an applicant for naturalisation has sufficient research qualifications to obtain a higher education grant; and if she will make a statement on the matter. [5784/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department funds three maintenance grant schemes for third level students which are administered by the Local Authorities and the Vocational Education Committees. These are the Higher Education Grants Scheme, the Vocational Education committees' Scholarship Scheme, the Third Level Maintenance Grants Scheme for Trainees and the Maintenance Grants Scheme for Students attending Post Leaving Certificate Courses. The Higher Education Grants Scheme is administered by the Local Authorities. The other three schemes are administered by the Vocational Education Committees.

Under the terms of the maintenance grants schemes grant assistance is awarded to students who meet the prescribed conditions of funding including those which relate to age, residence, means, nationality and previous academic attainment. As the decision on eligibility for a higher education grant is a matter for the relevant local authority or VEC to determine it will be necessary for the candidate referred to by the Deputy to contact their local authority/VEC directly to have their eligibility assessed.

174. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if residency status in the case of a person (details supplied) in County Dublin will enable their son to qualify for an education grant when he has his leaving certificate in June 2008; and if she will make a statement on the matter. [5793/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department funds three maintenance grant schemes for third level students which are administered by the Local Authorities and the Vocational Education Committees. These are the Higher Education Grants Scheme, the Vocational Education committees' Scholarship Scheme, the Third Level Maintenance Grants Scheme for Trainees and the Maintenance Grants Scheme for Students attending Post Leaving Certificate Courses.

The Higher Education Grants Scheme is administered by the Local Authorities. The other three schemes are administered by the Vocational Education Committees. Under the terms of the maintenance grants schemes grant assistance is awarded to students who meet the prescribed conditions of funding including those which relate to age, residence, means, nationality and previous academic attainment. As the decision on eligibility for a maintenance grant is a matter for the relevant local authority or VEC to determine it will be necessary for the candidate referred to by the Deputy to contact their local authority/VEC directly to have their eligibility assessed.

Youth Services.

175. **Deputy Bernard J. Durkan** asked the Minister for Education and Science her proposals to increase funding to the Kildare Youth Services; and if she will make a statement on the matter. [5814/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Six (6) special projects for youth in Co. Kildare that operate under the aegis of Kildare Youth Service are currently in receipt of annual grant-in-aid funding under my Department's Special Projects for Youth Scheme.

Details of these projects are outlined hereunder in tabular form:

Project	2007 Grant
	€
Athy Youth Project	89,494
Ballycane-Sarto (Naas)	105,000
Leixlip Youth Project	105,000
Newbridge Youth Project	120,178
Kildare Town Youth Project	103,845
Curragh Youth Project	60,000
Total	583,517

The focus of financial allocations by my Department in 2007 was on the consolidation of current provision, with particular emphasis on the Special Projects for Youth Scheme, a priority identified by the National Youth Council of Ireland and the Irish Vocational Education Association (IVEA).

In that regard, the baseline for the Ballycane-sarto and Leixlip youth projects was increased to €60,000 and in addition, these two (2) projects were up-graded to two worker status. (The up-grade of projects to two-worker status is one of the recommendations in the National Youth Work Development Plan 2003-2007.) Funding amounting to €45,000 (per project) was made available in 2007 for this purpose with full years costs in 2008 amounting to €60,000. In 2007, a funding increase of 7.5% was sanctioned by my Department for the Athy, Newbridge and Kildare Town Youth Projects. As well as that, the Curragh Youth Project was mainstreamed for funding for the first time in 2007. Funding is also provided by my Department to Kildare Youth Service in respect of a Youth Information Centre in Naas. The 2007 funding allocation in that regard was €66,074. In addition, my Department funds an annual grant-in-aid Scheme for Local Youth Clubs. An amount of €82,120 was made available in 2007 to Co. Kildare VEC in this regard.

Kildare Youth Service have submitted four (4) new applications for funding in 2008 under the Special Projects for Youth Scheme. These applications cover projects in Clane, Celbridge, Co. Kildare Traveller Youth Projects and the Tracking and Mentoring Project for early School Leavers in North-West Kildare. Pending completion of the 2008 funding allocations process and owing to budgetary constraints and the high level of existing commitments in the sector, I am not in a position to make any commitments with regard to funding for new projects.

Pension Provisions.

176. **Deputy Ruairí Quinn** asked the Minister for Education and Science if in the context of the Good Friday Agreement she will explore the possibility of ensuring that a person (details supplied) who has split teaching experience in the public sector on both sides of the Border

could have their reckonable service aggregated in order to maximise their pension entitlement; and if she will make a statement on the matter. [5908/08]

Minister for Education and Science (Deputy Mary Hanafin): Teaching service given in Northern Ireland is not recognised for the purpose of teachers' superannuation awards in this State as there is no agreement at present between the jurisdictions on the transferability of pension entitlements.

However, as the Deputy may be aware, at an Institutional Format meeting of 30 October 2007 the North/South Ministerial Council considered the issue of cross-border pensions mobility and agreed that the Joint Secretariat should convene a working group of officials from relevant Government Departments to explore options for going forward on the transfer of pension rights on a cross-border basis. That working group met in Armagh on 10 January this year and work is now being undertaken to gather evidence on difficulties experienced by teachers in moving between the jurisdictions — North and South — as a result of the inability to transfer pension entitlements. The working group is scheduled to reconvene in March.

Schools Building Projects.

177. **Deputy Denis Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 964 of 30 January 2008 and in view of the fact that the board of management have submitted an application for the funding of emergency works to address serious health and safety issues, if she will approve funding; and if she will make a statement on the matter. [5706/08]

Minister for Education and Science (Deputy Mary Hanafin): The Planning and Building Unit of my Department has no record of an application for emergency funding from the school in question. Should an application be received it will be assessed and the school authorities notified of the outcome without delay.

School Transport.

178. **Deputy Michael Ring** asked the Minister for Education and Science if transport will be provided to a person (details supplied) in County Mayo. [5732/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): My Department has requested a report from Bus Éireann on the background to this case. The matter will be given further consideration as soon as the report is received.

Schools Building Projects.

179. **Deputy Dan Neville** asked the Minister for Education and Science the position regarding funding for an extension to a school (details supplied) in County Limerick. [5733/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, all applications for large scale capital funding, including the application in question are assessed against published prioritisation criteria and assigned a band rating. This proposed project has been assigned a Band 2.2 rating. Progress on projects will be considered in the context of my Department's multi-annual School Building and Modernisation Programme consistent with its band rating.

Special Educational Needs.

180. **Deputy Brian Hayes** asked the Minister for Education and Science her views on provid-

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ing permanent positions for special needs assistants who have served a minimum number of years within a particular school; and if she will make a statement on the matter. [5766/08]

Minister for Education and Science (Deputy Mary Hanafin): The allocation of special needs assistant posts warranted in primary and second level schools is reviewed on an annual basis by the local Special Educational Needs Organisers (SENOs). They are employed by the National Council for Special Education (NCSE). The number of special needs assistants employed in a school may be reduced from full-time to part-time or terminated by way of redundancy where the allocation is reduced. The redundancy agreement was finalised with the assistance of the Labour Relations Commission in 2005.

Revised contracts of employment and terms and conditions of employment were also agreed for the SNAs employed in primary and post primary schools in June 2005. The implementation of the terms of the contracts and the conditions of employment agreed in June 2005 is a matter for each individual school authority as the employer of the SNAs concerned. Officials from my Department and representatives of SNAs meet on a regular basis in relation to matters arising from these agreements in line with normal industrial relations procedures. There are no plans at present to revise the agreements reached in 2005.

Pupil-Teacher Ratio.

181. **Deputy Brian Hayes** asked the Minister for Education and Science the number of classes of either 30 children or more within primary schools in respect of children under the age of nine; and if she will make a statement on the matter. [5767/08]

Minister for Education and Science (Deputy Mary Hanafin): Data in respect of the number of classes broken down by class size and age of pupils are not available. As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are now in the region of 6,000 more primary teachers than there were in 2002. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children. A further initiative in recent years that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 330 such posts have been sanctioned in the 2007/08 school year compared to 280 in 2006/07.

The improvements we have made in school staffing in recent years are absolutely unparalleled. The Government is committed to providing more teachers to our primary schools over the next five years in order to reduce class sizes. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

Teaching Qualifications.

182. **Deputy Brian Hayes** asked the Minister for Education and Science if she will estimate from discussions she has had with the Teaching Council, the number of unqualified teachers

currently teaching in primary and post-primary education here; and if she will make a statement on the matter. [5768/08]

Minister for Education and Science (Deputy Mary Hanafin): The information is currently being compiled in my Department and will be forwarded directly to the Deputy.

Schools Building Projects.

183. **Deputy Brendan Howlin** asked the Minister for Education and Science the number of small scale building works which are required to be undertaken and funded at a school (details supplied) in County Wexford in view of the suspension of the summer works scheme; if her attention has been drawn to the fact that costs have been incurred by this school in preparing projects in expectation that they would be under the summer works scheme; if she will review the decision to suspend the summer works scheme; and if she will make a statement on the matter. [5808/08]

Minister for Education and Science (Deputy Mary Hanafin): An application for the Summer Works Scheme 2008 has been received from the school referred to by the Deputy. My Department's circular 0043/2007 regarding the Summer Works Scheme 2008 clearly outlines that the appointment of a consultant to prepare a Technical report must be met in full from a school's own resources. Such a report may be of benefit in the event of future applications for funding.

As the Deputy may be aware, the Summer Works Scheme was introduced in 2004. Since then, over 3,000 projects costing in excess of €300 million have been completed. Considerable extra investment has been provided in the Budget to increase funding for school buildings to almost €600 million this year. With so many small projects having been completed over the past few years, I am focusing on delivering as many large scale projects as possible in 2008. There is not, therefore, a new Summer Works Scheme as part of our building programme this year.

184. **Deputy Frank Feighan** asked the Minister for Education and Science the date she will announce the design batch for schools amongst which Ballinamore is to be included; and if she will make a statement on the matter. [5823/08]

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 building for the school referred to by the Deputy. The progression of all projects, including the project in question, will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

185. **Deputy Pádraic McCormack** asked the Minister for Education and Science the position regarding the provision of a school building for a school (details supplied) in County Galway; and if she will make a statement on the matter. [5851/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is currently at early architectural planning. A stage 2 submission was reviewed by Officials from my Department and some clarification has been requested from the Design Team. The progression of all large scale building projects from initial design stage through to tender and construction, including this project, will be considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

Departmental Expenditure.

186. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the amount of State funding allocated to private minority religious schools per annum. [5857/08]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy is being compiled by officials in my Department and will be forwarded to the Deputy as soon as it is available.

Site Acquisitions.

187. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if, in view of the high demand for places in a school (details supplied) in Dublin 24, her Department is actively looking to identify a new site in the catchment area for the Gaelscoil. [5858/08]

Minister for Education and Science (Deputy Mary Hanafin): The Department are in receipt of an application for major capital works from the school to which the Deputy refers. The proposed project will be considered in the context of the Multi- Annual School Building and Modernisation Programme.

Communications Masts.

188. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science her views, in view of the growing health concerns surrounding the siting of telecommunications masts near schools for both pupils and staff, on contacting South Dublin County Council for an update in relation to the illegal mast located beside a school (details supplied) in Dublin 24. [5859/08]

Minister for Education and Science (Deputy Mary Hanafin): The Planning and Building Unit of my Department has not received any correspondence from the school in question concerning the location of telecommunications masts adjacent to the school building. The Deputy will be aware that the drafting of Planning and Development Regulations relating to mobile phone masts is a matter for the Minister for Environment, Heritage and Local Government. The erection of such masts is subject to normal planning regulations which are administered by the relevant Local Authority, in this case South Dublin County Council. I am aware that the Department of Environment, Heritage and Local Government issued guidelines on Telecommunications Antennae and Support Structures to planning authorities in 1996 and that these guidelines are still in place.

In 2005 the Oireachtas Joint Committee on Communications, Marine and Natural Resources issued a report titled “Report on non-ionising radiation from mobile phone handsets and masts”. On foot of the recommendations of the report that Department established an inter-departmental committee to examine the health effects, if any, of non-ionising radiation. I understand that this committee in their report concluded that no adverse short or long-term health effects have been found from exposure to the radio frequency signals produced by mobile phones and base station transmitters.

Schools Building Projects.

189. **Deputy Brian Hayes** asked the Minister for Education and Science if the devolved grant will be in place for 2008; when she expects to invite applications from schools for this grant in 2008; and if she will make a statement on the matter. [5904/08]

Minister for Education and Science (Deputy Mary Hanafin): Decisions regarding the allocation of funding in respect of the devolved scheme referred to by the Deputy will be taken in

due course, in the context of my Department's School Building and Modernisation Programme.

School Enrolments.

190. **Deputy Jack Wall** asked the Minister for Education and Science the guidelines or procedures laid down by her Department for a situation (details supplied); the mechanisms available to ensure that the student is able to enrol in a secondary level school; and if she will make a statement on the matter. [5911/08]

Minister for Education and Science (Deputy Mary Hanafin): Enrolment in individual schools is the responsibility of the managerial authority of those schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools that are not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act. However, in formulating an admissions policy a school must ensure it is lawful. In particular, it must act in accordance with Section 7 of the Equal Status Act 2000 which, subject to very limited exceptions, prohibits schools from discriminating against people in relation to a number of matters including the admission of a pupil to the school. Currently, under Section 29 of the Education Act 1998, parents of a student who has been refused enrolment in a school may appeal that decision to the Secretary General of my Department where an appeal is upheld the Secretary General is empowered to direct the school to enrol the student.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Energy Resources.

191. **Deputy Joanna Tuffy** asked the Minister for Education and Science the number of primary and post-primary schools that use renewable energy for the purposes of heating the school building or the school's water supply; and if she will make a statement on the matter. [5923/08]

192. **Deputy Joanna Tuffy** asked the Minister for Education and Science the number of primary and post-primary schools that use oil fuel central heating; and if she will make a statement on the matter. [5924/08]

193. **Deputy Joanna Tuffy** asked the Minister for Education and Science the number of primary and post-primary schools that use gas central heating; and if she will make a statement on the matter. [5925/08]

194. **Deputy Joanna Tuffy** asked the Minister for Education and Science the number of primary and post-primary schools that do not have insulated walls and attics; and if she will make a statement on the matter. [5926/08]

195. **Deputy Joanna Tuffy** asked the Minister for Education and Science the number of primary and post-primary schools that do not have double glazed windows; and if she will make a statement on the matter. [5927/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 191 to 195, inclusive, together.

The information sought by the Deputy is not readily available. However, my Department is reviewing renewable options for energy generation in schools through a number of research projects including, Tory wind turbine project, Interreg solar hot water heating projects and Biomass wood pellet / wood chip boiler and solar projects. My Department would encourage schools to consider the use of wind generated electricity which is available nationally through the National Grid. This in effect allows the school to benefit from the environmental and lower cost benefits of wind generated electricity without being exposed to operating and maintenance issues and reliability of supply.

With respect to energy programmes that would compliment environmental work currently taking place under the green flags initiative for the past nine years the Planning and Building Unit within my Department have been using a process called the DART approach (Design, Awareness, Research, and Technology) to develop sustainable and energy efficiency in educational buildings. The policy is driven by technical guidance documents, informed by building unit professional and technical staff, external partnerships and updated by continued energy research and development.

Rather than develop a unique focus on energy design my Department has taken a more holistic approach and have developed their technical guidance on energy efficiency in school designs as an integral part of the suite of technical guidance documents. These guidelines encourage the design team to take a complete design team approach from project conception. The incorporation of low energy design has been done on a hybrid basis by maximising natural resources and utilising technologies. This involves focusing on areas such as natural ventilation, passive solar design, day lighting and reducing infiltration, enhanced insulation, lighting and heating controls and water efficiency.

The focus to date on sustainability in schools has been to reduce the energy demand in schools. This has proven quite successful with modern day schools typically using three times less energy than schools built ten years ago and also using less than half the energy than what is termed as good international practice for schools.

School Curriculum.

196. **Deputy Joanna Tuffy** asked the Minister for Education and Science the way primary and post- primary curricula incorporates awareness of the need to conserve energy; and if she will make a statement on the matter. [5928/08]

Minister for Education and Science (Deputy Mary Hanafin): Social, Environmental and Scientific Education (SESE) is a specific area of learning at all levels in the primary school and incorporates the subjects of History, Geography and Science. The aims of social environmental and scientific education include to

- To foster an understanding and concern for the interdependence of all humans, all living things, and the Earth on which they live
- To foster a sense of responsibility for the long term care of the environment and a commitment to promote the sustainable use of the Earth's resources through his/her lifestyle and participation in collective environmental decision-making

Environmental Awareness and Care and Caring for the Environment are specific strands featured at every level of the primary Science and Geography curricula respectively. The content

ranges from keeping the classroom tidy and caring for toys, disposing of litter, and appreciating that people share the environment with plant and animal life in the infant classes, to understanding ecosystems and the impact of human activity on the environment, becoming aware of the need to conserve resources, and the impact of science and technology in familiar contexts by sixth class. Global environmental issues such as farming practices, traffic congestion, pollution, ozone depletion, global warming etc are featured by sixth class. In History students study life, society, work and culture in the past, and its impact over time.

At second level, these subjects are continued at both junior and senior cycle level. In addition, the general themes of stewardship, respect for others and ethical and responsible decision-making are featured strongly in other subjects such as Social, Personal and Health Education, Civic Social and Political Education, Enterprise, Home Economics and Business Education. For example within Home Economics, issues such as management of the environment, renewable and non-renewable resources, recycling, pollution, social economic and technological change and its impact on families, housing (including energy efficient homes) are covered.

Environmental and Social Studies is one of the recommended areas of experience in the Transition Year programme. Within the Leaving Certificate Applied Programme, Science and the Environment is featured as part of the Science curriculum. Overall, education for sustainable development is a significant theme underpinning many subjects within the curriculum in our schools.

Special Educational Needs.

197. **Deputy Olwyn Enright** asked the Minister for Education and Science the reason a school (details supplied), an ABA school in County Galway had to secure funding through the court in 2002, and the budget for this school has been reduced on a yearly basis; the further reason each child is offered less than in 2002; and if she will make a statement on the matter. [5929/08]

198. **Deputy Olwyn Enright** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) was established in 2002 as a consequence of a court hearing costing the Government €2.2 million defending the case; the reason her Department does not support the school with proper buildings and facilities; if her attention has further been drawn to the fact that the school is forced to work from two domestic dwellings 5 km apart from each other; when her Department will provide proper facilities for this school; and if she will make a statement on the matter. [5930/08]

201. **Deputy Olwyn Enright** asked the Minister for Education and Science if she will confirm that a centre (details supplied) in County Galway can qualify for capital funding to develop the urgently needed and purpose built premises; and if she will make a statement on the matter. [5933/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 197, 198 and 201 together.

I would like to advise the Deputy that a pilot scheme funded directly through my Department has facilitated the establishment of a number of stand-alone autism units using the Applied Behaviour Analysis (ABA) methodology. The unit referred to by the Deputy is being funded through this scheme.

The Deputy will be aware that the Programme for Government commits to the long-term funding for the centres that are currently in the ABA pilot scheme subject to agreement with my Department on standards that will enable the Department to support them as primary

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schools for children with autism. These discussions include the issue of capital funding. I am pleased to advise the Deputy that discussions on this matter are progressing. My Department is currently in discussions with the centre in question concerning its budget allocation for this financial year. My Department does not comment on the legal costs associated with individual cases.

199. **Deputy Olwyn Enright** asked the Minister for Education and Science the reason ABA tutors, teachers and special needs assistant workers are not entitled to pensions and proper sick pay schemes; and if she will make a statement on the matter. [5931/08]

200. **Deputy Olwyn Enright** asked the Minister for Education and Science if, in view of the affirmation of ongoing State support for the 12 existing ABA centres, she will confirm that it is in order for those centres to accept additional pupils in 2008 and to expand to meet the demands of children and families who have applied for placement; and if she will make a statement on the matter. [5932/08]

202. **Deputy Olwyn Enright** asked the Minister for Education and Science if she will confirm that pupils who so require services can avail of the full ABA programme up to 18 years in the 12 ABA centres; and if she will make a statement on the matter. [5934/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 199, 200 and 202 together.

The Deputy will be aware of my commitment to ensuring that all children including those with special needs can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers who have received additional training in autism, special needs assistants, and the appropriate school curriculum with the option where possible of full/partial integration and interaction with other pupils. As each child with autism is unique it is important that children have access to a range of methods so their broader needs can be met.

In excess of 275 autism-specific classes have now been approved around the country at primary and post primary level by my Department in conjunction with National Council Special Education (NCSE), while more are being set up as required. At primary level there are a maximum of six children in each special class with a teacher and at least two special needs assistants. Extra assistants are provided where the children need them on a case by case basis.

My Department is currently funding a number of ABA pilot schemes which was established in the absence of this network of special classes in our schools. The Deputy will be aware that the pilot programme was established in the absence of the network of special classes that is now in our schools and will not be expanded. We will continue to work to ensure that all children can have access to a broad programme, with provision for ABA as appropriate, in special classes. However, now that a national network of special classes is available, the existing ABA centres will not be expanded under the current arrangements. 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.

The Deputy will be aware that the Programme for Government commits to the long-term funding for the centres that are currently in the ABA pilot programme subject to agreement with my Department on standards that will enable the Department to support them as primary schools for children with autism. I am pleased to advise that the issue is being actively pro-

gressed and my Department officials have met with the IAA on several occasions to progress this matter. While these discussions are ongoing, my Department will not fund any expansion in the number of children attending the centres. Special Schools cater for children up until they are 18 years of age.

I would also like to advise the Deputy that it is a mandatory requirement for all teachers and special needs assistants who are employed in schools recognised by my Department to participate in the State's pension scheme. The issue of pensionability has been raised by the trade union representing staff in ABA centres that form part of the pilot scheme. These issues are the subject of ongoing discussions in the context of the commitment given in the Programme for Government.

Question No. 201 answered with Question No. 197.

Question No. 202 answered with Question No. 199.

Schools Building Projects.

203. **Deputy Denis Naughten** asked the Minister for Education and Science the steps she will take to refund the costs to schools of submitting applications under the defunct summer works scheme 2008; and if she will make a statement on the matter. [5935/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department's circular 0043/2007 regarding the Summer Works Scheme 2008 clearly outlines that the appointment of a consultant to prepare a Technical report must be met in full from a school's own resources. Such a report may be of benefit in the event of future applications for funding.

As the Deputy may be aware, the Summer Works Scheme was introduced in 2004. Since then, over 3,000 projects costing in excess of €300 million have been completed. Considerable extra investment has been provided in the Budget to increase funding for school buildings to almost €600 million this year. With so many small projects having been completed over the past few years, I am focusing on delivering as many large scale projects as possible in 2008. There is not, therefore, a new Summer Works Scheme as part of our building programme this year.

Citizenship Applications.

204. **Deputy Eamon Scanlon** asked the Minister for Justice, Equality and Law Reform the position of an application for citizenship by a person (details supplied) in County Sligo; and if he will make a statement on the matter. [5691/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship section of my Department in August 2007. Applications are generally dealt with in chronological order and this practise is not deviated from except in exceptional circumstances. However, I understand that a submission will shortly be made to my Office for a decision on whether this case might be expedited.

Residency Permits.

205. **Deputy Mattie McGrath** asked the Minister for Justice, Equality and Law Reform the status of an application by a person (details supplied) in County Tipperary for long term residency in the State; when a decision will be made on that application; and if he will make a statement on the matter. [5703/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants. Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the person referred to by the Deputy was received in August 2007 and an acknowledgement has recently issued to him. I understand that applications received in July 2006 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

Road Traffic Offences.

206. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform the number of convictions for driving without a full driving licence, that were handed down to learner drivers from Northern Ireland who travelled on southern roads in the past five years; and if he will make a statement on the matter. [5739/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose.

Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Garda Investigations.

207. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform if he will make available the Garda forensic engineer's report on a fatal accident (details supplied); and if he will make a statement on the matter. [5747/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that persons involved in road traffic collisions, their legal advisers or insurers or other interested parties may, on written request, be supplied with an abstract of the police report, copies of statements of witnesses and sketches or maps of the scene. I am further informed that abstract reports will not be supplied if criminal proceedings are contemplated or initiated. In the case of fatal road traffic collisions the abstracts will not be supplied until the inquest concerning the death has been completed by the Coroner.

In the case referred to by the Deputy, the Garda investigation has been completed, and the Director of Public Prosecutions has directed that there should be no prosecution. With regard

to an investigation initiated by the Health and Safety Authority, Donegal County Council has taken judicial review proceedings. These proceedings are still pending and a final decision by the Director of Public Prosecutions in respect of this aspect of the case has not been made. It is also understood that the inquest into the death of the person referred to will be re-opened, but no date has been set.

Residency Permits.

208. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in Dublin 12, who has applied for long term residency some time ago has not had a decision made regarding their application; and if he will make a statement on the matter. [5773/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants. Time spent in the State on student conditions cannot be counted towards long term residency. An application for long term residency from the person referred to by the Deputy was received on 26th July 2006. 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.

It is noted that the person concerned did not attend her local Immigration office to have her permission to remain renewed since 27th October 2006, therefore she has resided illegally in the State since that date. The Immigration Division of my Department will be in touch with the person concerned outlining the options available to her.

209. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [5782/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned claimed asylum in the State on 2 October, 2001 and had her claim examined by the Office of the Refugee Applications Commissioner, following which it was recommended that she should be recognised as a refugee. Based on this recommendation, the person concerned was advised of my decision to issue her with a formal declaration of refugee status by letter dated 29 July, 2002. This communication also advised the person concerned of the rights and entitlements accompanying refugee status in the State. The person concerned continues to hold the status of refugee in the State.

Citizenship Applications.

210. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when the naturalisation process will be concluded in the case of a person (details supplied) in County Cork who is in full time employment and education; and if he will make a statement on the matter. [5783/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship section of my Department in September 2005. Officials in that section recently wrote to the applicant, requesting further documentation, at the address provided in his application. A further letter has now issued to the address provided by the Deputy. Processing of the application will continue on receipt of the documents requested. I will inform the Deputy and the person concerned when I have reached a decision on the matter.

Visa Applications.

211. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the case of a person (details supplied) in County Kildare whose wife has a permit to work here; and if he will make a statement on the matter. [5786/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Immigration Division of my Department has recently received an application from the person referred to by the Deputy. As soon as a decision is made on the case the person concerned will be notified.

Residency Permits.

212. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of residency status and family reunification in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [5787/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The first named person was given a declaration of refugee status on 24 June 2005, based on the recommendation of the Refugee Applications Commissioner. As a recognised refugee, it would be open to him to make an application for Family Reunification, based on the provisions of Section 18 of the Refugee Act, 1996 (as amended). My Department has no record of having received such an application.

The second named person concerned arrived in the State on 5 July 2002 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), she was informed, by letter dated 19 August 2004, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of submitting written representations to the Minister setting out the reasons why she should be allowed to remain in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

213. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [5788/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 7 May 2003 and applied for asylum on 28 May 2003. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 24 August 2005, that the Minister proposed to

make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

214. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in respect of residency status in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [5789/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 28 August 2000 and claimed asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. The person concerned was informed by a letter dated 22 January 2003 that the Minister proposed to make a Deportation Order in respect of him and afforded him three options in accordance with Section 3(3)(b)(ii) of the Immigration Act 1999 (as amended): namely, to leave the State voluntarily, to consent to the making of a Deportation Order, or to submit, within 15 working days, written representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State, i.e. why he should not be deported.

His case was examined under Section 3(6) of the Immigration Act 1999 (as amended), and Section 5 of the Refugee Act, 1996 (as amended) on the Prohibition of Refoulement. Consideration was given to all representations submitted on his behalf for permission to remain in the State. On 12 July 2004 my predecessor refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. Notice of this order was served by registered post requiring the person concerned to present himself at the Garda National Immigration Bureau, 13-14 Burgh Quay on Tuesday 10 August 2004 in order to make travel arrangements for his removal from the State. He failed to comply with his reporting requirements and was classified as evading his deportation. He should therefore present himself to the Garda National Immigration Bureau without any further delay. The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order remains an operational matter for the Bureau.

215. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of persons (details supplied) in County Meath; and if he will make a statement on the matter. [5790/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Deputy may wish to note that in the details supplied, one of the reference numbers does not correspond with the name provided. I am assuming that the Deputy is referring to the person whose name he supplied. Notwithstanding this, it is not the practice to comment in detail on individual asylum applications. As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on these applications will be made upon receipt of the decision of the Refugee Appeals Tribunal.

216. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [5791/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. While it is not the practice to comment in detail on individual asylum applications, I would point out to the Deputy that delays in finalising cases can occur for a variety of reasons, including giving applicants and appellants the fullest opportunity possible to present their cases and the determination of Judicial Review proceedings, where appellants pursue such a course of action.

Where the latter is relevant, the time taken to discharge any proceedings is a matter for the Courts and is not something I can comment on. It is, of course, open to the applicant or the appellant to withdraw any Judicial Review proceedings which they may have instigated and this would allow for their appeal to be processed in the normal manner. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

217. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of persons (details supplied) in Dublin 15; and if he will make a statement on the matter. [5792/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the person concerned was granted permission to remain in September 2004 under family reunification and has permission to remain until the 30th August 2008. However there is no record of any application in respect of the daughter of the person referred to by the Deputy.

218. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [5794/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 30 August 2002 and claimed asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. The person concerned was informed by letter dated 19 June 2003 that the Minister proposed to make a Deportation Order in respect of him and afforded him three options in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999 (as amended) namely to leave the State voluntarily, to consent to the making of a Deportation Order or to submit, within 15 working days, written representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State i.e why he should not be deported.

His case was examined under Section 3(6) of the Immigration Act, 1999 (as amended), and Section 5 of the Refugee Act, 1996 (as amended) on the Prohibition of Refoulement. Consideration was given to all representations submitted on his behalf for permission to remain in the State. On 11 September 2003 my predecessor refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. Notice of this order was served by registered post requiring the person concerned to present himself to Anglesea Street Garda Station, Cork on Thursday 13 November 2003 in order to make travel arrangements for his

removal from the State. He failed to comply with his reporting requirements and was classified as evading his deportation. He should therefore present himself to the Garda National Immigration Bureau without any further delay.

An application under Section 3(11) of the Immigration Act 1999 (as amended), seeking revocation of the deportation order was lodged by the legal representatives of the person concerned in April of last year. Same is under ongoing consideration in my Department and it is anticipated that the person concerned will be notified of a decision in this matter in the near future.

219. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [5795/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Deputy may wish to note that in the details supplied, the reference number and name do not correspond with each other. I am assuming that the Deputy is referring to the person whose name he supplied. Notwithstanding this, it is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

220. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or anticipated residency status in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [5796/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The applicants referred to by the Deputy applied for asylum on 18 August 2004. Their claims were assessed by the Refugee Applications Commissioner who concluded that they did not meet the criteria for recognition as refugees. The Commissioner's recommendations were communicated to the applicants by letters dated 11 April 2005, and 22 April 2005 respectively. These communications advised the applicants of their entitlements to appeal the Commissioner's recommendations to the Refugee Appeals Tribunal, which they duly did.

The Refugee Appeals Tribunal considered these applicants' appeals, following which the Tribunal affirmed the Commissioner's earlier recommendations to reject their claims. The outcomes of these appeals were made known to the applicants by letters dated 22 January 2008. In accordance with normal procedures, these applicants' files have been forwarded to my Department's Ministerial Decisions Unit for final processing of their asylum claims. Letters will be issued to them from my Department shortly, advising them formally that their asylum claims have been rejected and affording them three options as follows:

1. Return home voluntarily;
2. Consent to the making of a deportation order, or
3. Make written representations the repatriation unit within 15 working days for temporary leave to remain in the state and/or make an application for subsidiary protection under the European Communities (Eligibility for Protection) Regulations 2006 (SI No. 518 of 2006).

221. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position or progress in the matter of residency status in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [5797/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 15 April 2003 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 22 August 2006, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Consideration of the case file of the person concerned is nearing completion and I expect the file to be passed to me for decision in the near future.

222. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if and when residency status is expected to be awarded in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [5798/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 10 June 2003 and applied for asylum on 11 August 2003. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 2 August 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

Citizenship Applications.

223. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will assist persons (details supplied) in Dublin 3. [5853/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As outlined in my reply to Parliamentary Question No. 1135 put down for answer on 30th January 2008, the persons referred to by the Deputy were recently granted permission to remain in the State. The purpose of this permission is to enable an employer to lodge a work permit application on their behalf. It is open to the persons concerned to lodge an application for Citizenship if and when they are in a position to meet the statutory residency requirements applicable at that time.

Closed Circuit Television Systems.

224. **Deputy Mattie McGrath** asked the Minister for Justice, Equality and Law Reform the progress made to date on the pilot scheme announced by his Department in March 2007 to provide capital funding for housing schemes occupied by older persons; if his attention has

been drawn to the benefits this scheme could have if implemented in the designated 12 pilot areas as soon as possible; the reason for the delay; and if he will make a statement on the matter. [5938/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Deputy will be aware that a scheme to provide capital funding for the installation and operation of CCTV systems in local authority housing schemes and housing projects operated by not-for-profit organisations occupied by older persons was announced last year. This scheme will initially operate on a pilot basis, it is intended to include a number of areas which will provide a rural/urban mix and it will also include projects from RAPID areas. The aim of this scheme is to provide protection for elderly persons who would not normally be in a position to provide CCTV systems for themselves. These communities are sometimes affected by criminal and anti-social behaviour around their own homes. I am convinced that CCTV will be an important deterrent and also provide peace of mind to the residents in these areas.

Work on the pilot scheme, including the development of guidelines and technical specifications, is being brought forward by my Department in consultation with the Department of the Environment, Heritage and Local Government, the Irish Council for Social Housing and An Garda Síochána in the context of the ongoing roll-out of the Community-based CCTV scheme. The timetable is linked to the further roll out of the Joint Policing Committees as, in accordance with the Garda Síochána Act 2005, the Joint Policing Committee for the relevant local authority area must be consulted before the local authority can approve an application to the Garda Commissioner for authorisation for a CCTV system. Following consultations with my colleagues the Ministers for the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs I intend to issue, as soon as possible, revised guidelines to enable roll-out of the committees to all local authority areas in the State. The guidelines will provide *inter alia* a timetable for this roll-out.

North-South Co-operation.

225. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the action, in chronological order, he, his Department or the North South Ministerial Council have taken for North-South co-operation in relation to environmental protection, pollution, water quality and waste management; and if he will make a statement on the matter. [5755/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department is undertaking a number of ongoing actions to promote co-operation on North South environmental issues. These are outlined below.

- There is a high level of North/ South co-ordination in relation to water quality matters, particularly in context of the EU Water Framework Directive. The North/South Working Group on Water Quality was set up by the North South Ministerial Council (NSMC) in June 2000 to look at water policy issues. In March 2003 proposals were made for the delineation of International River Basin Districts (IRBDs) under the Water Framework Directive. The proposals were agreed and legislation for transposition of the Directive was enacted in each jurisdiction in December 2003. The NS SHARE (North/South Shared Aquatic Resource), project serves to enhance technical cooperation on implementation of the Directive and reflects the designation of the Island of Ireland as a single eco-region, Ecoregion 17 (Water Framework Directive Annex XI). The project commenced in 2004 and is due for completion in 2008.

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- At the most recent meeting of the North South Ministerial Council in Environment Sectoral Format, on 26 October 2007, the Council agreed that implementation of the Water Framework Directive for the three IRBDs falling within the scope of the Directive should proceed on the basis of single management plans for each IRBD. The Council requested the North South Water Framework Coordination Group of officials, which takes forward this work, to report on progress at its next meeting.
- The NSMC agreed that a co-operative approach should be taken to encourage and support the expansion of waste recycling. The Council agreed that the North/South Market Development Steering Group (NSMDSG) should submit proposals for developing an all-island strategic approach to market development for recyclable material. Since then, both the Department of the Environment in Northern Ireland and my Department have published documents outlining their approach to Market Development. Both documents provide detailed work programmes for each of the Departments over the coming years and highlight the potential for value to be added by all-island market development initiatives.
- At the NSMC Environmental Sector meeting in October 2007 it was decided to establish a newly mandated NSMDSG to drive forward a programme focused on specific deliverables of mutual benefit, exploiting opportunities to benefit from economies of scale. The establishment of the Group is now the subject of ongoing discussions between the Department of the Environment in Northern Ireland and my Department. Ireland will be represented on the Group by officials from my Department and Enterprise Ireland while Northern Ireland will be represented by DOE and Invest NI. Further work is ongoing in finalising the membership arrangements and the Terms of Reference for the Group.
- A new study led by the NSMDSG to determine the feasibility of establishing a paper mill on the island of Ireland was initiated in 2004 and the Phase 1 Study Report was published in August 2006. The feasibility study is the first of two phases and the project was funded jointly by DOE through WRAP (Waste and Resources Action Programme) and my Department. The project was managed by WRAP.
- Provisional findings from the first stage of an interim phase — taking soundings from individual businesses in the sector — indicate that the paper manufacturing/converting and waste management sectors show favourable interest in exploring the establishment of a tissue mill on the island. Consequently a more formal sectoral group meeting will be convened to test this level of interest amongst the key industrial players. It is proposed to hold a special stakeholder meeting to discuss the matter in March 2008. A favourable response would lead to a recommendation being made to NSMDSG to progress Phase 2.
- The EU Regulation on Ozone Depleting Substances (ODS) for domestic fridges and freezers requires the removal of all ODS from waste fridges and freezers on disposal. An all-island contract for an effective system of management, including collection, transportation, storage and treatment in both jurisdictions was agreed and the joint contract was launched by Ministers in April 2004. The scheme proved very successful while in operation and in November 2004 it was declared the winner of the UK National Recycling Awards in the category of “Best Partnership Project for Recycling”. Over 175,000 units were collected for processing under the joint scheme. The contract ended in August 2005,

as the recovery of fridges and freezers is now handled under the scheme which implements the Waste Electrical and Electronic Equipment (WEEE) Directive.

- Officials from my Department and the Department of the Environment Northern Ireland have agreed a Road Map for tackling cross-border movements of waste. The Road Map sets out a mechanism for dealing with waste which has already moved from Ireland to Northern Ireland ('historic waste') and plans for co-ordinated enforcement activities. The Road Map has been welcomed by the European Commission. It commits both sides to co-operating in dealing with this legacy issue. There is ongoing communication between officials from my Department and from the Department of Environment in Northern Ireland with a view to resolving issues to a mutual satisfaction.
- The NSMC commissioned work to set up a joint register of current environmental research projects. In April 2002 the answer (a North/South Website of Environmental Research) website was launched. The website serves as a central information point for all environmental research carried out on the island of Ireland. It includes a shared register of Environmental Data Sources (EDS), to date only populated with information on water data. The website is being maintained on a joint funding basis by the Environmental Protection Agency and the Environment and Heritage Service. Currently answer has around 800 members and over 9000 visits to the site were recorded up to March 2007. At the NSMC sectoral meeting in October 2007 it was agreed to undertake a review of answer/ EDS to consider longer term management options and determine a cost-effective way forward.
- The NSMC agreed that officials should work together to explore and develop opportunities for information exchange and joint environmental education and awareness in raising areas of common interest. Key developments since have included:
 - A series of Colloquiums on Recycling for Environment Awareness Officers from Ireland and local authority Recycling Officers from Northern Ireland.
 - Environment and Heritage Service and Department of the Environment, Heritage and Local Government co-sponsorship of Eco Unesco Young Environmentalist Awards.
 - Sharing of environmental education publications between Environment and Heritage Service and ENFO, resulting in significantly extended series of publications being produced by both organisations.
 - Delivery of a strategic approach to managing invasive alien species of plants and animals that pose a threat to biodiversity. This is being co-ordinated jointly by Environment and Heritage Service (DOE) and National Parks and Wildlife Service (DEHLG).
 - Joint sponsorship between Environment and Heritage Service and Environmental Protection Agency of the Eco Eye environmental television series (RTE1) in January to March 2007.
 - Joint sponsorship between Environment and Heritage Service and border councils (Fermanagh, Newry and Mourne, Armagh, Louth, Cavan and Monaghan) of the Hidden Heritage environmental television series (UTV) in January 2007.
 - The Department of the Environment in Northern Ireland and my Department commissioned the Queen's University Belfast based consultancy Quercus to prepare a

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research report on “Invasive Species in Ireland”. The Report was prepared in March 2006. The recommendations from this report are being progressed through a jointly funded contract over a three year period ending in 2009. A joint steering group has been established comprising experts in this field, and an all-island stakeholder forum was also held in March 2007.

- The production of the joint species action plans is an important element of the work being undertaken to meet the requirements of the EU Habitats and Birds Directives. To date four species action plans have been published covering the Corncrake, the Pollan (an Irish freshwater fish), the Irish Hare and the Irish Lady’s Tresses Orchid. Additional plans for the Red Squirrel, the Killarney Fern and nine bat species have recently completed a period of public consultation and will be published shortly.
- Both jurisdictions have also established independent biodiversity stakeholder groups, the Northern Ireland Biodiversity Group (NIBG) and in Ireland, the Biodiversity Forum. In recognition of the need for collaborative approaches, the Chair of both the Forum and the NIBG are represented on the alternate group along with officials from both Departments. Recently, a sup-group of the Northern Ireland Biodiversity Group and the Biodiversity Forum was established to consider further areas where cooperation would be beneficial. The report of the sub-group will be considered by officials in both Departments in due course.
- An all-island biodiversity conference was held on 2 October 2007 in Athlone. The conference focused on the EU target to halt biodiversity loss by 2010 and beyond and drew together stakeholders in the process. Ministers addressed this conference indicating support for the important initiative. A further all-island conference focussing on biodiversity and climate change is planned for later this year.

Further details on work carried out under the NSMC can be found on the Joint Secretariat’s website at www.northsouthministerialcouncil.org where all the joint communiqués are available.

Electoral Boundaries.

226. **Deputy John Cregan** asked the Minister for the Environment, Heritage and Local Government if he will confirm that immediately following on the next census of population, a Dáil Constituency Boundary Commission will deliberate on boundary changes based on preliminary census figures, thus bringing recommendations to him before 2012; and if he will make a statement on the matter. [5690/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Work is underway on the drafting of the Electoral (Amendment) Bill 2008 which will, inter alia, provide for revision of Dáil and European Parliament constituencies in accordance with the recommendations of the Constituency Commission which reported in October 2007. The Bill will also provide for the establishment of future Constituency Commissions on publication by CSO of the preliminary results in respect of a census of population and for the work of a Commission to be completed following publication of final population data relating to the relevant census.

Planning Issues.

227. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and

Local Government the exact date on which he will publish the consultation draft of the guidelines for planning authorities on sustainable development in urban areas. [5724/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I published for public consultation the Draft Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas on 10 February. The public consultation period is for 12 weeks and closes at 4pm on Tuesday 6 May 2008. All comments and submissions on the draft guidelines will be welcome within the consultation period.

Social and Affordable Housing.

228. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government, further to his answer to Parliamentary Question No. 1360 of 30 January 2008, the details of the negative impact altering the condition of local authority mortgage protection insurance schemes would have; if his attention has been drawn to the fact that consumer watchdogs have consistently warned against these schemes as they may not represent value for money for the consumer; and if he will make a statement on the matter. [5725/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The negative impact referred to relates to increased mortgage protection insurance costs which would arise for borrowers if the obligatory nature of the arrangements were altered. The Mortgage Protection Committee, which is a sub-committee of the County and City Managers’ Association and is also representative of the Housing Finance Agency and my Department, has recently appointed a consultant to carry out an independent evaluation of the scope and effectiveness of the current scheme having regard to a range of issues including the product currently available to borrowers, the compulsory nature of the scheme and cost issues. The Committee will consider the recommendations of this review following receipt of the consultants’ report.

Urban Renewal Schemes.

229. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the plans, both funding and time-frame, in place to continue the urban and village renewal scheme 2000 to 2006; and if he will make a statement on the matter. [5726/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The National Development Plan provides for EU and Exchequer investment of some €170 million to facilitate the ongoing closure of the urban and village renewal measure of the Regional Operational Programmes 2000-2006, and to support the implementation of a new urban renewal programme for the period to 2013. I intend shortly to announce details of this programme.

Site Acquisitions.

230. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government when he expects a site (details supplied) in Dublin 8 will be issued post tender approval; and if he will make a statement on the matter. [5765/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The application for post tender approval is being considered in the light of the additional information received from Dublin City Council on 18 January, 2008, and a decision will be made as soon as possible.

Departmental Expenditure.

231. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the expenditure on services for homeless people, excluding capital support funding, by local authorities in Dublin, Cork, Galway, Waterford and Dundalk in each of the past four years; and if he will make a statement on the matter. [5802/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): My Department recoups 90% of expenditure by local authorities on the provision of accommodation for homeless persons under Section 10 of the Housing Act 1988. Funding to local authorities for the provision of accommodation and related services for homeless persons has increased significantly since the adoption of the Integrated Strategy on Adult Homelessness in 2000, with €12.6m provided in that year increasing to €52.9m in 2007, amounting to €329m in total over the seven-year period. These figures represent the 90% recoupment by my Department, with local authorities responsible for the remaining 10%. This implies that total funding channelled through local authorities between 2000 and 2007 amounted to some €366m.

A total of €166.4 million was recouped by my Department to local authorities in Dublin, Cork, Galway, Waterford and Dundalk for the period 2004 to 2007. Including the 10% contribution by the local authorities themselves, the total expenditure on accommodation and related services for homeless persons by the local authorities concerned in the period 2004 to 2007 figure was €184.9 million. The following table sets out the relevant expenditure over that period.

Table: Expenditure on Accommodation and Related Services for Homeless Persons by Local Authorities in Dublin, Cork, Galway, Waterford and Dundalk; 2004-2007.

Local Authority	2007	2006	2005	2004	Total
	€	€	€	€	€
Dublin City Council	40,945,451.73	37,765,364.6	34,462,340.87	35,548,501.57	148,721,658.77
Dun Laoghaire Rathdown County Council	942,193.62	1,144,133.67	628,048.48	702,955.01	3,417,330.78
Fingal County Council	431,029.00	635,817.00	229,265.00	522,147.22	1,818,258.22
South Dublin County Council	773,355.64	695,536.54	475,730.59	566,794.08	2,511,416.85
Cork City Council	3,839,106.00	3,662,401.77	2,927,835.26	3,341,200.54	13,770,543.57
Cork County Council Includes some expenditure in respect of Youghal	143,836.00	207,564.00	104,150.98	143,508.55	599,059.53
Galway City Council	1,639,296.47	1,768,795.34	1,589,836.10	1,596,368.91	6,594,296.82
Galway County Council Includes some expenditure in respect of Ballinasloe	119,436.84	132,361.94	119,451.45	117,310.56	488,560.79
Waterford City Council	1,189,165.82	983,766.44	971,460.21	937,735.03	4,082,127.50
Waterford County Council Includes some expenditure in respect of Dungarvan	7,137.43	4,026.00	9,891.00	12,649.00	33,703.43
Dundalk Town Council	863,801.70	753,820.74	684,976.00	558,846.71	2,861,445.15
Total	50,893,810.25	47,753,588.04	42,202,985.94	44,048,017.18	184,898,401.41

Local Authority Housing.

232. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government if, under his Department’s regulations on rent payments to local authorities, the living alone allowance and the fuel allowance are excluded in the determination of the total family income that local authorities calculate the rent payments on; and if he will make a statement on the matter. [5835/08]

247. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the regulations his Department has to determine the amount that a local authority can charge a tenant for the renting of a local authority house; if a 10% rise or greater in rent is permissible under the regulations in one actual increase; if there is a national average determined by him in relation to such rent increases; if his attention has been drawn to the fact that such a 10% or greater increase in rent will in fact mean that a social welfare recipient will pay all of the recent family budget 2008 increases to the local authority as part of the rent increase (details supplied); and if he will make a statement on the matter. [5914/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): I propose to take Questions Nos. 232 and 247 together.

The making and amending of rent schemes is the responsibility of local authorities as an integral part of their housing management functions, subject to the following broad principles laid down by my Department in Circular letter HRT 3/2002 of 6 March 2002:

- the rent payable should be related to income and a smaller proportion of income should be required from low income households;
- allowances should be made for dependent children including those under 21 years of age in full-time education;
- a contribution towards rent should be required from subsidiary earners in the household;
- provision should be included for the acceptance of a lower rent than that required under the terms of the scheme in exceptional cases where payment of the normal rent would give rise to hardship; and
- appropriate local factors should be taken into account including the costs of the maintenance and management of the stock of rented dwellings and the adequacy of the rental income to meet such costs.

Decisions on whether or not to disregard either a proportion of income or particular sources of income, including the living alone allowance and the fuel allowance, for the purposes of calculating rents are matters for each individual local authority and I have no function in such matters. I consider it important that housing authorities should ensure that rent increases do not absorb an excessive amount of increases in income of tenants on low-incomes, dependent on Social Welfare payments, and in particular, on Old Age pension. My Department advised authorities in Circular letter HRT 3/2002 that, as a general guideline, it is considered that no more than 15% of any increase in such pension income should be absorbed by an increase in rent.

Local Authority Funding.

233. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government if he will seriously review the local government budget allocated to Clare County Council as services across the board provided by the local authority are under severe pressure as a result; and if he will make a statement on the matter. [5844/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I am providing some €999.2m in general purpose grants from the Local Government Fund to local authorities for 2008. These grants are my contribution to meet the difference between the cost to local authorities of providing an acceptable level of day to day services and the income

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available to them from local sources and from specific grants. The amount being made available for these grants this year represents an increase of some €51.5m over the amount provided for 2007 and continues the trend of providing additional general funding to local authorities through the Local Government Fund.

Clare County Council's general purpose allocation for 2008 is €16,476,569, an increase of 5.13% over the 2007 allocation. General purpose grants to Clare County Council have increased by some 460% since 1997, which is more than twice the average increase to local authorities over that period. There are no additional resources available to me to increase general purpose funding to local authorities this year. I am satisfied that the general purpose allocation I have provided to the Council for 2008, together with the income available to it from other sources, will enable it to provide an acceptable level of services to its customers.

234. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the general purpose grants allocated to each local authority throughout the State in 2005, 2006 and 2007; if he will provide an analysis of the general purpose grants allocated to each local authority throughout the State in 2005, 2006 and 2007 when compared to populations in each county; the income generated from rates collected in each local authority throughout the State in 2005, 2006 and 2007; and if he will make a statement on the matter. [5845/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested in the question is set out in the attached tables. General purpose grants from the Local Government Fund are my contribution to meet the difference between the cost to local authorities of providing an acceptable level of day to day services and the income available to them from local sources and from specific grants. These grants are allocated having regard to a range of factors including the overall funding available for these grants, the cost to each local authority of providing its services, the income available to each local authority from local sources and specific grants and the need to ensure that each local authority receives a baseline allocation that will provide financial stability.

Local Government Fund General Purpose Grant Allocations 2005-2007

Local Authority	2005	2006	2007
	€	€	€
Carlow County Council	10,682,438	11,791,970	12,536,458
Cavan County Council	16,821,425	18,075,814	19,526,749
Clare County Council	13,831,947	14,741,484	15,672,190
Cork County Council	49,050,276	51,554,596	54,809,504
Donegal County Council	35,713,379	38,547,272	41,556,957
Dun Laoghaire Rathdown County Council	35,043,452	37,109,051	39,451,937
Fingal County Council	28,844,494	30,317,184	32,231,264
Galway County Council	32,616,878	35,296,907	38,490,666
Kerry County Council	23,399,482	25,497,932	27,600,743
Kildare County Council	21,799,170	23,893,115	26,476,801
Kilkenny County Council	17,878,074	19,226,389	20,827,594
Laois County Council	15,968,328	17,019,082	18,336,335
Leitrim County Council	13,063,981	14,168,597	15,465,369
Limerick County Council	22,513,686	24,160,987	26,101,406
Longford County Council	12,508,061	13,296,084	14,657,063
Louth County Council	11,496,518	12,083,486	13,390,136

Local Authority	2005	2006	2007
	€	€	€
Mayo County Council	32,568,821	35,170,634	38,012,273
Meath County Council	23,776,226	26,089,431	28,583,173
Monaghan County Council	13,287,104	14,363,459	15,718,151
North Tipperary County Council	16,453,791	17,775,415	19,357,349
Offaly County Council	13,965,967	14,662,707	16,230,539
Roscommon County Council	19,318,766	20,646,920	22,198,317
Sligo County Council	15,161,087	16,617,403	17,723,150
South Dublin County Council	23,442,061	24,638,923	26,194,505
South Tipperary County Council	19,813,401	21,643,602	23,696,915
Waterford County Council	18,900,701	20,618,871	22,848,496
Westmeath County Council	18,088,035	19,562,134	21,387,695
Wexford County Council	19,026,652	20,163,308	22,172,296
Wicklow County Council	17,437,258	18,791,404	20,291,251
Cork City Council	22,070,779	24,267,960	26,892,180
Dublin City Council	86,806,479	93,847,042	100,310,537
Galway City Council	8,306,487	8,765,669	9,357,649
Limerick City Council	10,401,855	11,025,361	11,721,449
Waterford City Council	7,538,868	8,030,490	8,537,496
Clonmel Borough Council	3,026,749	3,246,558	3,454,446
Drogheda Borough Council	4,305,655	4,525,485	4,947,336
Kilkenny Borough Council	1,791,342	1,882,801	2,001,672
Sligo Borough Council	2,896,281	3,137,649	3,335,745
Wexford Borough Council	2,208,137	2,320,876	2,467,405
Arklow Town Council	1,404,822	1,539,764	1,706,267
Athlone Town Council	1,751,512	1,911,434	2,032,113
Athy Town Council	651,493	714,073	777,620
Ballina Town Council	1,415,439	1,529,354	1,676,625
Ballinasloe Town Council	823,783	902,912	963,718
Birr Town Council	732,175	787,852	846,550
Bray Town Council	4,163,243	4,375,802	4,778,238
Buncrana Town Council	845,720	888,899	945,020
Bundoran Town Council	571,006	600,159	638,050
Carlow Town Council	1,704,188	1,822,194	1,937,239
Carrickmacross Town Council	530,247	572,465	628,815
Carrick-on-Suir Town Council	997,256	1,093,049	1,211,246
Cashel Town Council	609,661	668,223	717,796
Castlebar Town Council	985,490	1,035,805	1,101,201
Castleblaney Town Council	451,925	479,048	510,858
Cavan Town Council	816,951	858,661	912,873
Clonakilty Town Council	592,585	622,840	662,163
Clones Town Council	499,544	547,528	606,735
Cobh Town Council	1,171,706	1,231,529	1,327,858
Dundalk Town Council	4,947,412	5,235,951	5,599,979
Dungarvan Town Council	985,620	1,035,942	1,101,346
Ennis Town Council	2,311,619	2,429,641	2,583,037
Enniscorthy Town Council	1,172,357	1,232,213	1,310,009
Fermoy Town Council	810,242	861,728	916,133

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Local Authority	2005	2006	2007
	€	€	€
Kells Town Council	465,921	492,876	527,987
Killarney Town Council	1,679,917	1,785,532	1,942,242
Kilrush Town Council	585,584	620,096	675,554
Kinsale Town Council	396,511	418,957	445,408
Letterkenny Town Council	1,098,543	1,174,987	1,249,170
Listowel Town Council	726,879	780,150	841,180
Longford Town Council	1,171,116	1,230,909	1,308,623
Macroom Town Council	574,137	617,174	656,139
Mallow Town Council	1,048,414	1,105,565	1,175,365
Midleton Town Council	509,574	566,376	602,134
Monaghan Town Council	1,118,222	1,182,079	1,256,710
Naas Town Council	1,297,736	1,422,392	1,512,195
Navan Town Council	536,408	573,212	616,374
Nenagh Town Council	1,056,881	1,116,928	1,197,754
New Ross Town Council	904,943	973,173	1,033,315
Skibbereen Town Council	428,360	450,230	478,655
Templemore Town Council	579,703	624,685	688,381
Thurles Town Council	922,598	989,427	1,069,192
Tipperary Town Council	785,111	862,904	917,384
Tralee Town Council	3,108,105	3,275,876	3,482,699
Trim Town Council	536,670	569,104	614,994
Tullamore Town Council	1,254,885	1,318,955	1,402,227
Westport Town Council	816,087	857,753	911,907
Wicklow Town Council	1,516,377	1,634,559	1,737,757
Youghal Town Council	1,098,495	1,158,759	1,231,917

General Purpose Grants 2005-2007 Grant Per Capita

Local Authority Name	2005	2006	2007
	€	€	€
Carlow County Council	325.72	321.08	341.35
Cavan County Council	317.34	300.92	325.07
Clare County Council	169.20	167.23	177.79
Cork County Council	170.25	159.57	169.65
Donegal County Council	286.83	303.32	327.00
Dun Laoghaire Rathdown County Council	178.42	191.25	203.32
Fingal County Council	150.39	126.33	134.30
Galway County Council	237.63	230.39	251.23
Kerry County Council	242.54	249.62	270.20
Kildare County Council	156.15	150.89	167.21
Kilkenny County Council	249.18	243.69	263.98
Laois County Council	271.69	253.79	273.44
Leitrim County Council	506.38	489.42	534.21
Limerick County Council	185.63	183.71	198.47
Longford County Council	516.07	496.70	547.54

Local Authority Name	2005	2006	2007
	€	€	€
Louth County Council	249.37	226.89	251.42
Mayo County Council	352.60	359.01	388.02
Meath County Council	187.76	167.79	183.83
Monaghan County Council	320.33	323.04	353.50
North Tipperary County Council	330.38	358.94	390.88
Offaly County Council	259.72	262.41	290.47
Roscommon County Council	486.29	351.33	377.73
Sligo County Council	330.47	386.43	412.15
South Dublin County Council	98.15	99.78	106.08
South Tipperary County Council	389.33	393.13	430.42
Waterford County Council	380.05	379.02	420.01
Westmeath County Council	280.42	300.96	329.05
Wexford County Council	193.02	175.37	192.84
Wicklow County Council	244.06	233.40	252.03
Cork City Council	179.35	203.22	225.19
Dublin City Council	175.09	185.39	198.16
Galway City Council	126.18	121.05	129.22
Limerick City Council	192.54	209.85	223.10
Waterford City Council	169.06	175.54	186.62
Clonmel Borough Council	192.31	209.70	223.13
Drogheda Borough Council	151.97	156.20	170.76
Kilkenny Borough Council	208.51	217.39	231.11
Sligo Borough Council	156.78	175.37	186.44
Wexford Borough Council	233.69	262.13	278.68
Arklow Town Council	141.12	131.47	145.69
Athlone Town Council	238.17	133.23	141.64
Athy Town Council	107.70	89.90	97.90
Ballina Town Council	149.34	152.08	166.73
Ballinasloe Town Council	137.66	149.27	159.32
Birr Town Council	203.95	192.58	206.93
Bray Town Council	158.64	161.82	176.70
Buncrana Town Council	247.29	260.60	277.05
Bundoran Town Council	340.29	351.79	374.00
Carlow Town Council	128.93	133.76	142.20
Carrickmacross Town Council	95.68	97.76	107.38
Carrick-on-Suir Town Council	507.77	554.00	613.91
Cashel Town Council	253.71	276.93	297.47
Castlebar Town Council	95.80	97.21	103.35
Castleblaney Town Council	263.97	262.92	280.38
Cavan Town Council	230.91	218.27	232.05
Clonakilty Town Council	172.66	166.31	176.81
Clones Town Council	290.26	360.93	399.96
Cobh Town Council	173.15	188.28	203.01
Dundalk Town Council	180.66	180.32	192.86
Dungarvan Town Council	136.51	132.59	140.96
Ennis Town Council	122.76	120.63	128.24
Enniscorthy Town Council	311.47	380.20	404.20

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Local Authority Name	2005	2006	2007
	€	€	€
Fermoy Town Council	356.93	378.78	402.70
Kells Town Council	184.74	218.38	233.93
Killarney Town Council	138.99	132.29	143.90
Kilrush Town Council	216.96	233.38	254.25
Kinsale Town Council	175.68	182.31	193.82
Letterkenny Town Council	137.92	78.01	82.94
Listowel Town Council	202.53	199.99	215.63
Longford Town Council	171.44	161.49	171.69
Macroom Town Council	202.45	181.15	192.59
Mallow Town Council	147.85	140.59	149.46
Midleton Town Council	134.17	143.97	153.06
Monaghan Town Council	195.60	190.01	202.01
Naas Town Council	70.96	70.96	75.44
Navan Town Council	157.49	154.50	166.14
Nenagh Town Council	172.66	150.63	161.53
New Ross Town Council	188.14	208.08	220.94
Skibbereen Town Council	214.18	192.57	204.73
Templemore Town Council	268.51	277.02	305.27
Thurles Town Council	134.65	144.84	156.52
Tipperary Town Council	172.70	195.45	207.79
Tralee Town Council	152.55	161.47	171.66
Trim Town Council	370.88	413.89	447.27
Tullamore Town Council	122.19	121.01	128.64
Westport Town Council	153.57	166.13	176.62
Wicklow Town Council	215.67	235.87	250.76
Youghal Town Council	177.09	181.25	192.70

Local Authority Commercial Rates Income

Local Authority	2005*	2006*	2007**
	€	€	€
<i>County Councils</i>			
Carlow	4,021,929	4,174,443	4,338,790
Cavan	6,648,542	7,816,388	7,850,300
Clare	27,326,573	29,800,037	32,251,578
Cork	74,190,462	81,469,053	84,205,300
Donegal	16,483,020	18,186,169	19,246,562
Dun Laoghaire Rathdown	66,670,935	81,288,276	80,486,900
Fingal	80,617,227	95,168,475	102,783,400
Galway	14,186,112	15,889,061	18,851,871
Kerry	14,716,331	15,783,883	16,562,139
Kildare	27,061,388	32,286,656	34,313,378
Kilkenny	8,321,511	9,421,725	10,461,328
Laois	6,982,372	8,057,640	8,794,000
Leitrim	2,955,031	3,474,163	3,601,626

Local Authority	2005*	2006*	2007**
	€	€	€
Limerick	22,084,226	23,948,427	25,861,056
Longford	3,746,626	3,782,333	4,034,453
Louth	5,546,049	6,538,226	7,039,449
Mayo	10,951,080	11,590,011	12,236,954
Meath	14,082,903	16,520,760	18,572,451
Monaghan	4,590,157	5,146,116	5,401,922
Offaly	5,385,673	6,666,450	7,013,276
Roscommon	4,600,257	7,574,061	8,740,000
Sligo	6,321,598	3,916,266	4,108,154
Sth Dublin	88,098,554	106,133,776	114,155,640
Tipperary North	3,473,854	5,966,115	6,290,259
Tipperary South	5,741,666	6,069,894	6,510,734
Waterford	4,526,603	5,064,639	5,307,876
Westmeath	5,690,415	6,650,067	7,167,624
Wexford	13,855,498	15,471,563	16,035,757
Wicklow	9,501,302	11,064,006	12,812,868
<i>City Councils</i>			
Cork	48,555,922	53,284,561	56,492,400
Dublin	258,350,577	285,098,653	282,939,580
Galway	22,426,252	26,419,667	27,389,462
Limerick	24,430,334	26,107,115	26,962,245
Waterford	15,877,258	17,263,537	18,512,008
<i>Borough Councils</i>			
Clonmel	4,091,644	4,243,773	4,618,308
Drogheda	8,090,290	9,158,381	10,480,673
Kilkenny	3,915,526	4,411,889	4,767,521
Sligo	5,710,458	6,216,653	6,438,999
Wexford	2,716,576	3,090,617	3,537,183
<i>Town Councils</i>			
Arklow	1,673,038	1,924,324	2,017,723
Athlone	2,601,102	2,985,598	3,218,308
Athy	1,284,045	1,431,904	1,862,540
Ballina	2,878,052	3,148,348	2,782,701
Ballinasloe	1,135,195	1,252,249	1,347,852
Birr	982,071	1,056,698	1,050,940
Bray	4,836,642	5,541,468	5,418,432
Buncrana	1,108,377	1,204,549	1,270,856
Bundoran	852,588	863,101	878,099
Carlow	4,202,979	4,887,294	5,247,739
Carrickmacross	1,131,942	1,191,676	1,221,105
Carrick-On-Suir	626,797	718,345	713,572
Cashel	444,160	486,274	528,667
Castlebar	2,546,041	3,050,959	3,011,425
Castleblayney	606,344	633,823	739,345
Cavan	1,436,052	1,514,042	1,524,637

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Local Authority	2005*	2006*	2007**
	€	€	€
Clonakilty	1,071,907	1,167,969	1,104,412
Clones	402,767	415,014	416,607
Cobh	685,772	780,830	781,903
Dundalk	10,175,194	11,026,702	12,083,473
Dungarvan	2,261,861	2,441,373	2,541,258
Ennis	3,688,953	4,291,811	4,584,333
Enniscorthy	1,125,537	1,274,596	1,400,998
Fermoy	890,362	941,370	919,937
Kells	554,977	584,605	634,468
Killarney	5,264,079	5,780,146	7,030,133
Kilrush	520,761	545,929	564,627
Kinsale	864,798	956,712	1,007,606
Letterkenny	3,535,445	4,451,642	4,497,100
Listowel	1,394,297	1,496,101	1,433,353
Longford	1,816,576	2,271,363	2,474,348
Macroom	622,827	635,861	692,700
Mallow	2,117,196	2,135,978	2,155,080
Midleton	1,289,865	1,499,648	1,520,013
Monaghan	2,544,402	2,867,248	2,971,419
Naas	4,732,328	5,351,713	5,931,827
Navan	1,718,511	1,793,911	2,231,746
Nenagh	2,596,764	2,772,218	3,176,872
New Ross	980,868	1,002,918	1,065,674
Skibbereen	848,976	950,255	899,070
Templemore	360,544	360,499	392,759
Thurles	1,904,740	2,043,420	2,088,000
Tipperary	1,003,510	1,078,756	1,180,782
Tralee	6,794,840	7,448,376	7,609,693
Trim	485,828	552,973	742,571
Tullamore	2,898,726	3,653,586	3,806,680
Westport	2,278,756	2,497,912	2,483,765
Wicklow	1,056,994	1,250,844	1,360,924
Youghal	1,190,129	1,285,564	1,246,000
Total	1,050,567,247	1,189,712,021	1,243,038,096

*2005 & 2006 Source: Local Authority Financial Outturns.

**2007 Source: 2007 Local Authority Budgets.

Water Quality.

235. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the continuing partial boil notice on the public water supply in Ennis, County Clare, and that this boil notice is to remain until a permanent water treatment plant is built; his views on allocating funding to the local authority in order to introduce a subsidised bottled water scheme to those dependant on the Ennis water supply until such time as the permanent water treatment plant is operational; and if he will make a statement on the matter. [5846/08]

236. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government if he will honour in full the pre-election promise and allocate Clare County Council and Ennis Town Council the money required to pay for the temporary water treatment plant for the Ennis water supply; and if he will make a statement on the matter. [5847/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 235 and 236 together.

The Ennis Town Water Supply (Treatment) Scheme is being funded under my Department's Water Services Investment Programme 2007-2009 and will provide a new water treatment plant for the town. I understand that the scheme is now under construction. Special Local Government Fund assistance has been made available in 2006 and 2007 to assist Clare County Council in meeting the domestic share of the operational costs of the temporary water treatment plant put in place in Ennis pending completion of the substantive scheme. Consideration will be given to a further such allocation in 2008. It is a matter for Clare County Council, as the water services authority, to determine whether exceptional arrangements are necessary to meet the requirements of the limited categories of consumers affected by any continuing requirement to boil drinking water.

Water and Sewerage Schemes.

237. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government the amount of wastewater and sewage sludge being imported to Tipperary south; if all this sludge is licensed; the local authorities it comes from; the local authorities to which it is exported to afterwards; and the locations of where in Tipperary south it is treated. [5850/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Waste Management (Use of Sewage Sludge in Agriculture) Regulations 1998, as amended by the Waste Management (Use of Sewage Sludge in Agriculture) (Amendment) Regulations 2001, a supplier of sewage sludge for use in agriculture is required to notify the local authority in whose functional area the sludge is to be used of details of the quantities of sludge produced, the composition of the sludge, the treatment which the sludge has undergone, the name and address of each recipient of the sludge and the location of each site where the sludge is to be used, for entry in the sludge register which the local authority is required to keep at its offices. This information is not available in my Department but may be obtained from the local authority or local authorities involved. There is no requirement for the licensing of sewage sludge for use in agriculture.

238. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding an upgraded sewerage scheme for Adare, County Limerick. [5855/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The combined Adare and Patrickswell Sewerage Scheme is included in my Department's Water Services Investment Programme 2007-2009 as a scheme to start construction in 2008. I approved Limerick County Council's proposals to proceed separately with the Patrickswell element of the scheme in October 2007 because of potential land acquisition delays in Adare. I understand that the Council is now proceeding with arrangements to acquire the necessary lands in Adare and my Department is awaiting revised Contract Documents from the Council for that element of the scheme.

Local Authority Housing.

239. **Deputy Edward O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the position regarding tenders for a sheltered housing complex (details supplied) in County Cork. [5856/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): An application for funding under the Capital Assistance Scheme towards the provision of 8 units of accommodation has been received from Cork County Council who are responsible for the detailed administration of schemes in their area. Further clarification has been sought from the Council on this proposal and a reply is awaited. When this is to hand, the application will be further considered by my Department and the Council will be advised of the outcome as soon as possible.

Register of Electors.

240. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that all possible measures were taken to update the election registers in the run up to the last general election; and if he has asked local authorities that clearly had major difficulties with the electoral register, removing thousands off the register in some constituencies, to initiate an investigation into their performance. [5864/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In law the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register.

In working to compile the Register for 2007/8, which was in force at the general election last year, local authorities undertook and completed the most extensive registration campaign in decades. On the basis of the work undertaken, I am satisfied that local authorities achieved a significant improvement in the accuracy and comprehensiveness of the Register compared to previous years. My Department advised local authorities that the approach in respect of the 2008/9 Register should be to maintain and build on the progress they had made. Authorities were required to publish the Register for 2008/9 on 1 February 2008.

Voluntary Housing Associations.

241. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if public representatives, that is, TDs, county councillors and borough councillors are entitled to be directors of voluntary housing associations and such like organisations as supported through public funding for the provision of homes; and if he will make a statement on the matter. [5869/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): Bodies seeking to obtain approved status under Section 6 of the Housing (Miscellaneous Provisions) Act, 1962 must be constituted as a limited company, or as a society registered with the Registrar of Friendly Societies or as a trust incorporated under the Charities Acts. Certain restrictions apply in relation to the election/appointment of directors, trustees or senior officials of such bodies in cases where a potential conflict of interest is likely to arise. Specifically, no individual may be elected or appointed as a director or trustee or senior employee of an approved housing body, or retain such a position, where he or she has any material interest of significance in relation to the income or any other benefit derived

from any commercial contract or other arrangements for the construction of houses for the approved housing body, or in the supply of goods and services to the approved housing body.

It is otherwise a matter for the housing bodies themselves to appoint directors or trustees, and there are no terms or conditions under my Department's capital funding schemes which prohibit the appointment of public representatives to these positions.

242. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if voluntary housing associations are entitled to offer tenancy to applicants other than those registered and approved for housing with a local authority; and if he will make a statement on the matter. [5870/08]

243. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if a voluntary housing association is entitled to access data containing the names and details of approved tenancy applicants in the possession of the local authority; and if he will make a statement on the matter. [5871/08]

245. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if his Department has a policy in relation to the allocation of agency housing by local authorities; if his attention has been drawn to a situation that exists for people on a local authority housing list who might have a long-term desire to purchase and own their allocated house but would be precluded from pursuing this option if they accepted an offer of an agency house but would otherwise be allowed to pursue such an option if allocated a regular type local authority house; and if he will make a statement on the matter. [5910/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): I propose to take Question Nos. 242, 243 and 245 together.

The provision of accommodation by approved voluntary and co-operative housing bodies is an integral part of my Department's overall response to delivering on social housing need. Local authorities and approved housing bodies are working in close co-operation to deliver an expanded range of social housing options and a wide range of accommodation types to meet to needs of low-income families and persons with special housing needs. Approved housing bodies are required to consult with the housing authority during the appraisal stage of projects in order to ensure that proposed projects meet the authority's strategic housing objectives and identified local need. To this end, approved housing bodies must be fully appraised of the social housing need for the area in question and provided with details of eligible tenants, drawn from the social housing waiting list.

Funding of up to 100% of the approved cost is available to approved housing bodies where all of the tenants are drawn from the local authority waiting list. In the case of special needs housing, including housing for the elderly, the homeless and persons with a disability, approved housing bodies may nominate up to 25% of tenants from outside of the waiting list. In these circumstances, funding will be limited to 95% of approved cost.

There is no provision at present in the voluntary housing schemes for the purchase of individual houses by tenants. However, it was agreed under Housing Policy Framework — Building Sustainable Communities that consideration would be given in consultation with the voluntary and co-operative sector, to pilot a tenant purchase scheme for some new voluntary homes under the schemes. The issues arising in relation to the introduction of such a scheme, including any legislative supports, are being considered in consultation with the Irish Council for Social Housing.

Local Authority Charges.

244. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the time-scale for establishing the agreed country-wide regime for local authority levies for school waste refuse and water that would result in schools being treated as non-commercial premises and reduce operational charges; and if he will make a statement on the matter. [5907/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In regard to waste collection charges the position is that the determination of such charges is a matter for the waste service provider, whether a local authority or a private service provider. I understand that the cost pressures on schools are taken into account by the Department of Education and Science in determining the levels of annual increases in the capitation grants paid to schools to meet their day to day running costs, and that there is a commitment to doubling the capitation grant for primary schools over the next five years.

In relation to school water charges, the Government decided on 4 January 2008 to introduce transitional arrangements for charging recognised schools for water services, pending schools being charged for water services on a full cost recovery and volumetric basis with effect from 1 January 2010.

In summary, for 2007 a flat rate of €3.00 per pupil will apply (bills for 2007 are to be recalculated on this basis and schools given a credit in respect of any excess payment and outstanding bills for 2007 are to be revised on this basis); for 2008 a flat rate of €3.50 per pupil will apply, and for 2009 a flat rate of €4.00 per pupil will apply. The relevant rates for schools receiving a water supply, but not waste water facilities, will be €2.25 in 2007, €2.63 in 2008 and €3.00 in 2009. Apart from any readjustment to arrears for 2007 arising from the recalculation of bills at the rate of €3.00 per pupil, schools are legally liable to pay all other outstanding arrears, regardless of the number of years involved. Schools owing arrears of water charges are being advised to discuss a payment arrangement for the outstanding arrears with the relevant local authority.

Question No. 245 answered with Question No. 242.

Tax Clearance Certificates.

246. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the reason, in view of the requirements under the Housing Regulations 1980, and Housing (Amendment) Regulations 1992 to hold a tax clearance certificate in order to meet the requirements under the local authority loans scheme, an application certificate is not accepted in lieu of a tax clearance certificate to comply with the relevant legislation and regulations, as is permitted under the Standards in Public Office Act 2001; and if he will make a statement on the matter. [5913/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The requirements laid down in article 5 of the Housing Regulations 1980 (Amendment) Regulations, 1992 were introduced in order to apply the Department of Finance’s tax clearance procedures to applicants for local authority housing loans and persons undertaking any work financed by such loans. There are no proposals, at present, to amend these provisions.

Question No. 247 answered with Question No. 232.

Local Authority Housing.

248. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the ESB is seeking a payment on deposit of €300 towards an ESB connection for new tenants in the new rental accommodation scheme of allocating tenancies by local authorities and that this matter is a cause of major concern for applicants in that they are unable to meet such requests thus finding themselves in a position of having to consider their position in the scheme; if he has had meetings with the ESB in relation to this problem; the result of such meetings; and if he will make a statement on the matter. [5915/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): I understand that all new ESB customers, and not just those accommodated through the Rental Accommodation Scheme (RAS), are required to sign up for a Direct Debit to pay their bills, or else to pay a deposit of €300. The levying of such charges is a matter for the ESB and I have no function in that regard.

Nevertheless it should be noted that in transferring tenants to RAS, the general policy of local authorities is to advise tenants to sign up for Direct Debit. In cases where tenants are unable to do so, they can seek support from the HSE Community Welfare Service. I am advised that the issue of the €300 deposit has not impinged on the volume of cases transferring to RAS.

North-South Co-operation.

249. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the action, in chronological order, he, his Department, or the North-South Ministerial Council have taken for North-South co-operation on inland fisheries; and if he will make a statement on the matter. [5741/08]

252. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the action, in chronological order, he, his Department or the North-South Ministerial Council have taken for North-South co-operation on aquaculture and the marine; and if he will make a statement on the matter. [5759/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 249 and 252 together.

My Department, along with the Department of Agriculture and Rural Development for Northern Ireland, are joint sponsoring Departments of the Loughs Agency of the Foyle Carlingford and Irish Lights Commission, which is a North South Body set up under the British-Irish Agreement Act, 1999. The Loughs Agency took over the functions of the Foyle Fisheries Commission, and is responsible for the conservation, protection and improvement of the fisheries in the Foyle and Carlingford areas. It is required to promote the development of Lough Foyle and Carlingford Lough for commercial and recreational purposes in the area of marine, fishery and aquaculture matters, including the development and the licensing of aquaculture.

Cooperation at Department level is ongoing on a continuous basis. This is necessary to affect the corporate governance and policy direction of the Agency. Cooperation at Ministerial level is facilitated through the North South Ministerial Council, Aquaculture & Marine Sector meeting, the first of which, since restoration of the Northern Ireland Executive and Assembly, was held on 21 November 2007. The Council noted progress made since the last meeting in 2002 and took the opportunity to discuss cooperation in the aquaculture and marine sector specifically by the Loughs Agency. At our meeting the Ministers welcomed the passing of legislation in both jurisdictions in 2007, which provided the Loughs Agency with the powers to regulate aquacul-

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ture and wild shell fisheries in both the Foyle and Carlingford areas. We also welcomed the introduction of a hardship package to provide a measure of relief to those affected by the cessation of the commercial salmon fishing in the Foyle area.

The Council also noted the Agency's future plans in the Aquaculture and Marine Sector for the period 2008-2010 including actions to maintain the sustainability of fisheries in both the Carlingford and Foyle catchments; the introduction of a regulatory and licensing regime for aquaculture in the Foyle and Carlingford Areas; the improvement of the angling licensing system; bringing forward a Marine Tourism Development Strategy; and we also approved the Loughs Agency's Corporate Plan for the period 2008-2010 and Business Plan for 2008. I attended the Council meeting and the Northern Ireland Executive was represented by Minister Michelle Gildernew and Minister Ian Paisley Junior.

Ongoing informal cooperation at official level between my Department and the relevant Departments in Northern Ireland responsible for inland fisheries matters as well as State agencies on both sides of the border continues in the areas of policy, fisheries management and research. The Department of Agriculture, Fisheries and Food, has broader responsibility for north/south cooperation in relation to aquaculture and likewise, the Department of Transport in relation to marine issues.

250. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the efforts made to bring together those with executive responsibilities in Northern Ireland and the Irish Government to develop consultation, co-operation and action within the island of Ireland in the area of electricity connectivity, in particular the region west of the Bann, which includes Derry city and Letterkenny; if the North-South Ministerial Council deems such connectivity as a matter of mutual interest within the competence of the Administrations, North and South, under strand two of the Good Friday Belfast Agreement; and if he will make a statement on the matter. [5742/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): While the energy sector is outside the formal work programme of the North South Ministerial Council established under the Good Friday Agreement, there has been excellent co-operation on energy matters between the two administrations, North and South, over recent years. My Department is working closely with the Department of Enterprise, Trade and Investment to progress cooperation on energy matters to mutual economic and social benefit under the All-Island Energy Market Development Framework published jointly in 2004.

The successful launch of the Single Electricity Market on November 1st 2007 has established a wholesale electricity market on an all-island basis which will enhance competition and security of supply in the interests of business and consumers. The Single Electricity Market is underpinned by the physical interconnection between the electricity systems North and South. Currently there is one major interconnector between the two grids. The interconnector from Louth to Tandragee consists of a 275 kV double circuit overhead line with a maximum capacity of approximately 300MW. Work on a second major North-South electricity interconnector which will double transfer capacity is underway and is due for completion by 2012. The project is being undertaken by the Transmission System Operators, EirGrid in the South and SONI in the North.

In relation to connectivity in the North West, there are 110 kV cross border links between Letterkenny and Strabane and Enniskillen and Corraclassy. These act as backup support to the networks on both sides of the border. EirGrid has recently secured approval from the EU

Commission to fund feasibility studies to investigate possible future cross border interconnection. Work will begin on the new studies shortly.

251. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the efforts made to bring together those with executive responsibilities in Northern Ireland and the Irish Government to develop consultation, co-operation and action within the island of Ireland in the area of broadband connectivity, in particular the region west of the Bann, which includes Derry city and Letterkenny; if the North-South Ministerial Council deems such connectivity as a matter of mutual interest within the competence of the Administrations, North and South, under strand two of the Good Friday Belfast Agreement; and if he will make a statement on the matter. [5750/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Although the broadband sector is outside the formal work programme of the North South Ministerial Council, my Department and Northern Ireland's Department of Enterprise, Trade and Investment (DETI) enjoy an excellent working relationship. My Department is involved as a joint partner in cooperation with DETI in a number of broadband projects, which take place under the EU funded Interreg Cross Border Cooperation Programme. This is governed by the Special EU Programmes Body which was set up under the Good Friday Agreement.

Under the Interreg III Cross Border Programme 2000-2006, cooperation between the Department of Communications, Energy and Natural Resources (DCENR) and DETI took place on the six projects outlined below. The amounts shown below are the total cost or expenditure on each project, including the European Regional Development Fund (ERDF) and DETI and DCENR match funding contributions. Note that the first two projects are located in the North West region of Ireland.

1. Niran/HEAnet project — €506,000

This project links Letterkenny Institute of Technology to the Northern Ireland Regional Area Networking (NIRAN) Derry network. €506,000 of Interreg funding was granted to the two third level bodies that manage the Third Level network in the North West: NIRAN and HEAnet, (the Republic's National Education and Research Network). This means that the entire HEAnet Third Level education and research network in the South is connected to Northern Ireland's equivalent NIRAN network. The then Minister for Communications, Marine and Natural Resources, and Minister for Enterprise Trade and Investment launched the project on October 9th 2006.

2. Community Network Services project — €250,000

The CNS project, which was approved for €250,000 Interreg funding, aims to bring broadband to large swathes of Donegal, to enable the communities to communicate more efficiently with each other. With a large migratory workforce along the Donegal border, this proposal is seen as having a genuine cross border benefit in the North West despite the infrastructure being wholly located in Donegal (bridging the digital divide). Works are ongoing on this project.

3. Bytel Broadband link between Belfast and Dublin — €4.3m

The Bytel project provided an additional 2.5 GB service between Belfast and Dublin. There are break-out points in Dundalk, Drogheda, Armagh and Newry, with further optional break out points costed at about €15,000. The project is price competitive for the leased line business and has removed the border as an international barrier. A backhaul link has also been created from Monaghan via Armagh for the Monaghan Metropolitan Area Network (MAN) and a

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revenue sharing deal has been agreed between Bytel and e-Net which manages the Monaghan MAN.

4. Blackwater Valley — €163,000

This is a community broadband initiative established to provide broadband in the South Tyrone/North Monaghan area.

5. Armagh Monaghan Digital Corridor (AMDC) — €962,000

The AMDC project links Armagh and Monaghan with a 1 GB broadband service to help create a digital cross border corridor. Bytel won the contract and the service went live in mid October 2006. There is extra capacity to connect the Monaghan MAN into Armagh.

6.1 Broadband Awareness Campaign — €883,000 (Phase 1)

Interreg allocated €553,000 to the Telecommunication measure to fund a television information campaign to promote awareness of what broadband is. The adverts went live on July 10th 2006 and were directed at the SME and residential users. The original allocation of €533,000 was supplemented by an additional €350,000 Interreg funding to extend the broadband awareness campaign until the end of 2006. This campaign was run by the Department of Communications Marine and Natural Resources with a company called Index, which won the tender for this.

6.2 Make IT Secure Campaign — (Phase 2 of Broadband Awareness Campaign)

€800,000 of ERDF and Public match funding, with an additional €200,000 of private sector match funding. Phase 2 of the broadband awareness campaign began on 11 February 2008, and features a shift in emphasis from the promotion of broadband to the promotion of safe use of broadband and internet technologies. The Department of Finance & Personnel Northern Ireland (DFP NI) supported my Department to run the “Make IT Secure” project as a cross border campaign and thus it became eligible for Interreg funding. As with the Broadband Awareness Campaign, my Department is managing this project. The campaign, which is currently running with television advertisements etc, focuses on the same areas as previous “Make IT Secure” type campaigns, and will also cover social networking. Aside from DFP NI, new private sector partners are involved to augment the existing industry coalition which is providing match funding for this project.

International Connectivity project under the Interreg IV Programme, 2007-2013

Under the Interreg IV Cross Border Programme 2007-2013, a proposal for an International Connectivity project was approved for €30m Interreg funding by the project Steering Committee on 25th January 2008. This would provide a direct international telecoms link between the North West of Ireland and North America by bringing an existing transatlantic submarine telecoms cable onshore in Northern Ireland to an exchange near Derry, which would be linked to the Letterkenny area. EU State Aids approval is required for this project before it can be implemented as proposed in 2009.

Question No. 252 answered with Question No. 249.

Departmental Programmes.

253. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural

Resources the timeframe for funding Leader companies under his Department's new scheme; the criteria for drawing down funding; the way the scheme will benefit coastal community groups; the way this scheme will directly benefit fishermen who have signed up to the hardship scheme following the banning of drift net fishing; and if he will make a statement on the matter. [5764/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Community Support Scheme, recommended by the Report of the Independent Group, has been drafted to focus primarily on those communities where commercial salmon fishing has been a well-established activity and where its withdrawal demonstrably impacts on the economic and social fabric, for example, Gaeltacht areas.

The scheme is to be administered by the LEADER companies under the supervision of my Department in conjunction with the Department of Community, Rural and Gaeltacht Affairs (DCRGA). Available funds will be allocated to those affected fishery districts, proportionate to the impact of the cessation of the mixed stock fishery. Consultations with the LEADER companies, conducted through DCRGA, also informed the most effective distribution of funds. The scheme will operate over two years (2008-2009). The Scheme is not directed at commercial licence holders who have already availed of payments from the Salmon Hardship Fund but rather at the development of additional economic opportunities for crews and employees in the processing and ancillary sectors in the above mentioned communities. Full details of the scheme will be published shortly.

Telecommunications Services.

254. **Deputy Paul Connaughton** asked the Minister for Communications, Energy and Natural Resources when it is proposed to provide the Menlough area of County Galway with broadband; and if he will make a statement on the matter. [5718/08]

256. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the reason people living in a townland (details supplied) have no broadband or mobile phone coverage; and if he will make a statement on the matter. [5744/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 254 and 256 together.

The provision of telecommunications services, including broadband and mobile telephony, is in the first instance a matter for the private sector. Telecommunication service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg. The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers. While I have no plans to intervene in the mobile telephony market, the widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs).

There are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. Accordingly, the procurement process for a National Broadband Scheme (NBS) is underway. The NBS will provide broadband services to areas that are currently unserved and will ensure that all reasonable requests for broadband in County Galway are met. The first phase of the procurement process (Pre-Qualification Questionnaire (PQQ)) is now complete, and four candidates pre-qualified to enter the next

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phase of the procurement process. As my Department indicated on 2 September 2007, the four candidates were, in alphabetical order, BT Communications Ireland Ltd Consortium, eircom Ltd, Hutchinson 3G Ireland Ltd and IFA/Motorola Consortium.

Following the withdrawal of the IFA/Motorola Consortium as a candidate the remaining three candidates have now commenced “Competitive Dialogue” with my Department and are developing their proposed solutions to meet my Department’s requirements for the delivery of broadband to the unserved areas of the country. It is anticipated that a preferred bidder will be selected and appointed in June 2008, with roll out to commence as soon as possible thereafter, subject to agreement with the chosen candidate.

Coal Imports.

255. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources the guidelines set out by his Department on the import of coal to Ireland; the procedure an applicant should follow to obtain the necessary permission; and if he will make a statement on the matter. [5730/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I would advise the Deputy that I have no function in relation to the importation of coal.

Question No. 256 answered with Question No. 254.