



# DÁIL ÉIREANN

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*Dé Céadaoin, 5 Márta 2008.*  
*Wednesday, 5 March 2008.*

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

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*Paidir.*  
*Prayer.*

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## **Leaders' Questions.**

**Deputy Enda Kenny:** The Green Party Ministers are again absent this morning. I raised the issue of economic performance with the Taoiseach a month ago. On that occasion, the response was the situation was being monitored and that there would be no changing course. Yesterday's figures clearly demonstrate that there is a problem. This is disturbing news that needs to be looked seriously by the Government.

Figures show that taxes are down by 8% on the same period in 2007 and that spending is up by 14% over the same period. On closer examination, which is even more serious and of greater concern, one can see that this is clearly no longer confined to the construction sector. VAT receipts are down, as are capital gains tax and corporation tax profits. This has now leaked out into the broader economy.

If this is not corrected or confidence in the economy is not restored by mid-year, there will be a knee-jerk reaction from Government. Does the Taoiseach recognise that the economy is not on the trajectory as proposed and outlined by the Minister for Finance two months ago? What is now happening amounts to the worst deterioration of the economy in the history of the State.

*(Interruptions).*

**Deputy Enda Kenny:** The €5 billion deficit—

*(Interruptions).*

**An Ceann Comhairle:** Deputy Kenny, without interruption.

**Deputy Enda Kenny:** This is a serious matter.

*(Interruptions).*

**Deputy Michael Ahern:** Deputy Kenny should check with his friends in IBEC.

**An Ceann Comhairle:** Deputy Kenny, without interruption.

**Deputy Enda Kenny:** If Deputy Brady will be defending the €300 million cutbacks proposed in the HSE later this year, we will see how confident the Government will be. I am asking the Taoiseach, as head of Government, whether he recognises that there is a problem in respect

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of the trajectory outlined for the economy by the Minister for Finance two months ago. Does he recognise that the economic ship is off course and that this is a matter of concern to all sectors of Irish society? In recognising that, what is the conclusion of the monitoring of this situation by the Cabinet? What action will the Government take to restore confidence to our economy and what corrective direction will the Taoiseach take?

**Deputy Pádraic McCormack:** His eye is off the ball.

**The Taoiseach:** The end of February Exchequer returns were published yesterday, as Deputy Kenny noted, and the overall position is that the Exchequer deficit is €125 million at the end of February. The forecast for the Exchequer deficit for the year is €4.866 billion and a general Government deficit of 0.9% of GDP is forecast. The general debt level is projected to be around 26%. Trying to place it in anything other than its historically good context is wrong.

Taxes to the end of February were €516 million, which is 6.4% below expectations. Income tax, excise duties, stamp duty, capital acquisitions tax and customs are very close to target. Capital gains tax, VAT and corporation tax are significantly below profile. I am always slow to make any great judgment on two months' figures. February is an important month for capital gains tax. Looking at those figures, it would seem that capital gains tax figure is substantially down. There is no argument about that. That is based on the last quarter of 2007 so this means there was not a great deal of land purchase or closing of deals in construction in that period. That obviously pulls down that tax.

On the other side of it, house building is down from a historic high of 88,000 in 2006. The figure this year is projected to be 55,000. The rule of thumb is that every 10,000 houses not built pulls 1% off the growth or about 0.5% off the tax base. Most of this in the analysis of two months, which I would be loath to read as a year, is based on capital gains tax on one side, with construction and developers' deals not going through in the last quarter, which substantially pulls down the revenue base, and on the other side, the fact that we are down so many thousand houses on the construction side. It again shows, as I have said here for years, the importance of the construction industry's knock-on effect on the economy. The fact that developers, builders and others have a significant knock-on effect on the economy has always been a positive factor even though I have always had to argue in this House against there being something negative about that position.

Deputy Kenny does not need me to go through it at great length. We are now the sixth strongest country in the world in services exports, which are extremely high. If one looks at the position in manufacturing, exports, financial services and the services industry, which is extraordinarily strong, and what has gone on for the past few months, one can see that developments in the stock market, the credit crunch, the US economy and sterling-dollar movements have been substantially negative. However, we are still not that far off our targets. As I said at budget time, it is a year where there will be some increase in unemployment mainly in the construction sector. We will still create a significant number of jobs if, as is projected, we build 55,000 units and this is broadly in line with the consensus among economic commentators. As the year progresses and as we get the wash-out of houses that have already been constructed in 2007, we will see this improve as the year goes on. It is a year for tight and close management of the economy and for watching expenditure. The Government is wholly conscious of this and will continue to monitor the situation very closely, in particular, looking closely at the first quarter returns in a month's time.

**Deputy Pádraic McCormack:** Will the rent for the tent be down?

**Deputy Enda Kenny:** If this is a year for tight and close monitoring of the economy why, just last month, did the Taoiseach say there would be no change of course. If we are actually spending 50% more than the economy is generating, this is a situation that cannot continue. The unemployment figure is rising and redundancies are up by 20% in the first two months of this year. The cost of living is increasing for everybody and this is obvious to anyone buying food and paying for energy. People are being squeezed to an unprecedented degree. This is no longer just a construction sector problem. The Government will not be able to trade its way out of this because we have lost export share for each of the past five years.

The Taoiseach still has not told the House that he recognises the problem. Unfortunately it is the case now that when members of the Opposition speak about a matter of national importance or the national economy, they will be accused by some people sitting behind the Taoiseach of being guilty of either personal or national sabotage.

In the context of the economy over which the Taoiseach and his first mate preside with sloppy and wasteful management of public taxes, does he recognise we have a problem? Does he recognise that if this continues, by mid-year the usual response of his Government will be a knee-jerk reaction? It is reported that future further cutbacks of €300 million in the HSE will apply across every sector with the bureaucracy being the one area protected while front line staff will again be hit, be they home helps, nurses or specialist teachers. This is what happens in mid-year when the Taoiseach recognises we are on a wrong course and that corrective action should be taken and confidence restored. This is the Taoiseach's duty and also that of his first mate.

I refer to this leaking of confidence from the economy. Given that the European Commission just last month published a report which spoke clearly of the deterioration of the public finances in Ireland and given the figures that emerged yesterday, how many more reputable bodies will have to produce reports or make economic commentaries before this Government actually recognises that there is a problem, that we are not on the course plotted by the Taoiseach and the Minister for Finance two months ago and that this is now a situation where confidence is leaking away and where corrective action should be taken immediately? I ask the Taoiseach to say what this corrective action will be and how he intends to restore confidence so that this situation can be corrected.

**The Taoiseach:** I wish to confirm that the budget day forecasts, both economic and fiscal, have not been changed. The Tánaiste at budget time noted the internal and external risks to economic forecasts. Some of those identified risks are now emerging. I do not think the House can ignore the fact of what is happening internationally. We must at least look at what has happened in the stock markets since the beginning of the year and what is continuing to happen in the sub-prime rate, in the credit crunch and what has happened in the US economy and the movements in sterling. Nevertheless, our economy has remained extremely strong in the services sector, the agricultural sector, manufacturing exports and financial services. We have been closely examining our figures every week, particularly the full monthly figures. These show where most of the slowdown is occurring. I do not need to go through the figures. If the figures for house construction show 80,000, 78,000, 82,000 and 88,000 houses were being built for a few consecutive years and then there is a reduction to 50,000 houses and every 10,000 of those are providing a growth rate of 1% and probably somewhere in the order of taxes to the amount of €0.5 billion, one can clearly see the figure. While there has been unemployment in the construction sector in 2007, it should be noted that the rate of redundancies was very small at only 15%, 4,000 redundancies, out of the total for the year.

As I said previously, the Government's response as on budget day will continue to be as in other countries — the input of a large fiscal impetus into the economy under the national

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development plan. Rather than increasing the capital programme for this year we have given an injection of an enormous amount of resources into the national development plan which will drive both construction and services and development in infrastructural projects throughout the State. If this were not in place, if the Government had not opted to take that position, both the employment and taxes positions would be far worse this year.

Without going through all the economic forecasts, when one studies the economic forecasts from the various stockbroker houses and others, they all indicate that all of the underlying measures are strong and that all of the policies which we are pursuing should not be altered and changed. The Government is not going to alter them. This year was always going to be a difficult year. It will require close management. I am not in any way denying that the revenues in the areas I have specified are down and we must manage this with care during the year 2008.

**An Ceann Comhairle:** Before I call on Deputy Gilmore I do not need to remind Deputy Kenny that he cannot refer to the Tánaiste as the first mate. Iarraim ar ceannaire Pháirtí an Lucht Oibre, an Teachta Gilmore.

**Deputy Joan Burton:** The first mate then.

**A Deputy:** The wrong horse, Best Mate.

**Deputy Joan Burton:** The Labour Party horse will be called Best Mate.

**Deputy Paul Connaughton:** He can certainly have a second mate anyway.

**Deputy Enda Kenny:** I apologise for referring in derogatory terms to the Tánaiste.

**An Ceann Comhairle:** I appreciate that.

**Deputy Eamon Gilmore:** He certainly cannot be called the first mate after his less than full support last week.

**Deputy Fergus O'Dowd:** A prime mate.

**Deputy Eamon Gilmore:** The Taoiseach was away and he did not have a translator for it so he can smile.

What worries me about the Taoiseach's reply to Deputy Kenny is that he seems to be somewhat in denial and seems to be taking the position on the economy that something will turn up. As I understand, the position is that in the first two months of this year, the State took in almost €700 million less in tax than it did in the first two months of last year and €0.5 billion less than what it had expected to take in.

I wish to address how this affects people. Significant numbers of people have lost their jobs in the first two months of this year. There has been a 30% increase in redundancies, with 11,000 more people on the live register in January than at the beginning of last year. The level of unemployment in January of this year is the highest since 1999. Where is this going? It is all very well to keep throwing out figures and percentages and projections but where is all this going in terms of the lives that people lead in this country?

Last week in the House I raised the fact that money for the homeless services has been frozen, presumably as a result of the tightening revenue situation. Today we have a report that the Health Service Executive is looking for another €300 million in cuts in the health services that are already strained. We had a debate on this subject yesterday. My colleague, Deputy Joan Burton drew attention yesterday to an extraordinary tax break which the Minister for

Finance proposes to introduce, whereby he intends to give a tax break to developers for developing private hospices. There is quite a sad irony that we will give tax breaks to people developing private hospices for people dying of cancer in a country where finance cannot be provided to provide them with tests and services in the public health service in the first place. Meanwhile we heard on the radio yesterday our former colleague, Tom Parlon, saying that the building workers, who will be building these hospices, should be paid 30% less.

**Deputy Pádraic McCormack:** He will save the country.

**Deputy Eamon Gilmore:** We know and understand that tax revenues are dropping. We expect Government to manage this and have a strategy to deal with it. What assurance can the Taoiseach give the House that as this is managed — he used the term “managed” on a number of occasions in his reply to Deputy Kenny — it will not be those who are least able to bear the burden who are asked to take the pain here? We should not have cuts in essential public services, such as the health services. Low-paid workers, including those working on building sites and elsewhere in the economy should not be asked to take pay cuts as they were by Mr. Parlon yesterday morning. If pain must be inflicted it should be inflicted on those who have benefited most. We should not see a recipe for the future of the economy which will continue to give big tax cuts to wealthy people and inflict pain and income cuts on those least able to bear it.

**The Taoiseach:** I have said and I repeat it again that the budget day forecasts, both economic and fiscal, have not been changed. The expenditure figures were very generous in the budget. Overall current spending is budgeted to increase by approximately €4 billion — that is all for the services area — which is 8% in a difficult year. Capital spending will increase by approximately €1 billion, which is 12%. Obviously with tax revenues down, that puts pressure on the budget. There is no doubt about that, but on a two months basis we have to monitor that as the year goes on. I have specified the areas in which tax is down.

On the tax break, I am sure the Deputy, like everybody else, was lobbied by the charitable groups around the country, which have done such a good job in developing hospices of which we only have a few, as they want to try to develop more. They wanted to get a tax break to help them develop more hospices. It does not seem an unreasonable thing. We have given tax breaks for a lot of areas over the years and it seems not a bad idea to help those organisations. If the Deputy is against providing those services, that is a point of view.

**Deputy Bernard Allen:** Is the Taoiseach washing his hands of responsibility?

**The Taoiseach:** Deputy Burton is nodding her head against it so I assume that is her policy.

**Deputy Joan Burton:** It is just sad that the Taoiseach makes the distinction. These people are on the point of dying.

**An Ceann Comhairle:** Let the Taoiseach have his say without interruption.

**Deputy Bernard Allen:** Definitely Boston not Berlin.

**The Taoiseach:** On the construction side, it is always interesting to listen to the inconsistencies. When we were building 80,000 houses and everybody in construction was getting enormous salaries — the highest in Europe — the developers and construction people were all bad news around here. Now when it tightens up a bit everybody looks to the construction industry to pick it up. The Government has continued and will continue through the national development plan to put large amounts of money — approximately €6 billion over the next



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few years — into areas to improve our roads, transport infrastructure, sewerage and drainage, and continue to develop the country into a modern country. That is necessary. We have always recognised that employment in construction is important and we will continue to do that in the period ahead.

Regarding what Mr. Parlon, representing the CIF, said yesterday, negotiations on the social partnership in this round have started. Everybody is putting down their views. I do not believe in any area we should be organising to have races to the bottom. I do not think that is a good idea for any sector, but I understand negotiating positions are put forward by everybody. Some wanted a race to the top. As the Deputy has said, there are redundancies. Unemployment this year will increase. There is no doubt about that. To go from building 80,000 houses to 55,000 houses cannot require the same number of workers. Predominantly it is in construction and in some of the service industries linked to construction. So unemployment will drift up.

As far as the European forecast is concerned, it is not the case that people are putting doom and gloom about regarding the country. There are difficulties to manage in a more difficult climate, but the European Commission has delivered a very good assessment of the Irish economy. It has stated that what we are doing in the stability and growth process is a good improvement for us at a more difficult time. It stated its assessment represents a reasonable and broadly balanced view of the economy. It acknowledges the overall strength of our public finances. It acknowledges that we have a debt to GDP ratio which is very low. Deputy Kenny was saying it was the worst ever. At 26% and if one nets off, as one would under rules of accounting, the national debt, we have the lowest national debt in the European Union, maybe apart from Luxembourg which has never had any.

All of the indications from the European Commission are that we have a dynamic and well-educated workforce, that we are responsive to changing needs, and that our markets for goods, services and labour are flexible by international standards. In most of those areas we are increasing. We have effectively a regulated pro-enterprise society. Our burden of taxation is low, and productivity and inward investment is good. Yes, it is difficult for the reasons I said at the outset. We will have to manage it in a more difficult year and revenues will be down in a more difficult year, but manage it we will. Whatever we have to do we will do during the course of the year to keep this country and the economy strong and keep employment as strong as we can.

**Deputy Eamon Gilmore:** If the Government were as good at managing the health service and at resourcing it as it is at providing tax breaks for those who want to invest in it, we would not have as many people presenting with and dying from cancer in the first place. The Taoiseach does not need to remind us of how close he is to the building industry — he is too close.

Regarding the fall in employment in construction, it is estimated that approximately 60,000 building workers will lose their jobs in residential construction over the course of the year and that approximately 40,000 of those will be absorbed back into construction activity in the type of construction the Taoiseach described on NDP projects. That will leave a net of approximately 20,000 building workers who will be out of work at the end of the year. What is the plan for those 20,000 workers? Is there a plan for retraining and re-education to allow them to re-enter the economy in some other way? That is the question they and their families want answered. They do not need a lecture from the Taoiseach on the various European assessments of the economy. They want to know where they will get a job next year after they are told to leave the building site. What is the future for those 20,000 building workers who will be out of work by the end of this year? Is there a plan to retrain them? Is there a plan for their re-

absorption into the economy? Is there a plan for job opportunities or business opportunities for those people so that they can look forward to a future in employment and in work rather than on the dole?

**The Taoiseach:** It was for that reason that we decided to up the capital programme last year so that other construction projects away from the residential market would have the fiscal impetus, which was putting vast amounts of resources into other areas to keep it strong. The other areas are holding up very well, whether it is retail, commercial or infrastructural development. The one that is down is the construction industry. If we go from building 80,000 houses to 55,000, we cannot have the same number of workers in construction.

**Deputy Eamon Gilmore:** Of course, but what is the Government going to do with them?

**Deputy Bernard Allen:** Brussels sprouts for the Minister of State, Deputy Trevor Sargent.

**The Taoiseach:** We are going to get unemployment. FÁS and the other agencies have already put in place integrated support services for those made redundant and those who might lose their jobs in the construction sector. When we saw this coming a year ago we moved on that.

*11 o'clock* It involves information sessions, skills analysis, training, retraining and courses in job replacement. In delivering those services, FÁS has been working with Enterprise Ireland, the IDA, and city and county enterprise boards. All that is already in place. Over the next few years, the Government has earmarked over €7.7 billion in public funds to support training and skills development in order to maintain as many people as possible in various sectors.

Last year, a forecast published by FÁS and the ESRI predicted that 90,000 to 100,000 skilled building workers would be employed by 2012 compared to 85,000 in 2005, so it is not the case that such people will not be needed. All the indications from FÁS and the ESRI show that all of those will be required, although they may move around to different sectors. Over the past three years, we have seen an increase in the number of non-Irish involved in these sectors. A large proportion of those are mobile and we can see what is happening in that respect with a number moving to London to work on contracts in preparation for the Olympic Games there in 2012. That will continue to occur as our construction industry moves around to fulfil contracts, so the market economy will not change.

Yesterday's figures showed a downturn in construction and related areas, particularly regarding capital gains tax which fell quite sharply. This means that in the final quarter of last year development deals in this country dropped fairly dramatically, by probably close to 40%. We must ensure that we can keep other areas of the economy growing as strongly as we can. There is no doubt that will create budgetary difficulties for us. With less revenues as the year goes on, it will create a tighter position which we will have to manage. In the interests of keeping the economy strong in the medium and longer term, we will have to do that. It is the right thing to do regardless of how difficult it is.

## Ceisteanna — Questions.

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### Northern Ireland Issues.

1. **Deputy Enda Kenny** asked the Taoiseach if he will report on recent developments in Northern Ireland; and if he will make a statement on the matter. [3526/08]



2. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [3527/08]
3. **Deputy Enda Kenny** asked the Taoiseach if he report on his recent contacts with the British Government; and if he will make a statement on the matter. [3528/08]
4. **Deputy Enda Kenny** asked the Taoiseach when he next expects to meet the British Prime Minister, Mr. Brown; and if he will make a statement on the matter. [3529/08]
5. **Deputy Eamon Gilmore** asked the Taoiseach if he will report on his most recent contacts with the political parties in Northern Ireland. [1136/08]
6. **Deputy Eamon Gilmore** asked the Taoiseach his plans to mark the tenth anniversary of the signing of the Good Friday Agreement in March 1998; and if he will make a statement on the matter. [1137/08]
7. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the discussions he has had with regard to the peace process, including discussions with the British Prime Minister since the adjournment of Dáil Éireann on 19 December 2007; and if he will make a statement on the matter. [1325/08]
8. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on his meeting with the Northern Ireland First Minister, Dr. Ian Paisley, on 1 February 2008. [4114/08]
9. **Deputy Eamon Gilmore** asked the Taoiseach if the date and agenda for the next meeting of the North-South Ministerial Council has been finalised; and if he will make a statement on the matter. [4115/08]
10. **Deputy Eamon Gilmore** asked the Taoiseach if the date and agenda for the next meeting of the British-Irish Council has been finalised; and if he will make a statement on the matter. [4116/08]
11. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on the outcome of his meeting with the British Prime Minister, Mr. Gordon Brown, in Manchester on 9 February 2008. [4404/08]
12. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on the outcome of the North-South Ministerial Council on 7 February 2008. [4405/08]
13. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent visit to Manchester; and if he will make a statement on the matter. [6007/08]
14. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent meeting with the British Prime Minister, Mr. Gordon Brown, in Manchester; and if he will make a statement on the matter. [6008/08]
15. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent meeting of the British-Irish Council. [7441/08]

**The Taoiseach:** I propose to take Questions Nos. 1 to 15, inclusive, together.

Before dealing with the detailed questions that Deputies have put down on Northern Ireland, I would like to take this opportunity to pay tribute to the First Minister of Northern Ireland, Dr. Ian Paisley, following his announcement that he will step down from his post in May. I

said yesterday that he was a giant in the history of these islands and I do not think anyone in the House would dispute that. While history must be the judge of what was a very long and sometimes controversial career, today we should reflect on the huge courage and leadership he showed in recent years and the legacy of peace and hope that he will leave for future generations.

I met with Prime Minister Gordon Brown in Manchester on Sunday, 10 February, where we discussed recent developments in Northern Ireland and future challenges. We later attended events marking the 50th anniversary of the Munich air disaster. At the meeting, we reiterated our commitment to completing the process of devolution through the devolution of policing and justice powers to the Northern Ireland Executive as we continue to implement the St. Andrews Agreement in full. This issue will be the main focus of our efforts in the coming months.

We also discussed how we could continue to lend our support to the Executive in other ways, including through increased east-west and North-South co-operation to develop the economy.

We look forward to participating in the Northern Ireland investment conference on 8 May and we will offer every assistance we can to the Executive to make the conference a success.

Prime Minister Brown and I are united in working closely together in partnership to build on the huge and historic transformation in relationships that we are now seeing in these islands. We will keep in touch and I expect we will meet again at the European Council on 13 March.

On 1 February, I met with the First Minister, Dr. Paisley, in Ballymena when we also discussed recent developments, including the recent budget agreed by the Executive, as well as arrangements for meetings of the North-South Ministerial Council and the British-Irish Council.

I chaired a successful meeting of the North-South Ministerial Council in Dundalk on 7 February, which was attended by the First Minister, Dr. Ian Paisley, and Deputy First Minister, Mr. Martin McGuinness, as well as a range of Government Ministers and Ministers from the Executive. At the meeting, we had a broad discussion on issues aimed at delivering practical benefits for all the people on this island.

In particular, we had constructive discussions on co-operation on economic and social issues, transport and road safety, and child protection. The next meeting of the North-South Ministerial Council is due to take place in October in Northern Ireland.

On the evening of 7 February, I was also delighted to be guest of honour with Dr. Paisley at the annual dinner of the Dublin Chamber of Commerce. On 14 February, I chaired the tenth summit meeting of the British-Irish Council at the Royal Hospital Kilmainham. I was delighted to welcome heads of delegation from the eight participating administrations, which included Paul Murphy, who has responsibility for the British-Irish Council in the British Government, Alex Salmond, First Minister of Scotland, and Rhodri Morgan, First Minister of Wales.

We had a useful and informative summit meeting at which we discussed the importance of supporting families to overcome the problems of drug misuse and the role families can play in the rehabilitation process. The council agreed to include a renewed focus on the families of problem drug users in any future drugs strategies prepared. There was also a discussion on the problems we face with alcohol abuse.

We also discussed and welcomed progress on the strategic review of the British-Irish Council and tasked the secretariat, in liaison with member administrations, to report back with the final recommendations at the next summit in Scotland next September.

The tenth anniversary of the Good Friday Agreement will provide a useful opportunity to reflect on how far we have come and the progress we have made in implementing the agree-

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ment. On 3 April, I will be delivering the keynote address at a conference organised by the Institute of British Irish Studies in UCD to commemorate the tenth anniversary of the Good Friday Agreement. I will also attend the US Ireland Alliance event taking place in Belfast on 10 April to mark the anniversary of the agreement, which Bill Clinton will be attending. I will attend a conference and degree-conferring ceremony in Queen's University Belfast on 22 May that will also mark the tenth anniversary of the agreement.

**Deputy Enda Kenny:** I have already wished Dr. Ian Paisley well on his impending retirement. As I pointed out, he was a colourful, controversial and dominating figure in Northern politics for almost 50 years. At the end of his political career he deserves credit for the conviction he showed in coming full circle to make the restoration of the assembly in Stormont a reality. We hope that all parties and communities in Northern Ireland will benefit as a consequence.

I am concerned about the emerging problem with the Real IRA. I understand that last week a report indicated that members of the dissident group met with reporters from a Sunday newspaper close to the Border. They outlined their position on targets and a renewed bombing campaign. There is evidence that they are heavily armed. Is the Taoiseach concerned about this? Do we have reports from the Department of Justice, Equality and Law Reform and the Army of evidence of activity by this small dissident group? The Taoiseach will recall that back in 1998, following the Omagh bombing, he sent Deputy Mansergh to speak to the Real IRA, which I regarded then as a regrettable decision. Be that as it may, however, is the Taoiseach concerned about that matter? What evidence do we have from the Minister for Justice, Equality and Law Reform and the Minister for Defence concerning the level of activity of these persons? Is the situation being monitored? The Real IRA has made references to renewed bombing campaigns and attempted murders. Even members of the Northern Ireland Executive are within the range of what the Real IRA calls legitimate targets. Will the Taoiseach comment on that situation?

**The Taoiseach:** I assure the House that there is an ongoing assessment of the activities of all paramilitary groupings. There is a number of fringe groupings, most of which are quite small, but an ongoing security assessment is undertaken by the Garda Síochána. Obviously, there is very close co-operation with the PSNI on these matters. Over the last six months or so there have been ongoing reports of their activities and what they have been engaged in. The situation has not changed greatly over the last few years. There is a hard core of people who never accepted the changed position back in the mid to late 1990s. While there has been a great deal of success by the Garda and a large number of these people have received sentences, many of them long sentences, there are related contacts who continue to engage in these activities. A lot of effort has been made by many people over the past decade to get most of these groups to cease and desist from such activities. That has been successful with a lot of the groups and units moving away. Some of the families associated with these dissident republican activities have also moved away, but a hard core remains.

We know, without giving any credibility to the organisations of the past — many of the small ones would have been around even before the Troubles significantly started — that it does not take a lot to create acts of terrorism. It is an ongoing concern and the Garda, through its specialist units, keeps on top of this as best it can. Whenever these organisations have any success in their activities, one is always worried because these people are ultimately spoilers who do not want to see progress. They want to pull us back. There is ongoing work and contact in this area. We are all, including the Northern authorities, pleased that we are engaged in this way.

The Deputy is correct that there have been threats against the First Minister, Dr. Paisley, and the Deputy First Minister, Martin McGuinness. In fairness to both — and I have discussed it with them both — this only gives them further determination to press on with the agenda on which they have been working so well since 8 May last. I hope whoever replaces Dr. Paisley will continue to do that.

**Deputy Enda Kenny:** In the course of the statements in the House on the murder of Paul Quinn, I made the point that if the peace process is to work and the Good Friday Agreement is to be implemented for the benefit of all communities, we do not need a structure like the army council of the Provisional IRA. I made that point based on evidence given to me by people living across a broad swathe of the south Armagh Border region where, on a continual basis, punishment beatings are being carried out in apparent accordance with that particular structure. Does the Taoiseach agree this is something that should be abandoned? I would love to get a letter from P. O'Neill indicating that such a decision was taken in the light of being serious about the development of the country from here on.

Second, in respect of the economic conference in May, what will be the input of the Government? Will the Taoiseach attend? Will the Tánaiste and Minister for Finance or Enterprise, Trade and Employment speak at the conference? What is the input from the Twenty-six Counties? In this context, have there been any further discussions with the British Prime Minister and the Chancellor of the Exchequer about the possibility of a reduction in the corporate tax rate in Northern Ireland, which is a disincentive in comparison with our rate? If we are talking about an island economic entity, this is a critical issue for the economic conference. I am aware that the former President of the United States, Mr. Bill Clinton, is due to attend. Without prejudicing the result of events to take place in the United States, will the real President Clinton also be attending this conference? This would be of interest to many of those who are undocumented in the United States in view of her statement that she will introduce immigration reform within the first 100 days of the new presidency.

Third, in the context of efficiency, good health and professionalism, the cancer strategy in the Republic is to establish a new satellite centre in Letterkenny for the treatment of breast cancer. This decision was taken as a result of Government policy. However, if we are talking about co-operation between the Twenty-six Counties and the Six Counties, surely this is one issue upon which there should be no disagreement. Will it be a factor in the discussions between the Government, British Government and Northern Ireland Assembly that centres be developed in Derry, Letterkenny, Sligo or Enniskillen to cater for patients requiring specialist treatment, whether cardiac, cancer or whatever, rather than have a situation where there is a parallel in services on either side of the Border for the same specialist area?

I ask the Taoiseach to comment on these three fundamental issues.

**The Taoiseach:** On the Quinn murder, investigations are ongoing into this serious crime. It undoubtedly has the trappings of paramilitary involvement, although republicans have condemned it and denied any involvement. The reports will be out shortly and we will deal with the views and assessments. Ultimately, any type of organisation or structure that engages in such activity or any groupings that might have been affiliated with the past are always a worry and concern. Such activity is a worry also for the organisations who try to move away from that.

I have no direct knowledge, information or intelligence that this was the work of the Provisional IRA, but it has been stated that the large number of people involved, the fact that the forensics were cleaned up to such a professional degree and so on gives the impression that people who were affiliated with the past or knew how to deal with these issues might have had some involvement. We have no intelligence in this regard, however, and from our own point

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of view, it is a case of co-operating with the Garda which is putting in a big effort to assist the victim's family. I have met the family and they want to see justice prevail. In the south Armagh area or any other Border area, we must do all we can to restore normal policing.

As I said yesterday, the building blocks of bringing devolution of policing and justice to Northern Ireland is local involvement and participation by communities. That is the best way of bringing an end to such activity for ever more and of getting away from having any types of paramilitary groups, power groups, heavy gangs or whatever new umbrella they devise. I get reports from time to time of groupings that are still operating on that type of heavy gangs basis. Whether they are doing so with any authorisation — which I am told by intelligence they are not — or doing it off their own bat, it is not a good thing and we must see the end of it. It is not unreasonable, ten years on, that we should see the end of this once and for all. The best way of achieving this is through proper local policing in these areas, so that we bring back a level of normality. If we do not do that, we will continue to have these sporadic events by either side, whether in loyalist areas or republican strongholds. We must try to get away from that and anything that helps in this regard is welcome. I do not want to dictate to any organisation how it should move into the future other than that I want to see it moving into the future.

On the cancer strategy, there is close co-operation. The cancer service in Northern Ireland, particularly in Belfast, is considered to be well advanced. It is a good and authoritative unit and has been working closely with us for a number of years. In the discussions that took place on Letterkenny and the connections it will have with Galway, there was close engagement with the Department of Health in Belfast. A number of meetings have taken place between the Minister for Health and Children, Deputy Harney, and her officials and the Belfast groups. We encourage that because where we can exchange specialties we should do so. Health is a good area for co-operation.

On the investment conference, we have from the start helped the Northern Ireland authorities to the greatest extent possible. They have “utilised” us — I will leave that word in inverted commas. We have offered and I hope that we have tried. When Dr. Paisley and Mr. McGuinness were in Washington in December, they met our ambassador. At that stage, we said that any help we could give through the IDA, Enterprise Ireland and our contacts with multinationals or others, including finance houses, we would give. I have talked to some CEOs of companies and asked them to attend to try to get high-level representation. We hope that can happen. Perhaps it is not the best time in the world because of the difficulties in the American economy but, at the same time, it is important that we put in a full effort. We are there to help and I have urged the British Prime Minister to help where possible. It is not easy to get CEOs at the top levels of these companies and I think the Executive should use the contacts in the UK and here to the greatest extent possible to make it a success.

The second Varney report will be out shortly. I think it is clear from my discussions with Gordon Brown and from his long years as Chancellor that the idea of harmonising the tax rate in Northern Ireland to an equivalent level with the Republic of Ireland has two chances. I will not go into the rest. The possibility of him looking at other alternatives is more hopeful. There are a number of alternatives and the British Government could be helpful. In the context of Northern Ireland, it should not be a tax issue. Most of these companies, for some years, might not have been paying too much tax anyway. If there was a capital allowance or accelerated allowances that would entice them to develop in Northern Ireland and to set up and expand, in my estimation it would be more valuable in the short term because the set-up costs of the companies would probably roll over five years, seven years or ten years anyway. Hopefully, some new suggestions like this will be put.



For my own part, I will say what I have said elsewhere — I do not think it an unreasonable position and I totally support the Northern Ireland Executive and others in Northern Ireland who have lobbied for this, such as Northern Ireland business groups. If one saves an enormous bill on security over a progressive number of years, it is not an unreasonable argument to say that one should get some of it back in investment as a peace dividend. This does not seem to me to be an unreasonable request. It is what the leadership of the Executive has been saying and it is united in this, which should be taken into account.

On the immigration issue, the big issue for us is to keep it live in the campaign and to try to avoid some of the closed mentality of some people. We are down to three since we last discussed this matter. We should keep our lobbying efforts focused on Senator Obama, Senator Clinton and Senator John McCain to try to get a successful deal afterwards. The other issue that worried me is what they have been saying about multinational companies and the repatriation of profits and investments, which was a John Kerry proposal of four years ago. This is also in the campaign. They are the two issues we must follow closely as the campaign in the United States goes on.

**Deputy Eamon Gilmore:** I join with the Taoiseach and Deputy Kenny in marking the retirement of Dr. Paisley as leader of his party and First Minister. I wish him well in his retirement and pay tribute to the role he played at the end of his career in restoring political institutions to Northern Ireland and in bringing political stability to the North. However, I cannot help reflecting on the fact that many of those involved in resolving the conflict at the end, including Dr. Paisley, played no small part in fomenting the conflict over the years. This is something historians will need to examine — our job is to look forward.

In this regard and in terms of the operation of the institutions, their continuation and the continuation of progress in Northern Ireland, what are the implications of the change of leadership in the DUP and the inevitable change of First Minister? Does the Taoiseach envisage difficulties in respect of the devolution of policing and justice functions to the Northern Ireland institutions? Last weekend, the DUP stated that one of the conditions for devolution would be the winding up and dissolution of the IRA army council. Has the Taoiseach discussed this matter with Prime Minister Brown or Sinn Féin and where does he see it going?

I share Deputy Kenny's concern regarding reports of the increasing assembly of weaponry by and the increasing activity of dissident republican groups, including the Real IRA. I pay tribute to the Garda for its work in seizing weaponry from the Real IRA and those with whom it is associated. What is the Taoiseach's assessment of the shift in people from the Provisional IRA to the Real IRA and what is his assessment of the strength of the latter? I appreciate that he is constrained in responding for security reasons, but there is a concern about the organisation and the threat it may pose. There should be a response to it.

During the meeting with Prime Minister Brown, did the Taoiseach raise the issue of Sellafield?

**The Taoiseach:** On the security position — not to go back over it again — I should have said something when replying to Deputy Kenny and will say it in reply to Deputies Kenny and Gilmore now. Deputy Gilmore mentioned the Garda and its activity. As one would expect in these cases, there is always the attempt by dissidents to bring in arms. I want to record my acknowledgment of the good work done by one of the Baltic states — I would rather not say which one — in thwarting a significant consignment of arms to the Real IRA. It did us all a good service and I thank it for its efforts because it would have been part of the old pass game and there would have been difficulties for us. We thank it for its efforts and the Garda, partic-



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ularly its special units, the heads of those units and the Commissioner, for its vigilance and co-operation.

On the question of the change of leadership and whether this issue will move on peacefully and successfully, I will just have to wait to see how it will operate. While we have held a lot of meetings with all of the DUP Ministers, the Deputy appreciates that during most of our efforts, involvement and activity in the last number of years in developing the position before the second-last election in Northern Ireland, working on what the DUP stated in its manifesto, moving that into the review of the Good Friday Agreement, which was a clause of the Good Friday Agreement, bringing that successfully through St. Andrews and then building on the various agreements of St. Andrews, the person we dealt with almost exclusively in those negotiations was very much Dr. Paisley. To his credit and although it was not easy, Dr. Paisley moved to establish the North-South bodies and east-west bodies. He had a few conditions on how we related those but he put them in a very forward way. It was very courageous and dynamic in that there was an agreement and institutions of that agreement.

I hope this will continue and I will report later. I will say it during Question Time as I know people in Northern Ireland examine our questions on Northern Ireland very closely. They have done so over the years. We will watch very carefully how that evolves as it is very important and significant for us. It is the reason so much has been done over the years and the changes we have made to make North-South bodies work. Dr. Paisley has done that and I hope whoever replaces him will follow that. It will be a crucial issue with us.

I did not raise the matter of Sellafield at the last meeting but there is ongoing dialogue with the British Government. There have been files, reports, debates and arguments with them. They have moved on the issue a lot and it has been with the line Ministers in recent times. They have been very helpful in opening up inspections and giving us reports and data, which they used not do. That has improved substantially. Former Prime Minister Blair achieved this and Prime Minister Gordon Brown is continuing with it.

**Deputy Eamon Gilmore:** I am a little surprised the Taoiseach did not raise Sellafield directly with Prime Minister Brown. There has been a practice going back over a very long period that when the Taoiseach meets the Prime Minister of the United Kingdom, the issue is raised. I am surprised a Government in which the Green Party is participating would not raise the matter.

I am also surprised at the extent to which the Sellafield issue appears to be disappearing down the order of priorities of this Government in terms of east-west relations. The matter has not gone away and it is very real. Concerns on this side of the Irish Sea are still quite strong about the danger of accidents and so on. I am a little surprised about it.

I appreciate what the Taoiseach has said about waiting to see how the issues pan out in the change of leadership and personnel that will inevitably occur north of the Border. I share with the Taoiseach the hope that the change of leadership in the DUP and at First Minister level will not in any way detract from the progress being made. We all want to see that progress continue, particularly with regard to the economies of both Northern Ireland and the Republic of Ireland. There is also the progress made on political institutions, which is facilitating that economic progress.

On the issue of Garda activity relating to arms finds etc., I was struck at the weekend by the find of arms or bomb-making equipment in an apartment in Tralee. I understand three Afghans were arrested in connection with the find. Has the Taoiseach any information to share with the House about that? It seemed a rather strange discovery and as I understand from the news reports, the amount of bomb-making equipment was quite significant.

**An Ceann Comhairle:** I do not know if that is relevant to the North.

**The Taoiseach:** The Garda has completed its investigation and I do not think it was bomb making. I do not think it was perhaps as sinister as it looked. There are reasons surrounding it, and the Garda must come to a final conclusion but it does not seem to be as sinister as it seemed initially.

I assure the Deputy the issue of Sellafield is regularly on the agenda but there is also direct contact. We have moved a long way from a position where we could get no information or assistance and our Ministers regularly meet on these issues directly with counterparts in the UK. It is not like before when they would give us no information, access or visits and that position has changed, effectively.

**Deputy Caoimhghín Ó Caoláin:** I join the Taoiseach in wishing First Minister Ian Paisley well following his announced retirement. As has been stated, he deserves credit for having led unionism along a very difficult road in recent times. That should be acknowledged and it should be recognised that this took a certain amount of courage on his part and that of his colleagues. The process did not just involve Ian Paisley.

In that must rest confidence in a seamless transition of leadership of the DUP and into the role of First Minister in the Assembly and Executive and going forward on the basis of partnership with Sinn Féin and all other opinion represented within the Assembly. It is recognised by the collective leadership in the DUP that the only way forward is in partnership with Nationalists and republicans, not only in terms of the Six County area of our country but across the whole island of Ireland.

It should be said that Ian Paisley, for the greater part of his political career, for want of any other word, was central to the conflict that waged in the North of our island for upwards of 30 years.

**An Ceann Comhairle:** We cannot have speeches now. We must confine ourselves to questions.

**Deputy Caoimhghín Ó Caoláin:** No less than any other speakers, I am sure. Unquestionably, he stoked the embers of that conflict repeatedly. In his latter years he demonstrated the necessary skills and I sincerely hope we will see the spirit of co-operation that has infused the Executive and Assembly continuing after Ian Paisley.

Does the Taoiseach agree there is a certain irony in the position adopted by Deputy Kenny earlier in his questioning? In his opening line of questioning he urged action against dissident republicans but was later able to cite engagement with dissident republican voices in south Armagh. Perhaps unwittingly and unknownst to himself, the Deputy is feeding their agenda in fuelling the notion that the panacea for all the difficulties on the island of Ireland would be the ending of the IRA army council or whatever structures of the IRA may yet remain.

Will the Taoiseach, Deputy Kenny and others not consider for a moment that this is exactly what dissident republicanism want them to do? Will they ponder the possibility that the IRA, in whatever way it exists today, represents a bulwark against dissident advance in many areas on this island, not least of all in the Border counties in the North?

My next issue has been lost in some measure in this morning's line of questioning. Does the Taoiseach agree the most pressing and important advance which must now be delivered is the transfer of responsibility over policing and justice from Westminster to the Assembly and Executive at Belfast? Does he recall that this is a central element of the negotiated St. Andrews Agreement which he and the British Government are committed to seeing implemented? Will

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the Taoiseach indicate that it is his expectation that powers over policing and justice will be transferred over the coming period, as laid down in the St. Andrews Agreement? In his contacts with the British Prime Minister, Gordon Brown, has he confirmed that it is the new British Prime Minister's intention to see that transfer of powers proceed as scheduled and, I emphasise, as clearly expected by the overwhelming body of opinion in the North of Ireland across unionism, nationalism and republicanism? Is he confident those powers will be transferred as scheduled?

**Deputy Enda Kenny:** For the information of Deputy Ó Caoláin, I had no contact with dissidents in the south Armagh region but rather with ordinary people who are the victims of that structure.

**Deputy Caoimhghín Ó Caoláin:** I hope the Ceann Comhairle will allow me the right of response. Deputy Kenny implied that there is a series of so-called punishment beatings taking place in that area. I would like him to share the detail with the other Members of the House and this Deputy. The implication is that this is happening with regularity. I understand no such thing is happening. Indeed, if he knew the reality on the ground perhaps he might find that some of the people to whom he spoke were dissident voices who are absolutely and vehemently opposed to the position the party I represent has taken in encouraging an acceptance of policing structures North and South of the Border. It is important a little bit of realism is injected into the situation.

**An Ceann Comhairle:** We cannot have Opposition Deputies asking each other questions.

**The Taoiseach:** I will return to what I said earlier because I think Deputy Ó Caoláin will accept that in reply to Deputy Kenny, I said the only important building block which is outstanding is the devolution of policing and justice. I hope we will be able to conclude that with Dr. Paisley and we will continue to work for that over the next two months or so.

What stands in the way of avoiding contact — the Deputy spoke of the IRA as a bulwark — between those who have engaged with and have stuck fully to the peace process and those from the dissident side is the absence of that policing. The way for us all to move forward is to try to ensure we get district policing and devolution of policing. I am fully committed to trying to do that. I have raised this with the British Prime Minister and Dr. Paisley and have discussed it with Deputy Ó Caoláin's colleagues. We will do everything we can to achieve that as soon as possible. It might drift for a few months but, hopefully, we will be able to make progress on it. The British Prime Minister has assured me it is also his agenda. We will not procrastinate on this issue and we will try to bring it to a conclusion.

I have tried not to get involved in the preconditions element of any of the negotiations because it is entirely unhelpful for those on either side to get involved in that. Ultimately, bringing successful, normal and sustainable policing to the areas along the Border will require the devolution of policing and justice, complete local acceptance of the PSNI and close co-operation between the PSNI and the Garda in Border areas. Over a period, that will isolate those who want to take a contrary view to what we all have tried to do collectively over a long period.

**Deputy Caoimhghín Ó Caoláin:** I welcome the Taoiseach's assurance that it is his intention and that of the British Prime Minister, Gordon Brown, to continue to press for the transfer of powers by a date in May, which is the expectation. I hope the Taoiseach will be able to confirm that the scheduled expectation of the delivery of that continues to be his personal expectation.

As we are about to enter the period marking the tenth anniversary of the signing of the Good Friday Agreement with Easter almost upon us, what about the other outstanding aspects of that agreement? What progress is being made to deliver on the promised all-Ireland charter of rights, the consultative civic forum and the all-Ireland interparliamentary forum? Will the Taoiseach give us some indication of what progress has been made in terms of moving forward on each of those important elements of the Good Friday Agreement now that a decade has passed? Will he indicate his expectation of the role the Good Friday Agreement implementation committee established by the Houses of the Oireachtas and whose second meeting will take place tomorrow in this institution?

**Deputy Eamon Gilmore:** I have a brief question for the Taoiseach since the Ceann Comhairle told us Opposition leaders cannot ask questions of each other. What does the Taoiseach understand Deputy Ó Caoláin to mean what he says the Provisional IRA is acting as a bulwark against dissident republicans? Does he know what that means and does he agree with that assessment?

**The Taoiseach:** I think I have already answered that and I have taken the same line. Perhaps Deputy Ó Caoláin meant to put it slightly differently.

**Deputy Caoimhghín Ó Caoláin:** I though the Taoiseach was the only one who had that problem.

**The Taoiseach:** Since I have to try to chair the Opposition——

*(Interruptions).*

**The Taoiseach:** I think what Deputy Ó Caoláin meant to say was that in the peaceful role the IRA now plays, as supportive of the peace process, is to try to discourage those who might get involved in paramilitary activities from doing so.

**Deputy Eamon Gilmore:** “Discourage” is a lovely word.

**The Taoiseach:** I am sure Deputy Ó Caoláin meant discourage by peaceful, lawful and good community means.

**Deputy Caoimhghín Ó Caoláin:** What other interpretation would Deputy Gilmore put on it?

**The Taoiseach:** I would not put any on it.

On the North-South parliamentary forum, I understand discussions are ongoing between the Houses of the Oireachtas, the Northern Ireland Assembly and the North-South parliamentary forum. These are being led by the Ceann Comhairle and the speaker of the Northern Ireland Assembly William Hay. The matter will be kept under review. The meetings the Ceann Comhairle had and the meetings we had politically with William Hay indicate that there is a great interest in working towards this. It might take some time but there is certainly a wish to move that way.

We have had further consultation with the social partners in the South on the establishment of the North-South consultative forum and following that I expect we will be in a position to send a formal proposal to the Executive in the next few weeks. I understand arrangements are being made for a review of the civic forum in the North. We will continue to engage on the matter with our Northern colleagues.

**Requests 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. I now move to requests to move the adjournment of the Dáil under Standing Order 32.

**Deputy Arthur Morgan:** I seek the adjournment of the Dáil under Standing Order 32 to discuss the following matter of urgent national importance, namely, the haemorrhaging of jobs from Tallaght with the loss of another 130 jobs this week at the Microprint plant, the fact that Tallaght has one of the highest levels of unemployment in the State, the need for this Government and the Minister for Enterprise, Trade and Employment, in particular, to outline what measures have been put in place to replace jobs recently lost in Tallaght, and for the Government to introduce measures to up-skill and retain workers in the area as soon as possible.

**Deputy James Bannon:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the postponement of the referendum on children's rights until 2009 with the ensuing negative implications for young people.

**Deputy Aengus Ó Snodaigh:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the urgent need for the Government to halt the continuing destruction of national monuments on the Tara site, the need for works to stop until a new assessment of the full potential damage to the monuments is conducted and, even at this late stage, to consider rerouting the M3 to avoid the devastation of our national heritage.

**An Ceann Comhairle:** Tar éis iniúchadh a dhéanamh ar na nithe ardaithe, níl siad in ord faoi Bhuan Ordú 32. Having given the matters full consideration, I do not consider them to be in order under Standing Order 32.

**Order of Business.**

**The Taoiseach:** It is proposed to take No. 5a, Finance Bill 2008 — Financial Resolution; No. 12, Finance Bill 2008 — Order for Report and Report and Final Stages; and No. 13, Legal Practitioners (Irish Language) Bill 2007 — Order for Report and Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders, that No. 5a shall be decided without debate. Private Members' business shall be No. 28, motion re anti-social behaviour, resumed, to conclude at 8.30 p.m.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 5a agreed? Agreed.

**Deputy Enda Kenny:** In the context of the intoxicating liquor Bill, the Archbishop of Dublin, Dr. Diarmuid Martin, has called for a national debate on alcohol and the abuse thereof. I spoke to the Minister for Justice, Equality and Law Reform in respect of this matter and he is well aware of its implications for society. Is there any way the introduction of the Bill might be expedited, particularly because this is a matter of concern for everyone?

The petroleum exploration and extraction (safety) Bill has implications in the context of the foreshore (amendment) Bill due to the fact that claims in respect of foreshore licences may be received from exploration companies. What is the position with regard to this legislation?

Perhaps the Taoiseach might send me a report on his intervention between the Ministers for Education and Science and Health and Children in respect of the continuing failure to open a new autistic unit in the constituency of the Minister for Justice, Equality and Law Reform. The unit, which is located in a beautiful building, is properly designed and equipped but cannot be



opened as a result of either a row between the two Ministers to whom I refer or an incapacity on their part to do business. The Taoiseach should tell the Ministers for Education and Science and Health and Children to get the lead out and take action.

On the Legal Practitioners (Irish Language) Bill 2007, some 11,000 leaving certificate students sought and were granted exemptions from sitting the Irish examination. As the Taoiseach is aware, Irish is a mandatory subject. Half of the 11,000 students to whom I refer took either French or German. I reiterate what I have stated previously, namely, that there is a difficulty as regards facilities, methods of teaching and the curriculum. The Minister for Education and Science does not recognise that.

**An Ceann Comhairle:** The Taoiseach must confine himself to answering the questions relating to the two items of legislation.

**The Taoiseach:** On the intoxicating liquor Bill, the Minister for Justice, Equality and Law Reform — I believe Deputy Kenny would agree with his actions in this regard — has decided to deal with the more urgent parts of the legislation, namely, those relating to the sale and availability of alcohol, first. The consultative process is due to conclude this month and, if co-operation is forthcoming, we hope to enact new legislation in this area before the summer recess.

The purpose of the petroleum exploration and extraction (safety) Bill is to confer statutory responsibility for the safety of petroleum exploration and production on the Commission for Energy Regulation. It will implement a key finding of the safety studies carried out in respect of the Corrib onshore pipeline. I have not yet seen the heads of the Bill. However, I am informed that the legislation is due to be taken later this year.

**Deputy Eamon Gilmore:** I understand two of the three reports on breast cancer services in the midlands due to be published today have been made available on the Department of Health and Children's website. Will the Taoiseach assure the House that the third report, which was compiled by Dr. Ann O'Doherty and which deals with the carrying out of mammograms in Portlaoise, will also be published today? Does he intend to make time available to debate the contents of these reports? He could arrange a debate for next week when we have had an opportunity to examine them.

When I inquired yesterday about an exchange of e-mails between the current and previous Government press secretaries——

**An Ceann Comhairle:** We cannot discuss e-mails on the Order of Business.

**Deputy Eamon Gilmore:** I am raising again a question I put to the Taoiseach yesterday. The Taoiseach is usually a great master of detail. However, when I put this question to him on two occasions yesterday, he did not refer to these e-mails in either reply. The Taoiseach may have had an opportunity to check the position since yesterday. What is the position as regards this attempt to cover up the number of patients involved in the events in Cork?

**An Ceann Comhairle:** Deputy Gilmore is well aware that this matter is not in order. The only question that is in order is that relating to whether there will be a debate on the various reports.

**The Taoiseach:** There is nothing to the issue to which the Deputy refers.

**An Ceann Comhairle:** We are not dealing with it in any event.

**The Taoiseach:** There are actually four reports on the subject of breast cancer services in the midlands, namely, the Ann Doherty report, the John Fitzgerald report, Dr. Ann O'Doherty's



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report on mammography and John Bulfin's ultrasound report. The Minister for Health and Children has responsibility for two of these and both have been made available on her Department's website. There were a number of legal difficulties in respect of the other two reports. Just prior to my entering the House, I was informed that it appeared that those difficulties would be resolved. The HSE is holding a press conference, at which these reports will be issued, at 2.30 p.m.

The Minister for Health and Children will be coming before the House later to take Question Time. I understand the Joint Committee on Health and Children is meeting to discuss the reports. If there is a need to debate them in the House, we can examine the possibility of making time available at some point after the joint committee's meeting.

**An Ceann Comhairle:** Deputy Gilmore's question on whether a debate will take place on the reports was only barely in order.

**Deputy Eamon Gilmore:** I thank the Taoiseach for informing me that the HSE is holding a press conference at 2.30 p.m. in respect of the other two reports. Will he provide an assurance that copies of the two reports to be published by the HSE will at least be made available to Opposition health spokespersons before they are released to the press?

**The Taoiseach:** I can only pass on the Deputy's message.

**Deputy Bernard J. Durkan:** Has the Taoiseach decided the date on which the referendum on the Lisbon treaty will take place? I received inquiries from a number of European colleagues in respect of this matter yesterday.

There are almost 40 Bills from the Department of Justice, Equality and Law Reform on the list of proposed legislation. I am glad the Minister for Justice, Equality and Law Reform is present. He is an extremely progressive individual and he will need to be because crime rates continue to increase. With each day that passes, the issues relating to crime become more serious. Which three of the 40 Bills to which I refer will the Minister or the Taoiseach direct to be introduced in order that we might deal with issues relating to the intimidation of witnesses, extradition and the use of offshore locations by crime lords intent on continuing to carry out their business? The Minister is smiling but I do not believe this is a matter about which people should smile. This is a serious issue in respect of which urgent attention is required. Will the Taoiseach indicate what is likely to happen in this area?

**The Taoiseach:** Is the Deputy referring to the extradition Bill?

**Deputy Bernard J. Durkan:** Yes.

**The Taoiseach:** It will be introduced this year.

**Deputy Bernard J. Durkan:** What about the other matters to which I refer?

**An Ceann Comhairle:** To what other matters is the Deputy referring?

**Deputy Bernard J. Durkan:** I referred to three matters in respect of which legislation is required.

**The Taoiseach:** We need the titles of the Bills to which the Deputy is referring.

*(Interruptions).*

**An Ceann Comhairle:** Deputy Durkan must indicate the legislation to which he is referring.

**Deputy Bernard J. Durkan:** This is a serious issue. Will the Taoiseach indicate which three Bills are most appropriate to deal with the issues I have raised? He has referred to extradition and the other issues are the intimidation of witnesses and the use of foreign locations by criminal warlords for the continuation of their activity in this country. I can read out the list of legislation and perhaps the Taoiseach or the Minister for Justice, Equality and Law Reform might indicate which of the Bills it is proposed to introduce.

**Deputy Tom Kitt:** Please do.

**An Ceann Comhairle:** It is fair enough to ask which Bill is being taken but not which is appropriate.

**Deputy Bernard J. Durkan:** It is fair to ask which is appropriate and taken.

**An Ceann Comhairle:** We cannot answer that. That is for Question Time. Will the Deputy please specify the Bills so we can move on?

**Deputy Bernard J. Durkan:** This is in order but no answer seems to be forthcoming. The first five or six Bills are the Courts (Court Funds Office) Bill, “To establish a Courts Office to replace the Accountants Office and assume other cash management and accounting functions”; the Criminal Justice (Forensic Sampling and Evidence) Bill, “To provide for the establishment of a DNA database”, something that is seriously wanting; and the Criminal Justice (Miscellaneous Provisions) Bill “To provide for miscellaneous changes to the criminal law and to give effect to a number of international instruments”. Surely somewhere in the bowels of the Department of Justice, Equality and Law Reform during the discussions that take place from time to time there must be somebody with sufficient inspiration and vision to be able to answer those questions.

*12 o'clock*

**The Taoiseach:** All of those Bills are due this year.

**Deputy Bernard J. Durkan:** When?

**Deputy Caoimhghín Ó Caoláin:** The public consultation programme on the nurses and midwives Bill ended on 4 February. We are advised that the heads of the Bill have been prepared but are further heads to be prepared and when will they be published? Does the Taoiseach have a target date for the publication of this long promised and necessary health-related Bill?

**The Taoiseach:** The nurses and midwives legislation is due later this year.

**Deputy Caoimhghín Ó Caoláin:** Will the heads of the Bill be published?

**The Taoiseach:** I do not know. The Deputy needs to raise that with the Minister.

**Deputy Jack Wall:** Is the Taoiseach aware that 850 home helps in Kildare and west Wicklow cannot receive travel allowances because there is no computer availability within the Health Service Executive to service the claims?

**An Ceann Comhairle:** That is not in order.

**Deputy Jack Wall:** Under legislation, item No. 56 from the Department of Health and Children, can the eligibility for health and personal social services Bill be included?

**The Taoiseach:** I do not have a date for it but it is listed as legislation. Work has commenced on drafting a discussion document in preparation for a regulatory impact analysis and public consultation for proposals but there is no date set.

**Deputy James Bannon:** In light of the neglect of important aspects of our heritage and culture such as Feis Ceol which got under way yesterday for the 112th year——

**An Ceann Comhairle:** There is no need for a preamble.

**Deputy James Bannon:** ——and brought so many of our fine musicians to the world stage, when can we expect the urgently needed heritage fund Bill? I congratulate the many participants from Westmeath who won prizes yesterday.

**An Ceann Comhairle:** We would all like to join in that but we cannot do it now.

**Deputy Brian Lenihan:** The Deputy is very gracious.

**The Taoiseach:** I have no date for that Bill.

**Deputy Lucinda Creighton:** Deputy Durkan raised this point but we have not received an answer. The last time I asked the Taoiseach for a date for the referendum on the European reform treaty he tritely responded that people should not book their holidays for the last week of May or the first week in June. That is all very well for the Taoiseach and I who can benefit from holidays any time in August or September but not everybody is in that fortunate position. It is time for the Taoiseach to name a date for the referendum because people who have limited time for their summer holidays are trying to book them. I have received a series of representations——

**An Ceann Comhairle:** The Deputy may ask about the referendum Bill but not about the date for the referendum.

**Deputy Lucinda Creighton:** It would show some respect for the electorate if the Taoiseach would name a date.

The Taoiseach has said that certain aspects of the intoxicating liquor Bill will be brought forward before the summer, particularly sale and availability. What about the rest of the Bill? There have been nine or ten reports about alcohol abuse here in recent years, none of which has been implemented. It is time the Government took serious action in respect of this. I would like to hear from the Taoiseach when that will happen.

**The Taoiseach:** The Referendum Bill will be published tomorrow. We hope to have one intoxicating liquor Bill before the summer. There are two other Bills to come later.

**Deputy Lucinda Creighton:** When?

**The Taoiseach:** Probably next year.

**Deputy Lucinda Creighton:** What about the date of the referendum?

**Deputy Bernard J. Durkan:** The Taoiseach is going to keep it a secret.

**Deputy Joanna Tuffy:** There are a couple of Bills named in the programme for Government under the heading of environmental enforcement. One is a review of the level of fines and sentences which can be applied in respect of pollution, dumping, illegal developments and other environmental crimes so that the punishment fits the crime. The second is a general review of

all legislation on environmental fines. When does the Taoiseach hope to introduce that legislation?

**An Ceann Comhairle:** What is the name of the second Bill?

**Deputy Joanna Tuffy:** It is a study of all legislation relating to environmental fines.

**Deputy Emmet Stagg:** It is a consolidation Bill.

**The Taoiseach:** I will have to check that. I do not know which Bill it is.

**Deputy Ruairí Quinn:** Will the composition of the referendum commission be announced tomorrow in conjunction with the referendum Bill? Arising from the Taoiseach's replies here yesterday, has he taken steps to ensure the consolidated treaty, with all the amendments added into a readable text, as commissioned by the Government from the Institute of European Affairs, will be made generally available on the web or in printed form?

**The Taoiseach:** The Minister for Foreign Affairs is dealing with the second matter. The names of the commission will not be announced tomorrow but the Minister has contacted the High Court to name a judge and we have to wait until we get that from the court. We are ready but we have to get a High Court judge.

**Deputy David Stanton:** This year marks the 70th anniversary of the hand-over of the treaty ports. In the context of the national monuments Bill are any ceremonies planned to mark the anniversary?

**The Taoiseach:** The Bill will be introduced next year, 2009.

**Deputy John Perry:** Up to €500 million has been refunded under the health long-term residential care services legislation, but there is a lack of accountability in that payment. A constituent of mine——

**An Ceann Comhairle:** The Deputy cannot raise that matter he must ask about the legislation.

**Deputy John Perry:** This is a big issue. There is no accountability in the legal firm dealing with the refunds for the long-term patients.

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

**Deputy John Perry:** Yes I am asking about the health (long-term residential care services) Bill. There is no accountability in the legal firm dealing with the refunds. A total of €500 million of taxpayers' money has been paid out——

**Deputy David Stanton:** That is a fact.

**An Ceann Comhairle:** Will the Taoiseach respond on promised legislation?

**Deputy John Perry:** A constituent of mine was offered €31,000, appealed that and was given €59,000. If a Deputy requests information on behalf of a constituent no information is forthcoming.

**An Ceann Comhairle:** It is bad enough to have preambles and epilogues but we cannot have anecdotes as well.

**Deputy John Perry:** This is a very important issue.

**An Ceann Comhairle:** We must move along.

**Deputy John Perry:** This is a big issue. A total of €500 million of taxpayers' money is being spent and there is no accountability.

**The Taoiseach:** I do not have a date for the health (long-term residential care services) Bill but the Government is considering it.

#### **Finance Bill 2008: Financial Resolution.**

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

THAT the provisions of section 93 of the Finance Bill 2008, as amended in the Select Committee on Finance and the Public Service, which relates to the special scheme for means of transport supplied by taxable dealers, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

Question put and agreed to.

#### **Finance Bill 2008 — Order for Report Stage.**

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

“That Report Stage be taken now.”

Question put and agreed to.

#### **Finance Bill 2008 — Report Stage.**

**Deputy Joan Burton:** I move amendment No. 1:

In page 11, between lines 11 and 12, to insert the following:

“PART 1

#### TAXPAYERS' ADVOCATE OFFICE

1.—The Ombudsman shall include in her annual report a special report on the overpayment of tax by PAYE taxpayers, and on the take up of credits by such taxpayers, and the branch of her office dedicated to ensuring that the take up of credits is readily available to all taxpayers, and refunds made as rapidly as possible where this arises, as well as ensuring the availability of a ready mechanism for informing taxpayers (particularly pensioners) who are entitled to a refund of DIRT tax, shall be known as the taxpayers' advocate office.”.

The purpose of this amendment is to again ask the Minister for Finance to set up a taxpayers' advocate. That would be an independent unit within the Office of the Ombudsman, to ensure that as far as possible PAYE taxpayers get all their entitlements, in particular the tax refunds due to them for medical expenses, service charges and refuse charges, trade union subscriptions etc. We have debated this matter before with the Tánaiste and it has provoked quite clear action on the part of the Revenue Commissioners to considerably beef up their contact mechanisms, advise taxpayers of their entitlements and encourage them to claim. However, the system has an enormously long way to go. The Minister knows this, as do the Revenue Commissioners. We want an advocate to advise the Revenue Commissioners to the effect that although what they are doing is an improvement, they could do better.

Young people, in particular, are paying a good deal in rent or management charges, where they have bought an apartment in which service charges for bin and refuse collections are frequently wrapped up. Almost none of those people can get a tax break because this Government has no legislation on management companies. The management fee includes the refuse charges, but the Revenue Commissioners cannot provide a mechanism to claim for that because in most cases these management companies do not provide itemised accounts. Through no fault of their own — and limited blame for the Revenue Commissioners — it is impossible for people to collect the tax breaks that are due to them in this case.

The sums involved are not trifling. The average rent for a two-bedroom apartment or house in Dublin west, which is not the dearest of areas, is a minimum of €1,200 a month. In some areas where there is shortage of demand, it could be €1,500 or €1,600 a month. The tax rebate for rental expenditure is really important, and significant for people on a tight budget. Similarly, refuse charges in most areas are climbing above the €250 and €300 mark. For people such as the Minister, who is accustomed to providing tax breaks for the very wealthy, the notion of 20% on €300 may seem to be something of a joke, but it all adds up. Cumulatively, the Revenue withholds every year hundreds of millions from individuals who ought to be entitled to tax breaks.

The purpose of this amendment is to set up an ombudsman structure. This has been debated and even adopted in principle by organisations such as the Institute of Taxation. Whenever the Commission on Taxation reports, this initiative will be a recommendation of all those hard working tax advisers the Minister has loaded onto that body. As I said, even the Institute of Taxation has said that this is a decent proposal. It is pro the taxpayer, whether big or small. It is not really an issue for very wealthy taxpayers because, by and large, they can afford lawyers and accountants to do their returns and minimise their tax payments, as they are legally entitled to, under our system.

Effectively, there is a range of very modest tax refunds in our system, for ordinary people on relatively low incomes. We have a defined system of tax breaks for wealthy individuals. These wealthy individuals can afford the accountants. Most ordinary people cannot employ an accountant. I will revisit the example I gave the Minister and ask him to think about it. Someone on the average industrial wage of just over €35,000, married with two children, is very unlikely at the moment, in terms of the Government's policy, to qualify for a medical card. If a member of that family of four, as can happen frequently, has a bout of illness necessitating a number of visits to a GP, the standard fee on the north side of Dublin is €55. It is very easy for such a family without a medical card experiencing normal childhood illnesses and perhaps a bout of 'flu in the course of a year, to run up medical costs of between €400 and €700. The figure will obviously be much higher if somebody is more seriously ill or has a more protracted illness. However, just taking the ordinary household where children get sick, the breadwinner is entitled to a tax rebate at the standard rate.

Wealthy taxpayers can, and do, claim back their medical expenses. Their advisers put in for a rebate on every cent they are owed. That is what they are paid for, but when it comes to the ordinary taxpayer, he or she cannot do it. It is wrong that it has taken so long to make provision for medical expenses to qualify for a tax rebate at source. That is done for mortgages and it could be done for medical fees. However, there is no onus on the Revenue Commissioners to change the system because there is no independent watchdog telling them they could do better. The Revenue Commissioners are to be praised for what they have achieved in terms of text information, the use of friendly lines, e-mail usage and so on; these are all positive developments. However, the take-up on relatively small tax refunds, say, €20 to €200 typically for an average person, is very small. Essentially this means that every year the State holds on to €200 million, which would otherwise be refunded to individual taxpayers.



[Deputy Joan Burton.]

Yesterday's returns show we dropped €0.5 billion on taxes in the first two months of the year, so I can understand that perhaps there is a motive on the part of the Minister for Finance to hold onto the money, rather than give it back to the taxpayers. We might need that little nest egg of unclaimed tax rebates. Nonetheless, I strongly urge the Minister that if we want to change the compliance attitudes in this society, then if people on lower incomes are due to get some tax back, this should be made as easy as possible for them. If large amounts of unclaimed tax rebates remain in the State coffers, then the Government should address the issue. Other countries do it, by having a taxpayers' advocate office, as it is called in the United States. This office could be located in the Office of the Ombudsman, and so would be an extension of that role. As with the Ombudsman over the years addressing particular issues, where individual citizens have got less than their due, it is to be recommended in terms of the type of governance by consent we all want to see in this country.

Tax is a difficult technical area for most people. It is hard for young construction workers, for example, who until recently were making a fair bit of money to remember that at the beginning of the year they might have visited the doctor. They might hold a couple of receipts for €100 and perhaps could get a tax rebate in that regard.

The office of the advocate, in the event, could constantly challenge the Revenue Commissioners to do more to get the rebates legally owed to taxpayers paid to them.

**Deputy Richard Bruton:** The amendment is particularly timely because the potential implications of yesterday's figures for the budget turnaround at the end of the year are truly catastrophic. In just two months we are €500 million off in terms of revenue. If this trend continues for the remainder of the year, we will be €3 billion off in our prediction, which would involve serious borrowing. We will be borrowing €8 billion and straining towards the limit of what is allowed under the stability pact.

The Minister published his monthly tax yield predictions just one month ago. It is truly amazing to find that the prediction is €500 million off within one month. I am amazed that he has not issued any explanation or statement on how he hopes to restore confidence. I warned at budget time that it was being framed in an extremely complacent fashion. I stated the Minister was content to persist with a very sloppy approach to public spending that allowed for considerable waste and that there was no impetus for reform in public services. There is no thrust to change the system so as to obtain value for money.

Unfortunately, there have been four budgets in a row under the Minister, many of which fuelled an overheating economy. They were produced for political reasons in the interests of winning an upcoming election but they have hurt the economy and made it uncompetitive. They have copperfastened the decline in our export market, which has featured for five years in a row, and we are losing market share. The Government must take a considerable amount of the blame for this loss of competitiveness.

There is a need for a serious strategy on the part of the Government because its programme for Government was based on tax revenue expectations that simply could not be met. The Minister is steering without a rudder in that the programme for Government, only six months after publication, is meaningless in terms of tax reform predictions and spending commitments. He needs to indicate how he proposes to bring about reform. I am not seeking knee-jerk responses and I am alarmed to see that the Health Service Executive is already seeking cuts of €300 million. As Deputy Kenny stated, that will inevitably affect discretionary front-line services because the bureaucracy will not be unwound.

Serious structural change is required in respect of how public money is spent and how value for money is obtained. It is a question of being able to live within what the economy is delivering rather than engaging in public spending at a rate 50% higher than the rate of growth of the economy. Such spending is not sustainable. We got used to it because stamp duty and other property taxes were the goose laying golden eggs but the goose is not laying golden eggs any more and the victims are the weakest members of our community.

The amendment is important because it would underline the obligation of the Revenue Commissioners to protect the ordinary tax-paying public. It would require the Office of the Revenue Commissioners to pay back what is due to the ordinary punter with the same determination it demonstrates in pursuing those who fail to honour their tax commitments. The Revenue Commissioners have moved a long way but have not taken this on board fully.

I repeat my request to the Minister to ask the Revenue Commissioners to undertake a study of the overpayment of taxes. Although I know he will complain about and object to what Fine Gael proposes, I have done such a study on the back of an envelope and considered the figures in the CSO household budget survey regarding moneys not compensated for through the drug refund and other schemes. It is a question of determining what is spent by ordinary householders on medical expenses. I estimate that tax relief is not claimed on approximately €500 million spent in this regard.

One will find that the number of rented properties, as reported by the CSO, is approximately two and a half times greater than that reported in the Revenue Commissioners' figures as qualifying for tax relief. This is not a one-way street for the Revenue Commissioners because there is no doubt that if they take seriously the restoration of money to those who are entitled to it, they will also catch landlords or other service providers who may not be honouring their obligations. It can be win-win for them. As Deputy Burton stated, there must be fair play on both sides. We give the Revenue Commissioners great powers to pursue those who are not honouring their tax commitments but we expect them to return to ordinary people what is rightfully theirs in equal measure.

I thanked the Minister last year and thank him again for the concession he made on medical relief. By removing the threshold, he made possible a move towards refunding taxpayers at source. He will argue that there are too many players but, with some ingenuity, we can at least begin to make it very simple to lodge a claim at source, even if the refund is not given at source. In other words, as soon as one enters a doctor's surgery, one could sign a form, obtain a receipt and have the transaction included in one's tax return data. At least, the expense would be on record as an expense and the Revenue Commissioners could process it in due course. With some ingenuity we can discover ways to provide refunds at source, particularly in the health sector, the main sector that does not provide for deductions at source.

Deputy Burton tabled the amendment previously and the Minister rejected it but we must make some progress in this matter. I hope the Minister will reinforce the welcome small change he made last year with a request to the Revenue Commissioners to produce a proper, objective report on the amount of tax overpaid and not, as occurred in the past, state it is a matter for taxpayers. He should also consider new ways to offer deductions at source. Can we now use the new provisions for medical relief to effect real change and allow individuals who are often on low or modest incomes to obtain tax relief on their expenditure?

**Deputy Martin Mansergh:** It is somewhat ironic that, in the same breath with which Deputies are criticising the growth in public expenditure, they are supporting an amendment to establish yet another public office, the manning of which would require a considerable number of civil servants.

**Deputy Richard Bruton:** It is the same office.

**Deputy Martin Mansergh:** The focus of the discussion wandered towards the financial outlook. The fact of the matter is that the public finances are characterised by their unprecedented, underlying strength, with a nominal general Government debt ratio of 25%. However, if there were a net general Government debt that took account of national pension fund contributions, it would result in a percentage of approximately 13% or 14%. On the nonsense about the catastrophic implications for our finances, memories must be very short if they forget what happened in the 1980s. I do not believe they are so short. What is required is a steady hand.

I can recall the Government being criticised as pro-cyclical. Thanks to the underlying strength of the economy, the budget was actually moderately anti-cyclical. This is confirmed by studying the Book of Estimates published in recent days which shows growth of 8% or 9%.

Underlying the amendment is the notion that we must interpose another group of civil servants between the taxpayer and the Revenue Commissioners. My experience of the Revenue Commissioners is that they are just as happy to assist taxpayers in claiming refunds as they are to assist them in meeting their obligations. Admittedly, there are geographical limitations in that one's experience relates to the particular office with which one deals. I simply do not believe the Revenue Commissioners would somehow be less inclined to assist taxpayers in obtaining refunds in the light of the Exchequer returns for the past two months. One should remember that the underlying financial position is strong. Incidentally, it is far too early in the year to make predictions. Very often, economic trends can alter course considerably in the course of a year. It is far too early to extrapolate from the figures for a two month period what the overall position for the year will be.

Personally, I do not see the necessity of establishing a new office. Unless it is an automatic refund system, a taxpayer must still contact a taxpayers' advocate office with details. Why would he or she not contact the Revenue Commissioners directly? I would have every confidence in their ability and willingness to help ordinary taxpayers, as Deputy Burton calls them, to claim their rights.

Reference was made to competitiveness. I presume Deputy Bruton saw the news in the past 48 hours or so that on the basis of the Lisbon Agenda, Ireland was the second most competitive of 15 countries in the European Union, after Finland. The position is not as bad as is sometimes made out.

**Deputy Arthur Morgan:** I support the amendment and marvel at the fact that less than a year ago a number of parties in this House were advocating significant tax cuts. Of course, the difference is that this time last year we were facing into a general election and with the fear that the people might realise what was going on, it is probably understandable, if not forgivable, that tax cuts were being advocated in the face of the then emerging trend. The Minister's party was most culpable because it had access to the minutiae of the figures, considerable more so than any of the parties on this side of the House. Therefore, the sin is considerably bigger as a result. As we have seen, the promises have now been buried. They have been shelved, probably awaiting the next election when they will be wheeled out again, as they were in the past, in the full knowledge that they will not be honoured.

There is a need for a significant awareness campaign around people's rights and entitlements under the tax code. I accept, as others do, that there has been some movement on the part of the Department in recent years but, unfortunately, not enough. There should be automatic flagging systems in place developed through ITC in Departments to notify taxpayers of their entitlements. That should be a feature of all Departments. It is unfortunate that more has not been done to date in that regard and that the Exchequer continues to take people's money to

which it is not entitled. I support the suggestion that right across the board, whether in doctors' surgeries or dental clinics, information be provided for taxpayers indicating their rights and entitlements to rebates. I, therefore, support the amendment.

**Deputy Kieran O'Donnell:** I want to make two observations. First, Deputy Mansergh made the point that after two or three months it was too early to extrapolate what the overall position would be. If one was to look at the HSE's website, it held a board meeting at the end of February 2007 at which it was clearly indicated that there would be a deficit of €200 million or €300 million. However, no action was taken. We did not hear about the matter until after the general election. One can only judge on the information one has available. I would be interested to hear the Minister's reply to Deputy Bruton on what proposals he has to deal with public expenditure and the economy. Certainly, in terms of the assumptions made in preparation of the budget, the Minister based his figures on 55,000 house completions. At the time it was generally recognised in the marketplace that the figure would be as low as 35,000, which as the Minister well knows could result in a shortfall of €2 billion at a minimum.

On the amendment, thankfully, this morning I heard a radio advertisement on the issuing of tax credit certificates in which people were asked to log on to the Revenue website to check their entitlements. The amendment makes particular reference to pensioners, most of whom will not use the Internet. Such advertisements, many of which are being run on local radio, should be amended to include for the purposes of practicality a reference that people should contact their local tax office.

On the extra cost, we are looking to use public resources and services in the most efficient manner possible. Deputy Burton's amendment refers to the setting up within the office of the Ombudsman of a particular section to deal with PAYE taxpayers' rights. I do not see that costing a significant amount of money. It would be a highly efficient use of public resources. We should not have been in a position where there was a need for refunds of the order of €530 million in 2007 and €407 million in 2006. Looking back further, there were refunds of the order of €277 million in 2004 and €357 million in 2005. That amounts to approximately €700 per person on average. Nearly 520,000 persons applied for a tax refund in 2005. We should progress to a point where people could receive a refund by way of their tax credits rather than having to apply for it at the end of the year. The proposal is practical in orientation, would not cost the Exchequer a significant amount and would introduce a fair system. I await the Minister's comments.

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** As stated, this is an issue that was discussed on Committee Stage and during the debates on previous Finance Bills. Some recognition, in fairness, has been given to Revenue's efforts to improve the range of services it provides in order that taxpayers are made aware of their entitlements and assisted in every way possible in obtaining those entitlements.

Looking at the list of initiatives to inform taxpayers of their entitlements and grant reliefs automatically, in the autumn of 2007 there was a major advertising campaign undertaken in the national daily newspapers, on national and local radio, in DART and Luas stations, and on bus shelters, etc. Last year Revenue automatically granted age credits for those reaching the age of 65 years and automatically granted increased rent credits for those aged 55 and over. It opened DIRT-free accounts for those over 65 years or permanently incapacitated. The number of DIRT-free accounts was 47,218. The DIRT repaid last year to 920 claimants came to €2.2 million. Over €9 million was automatically refunded to 50,000 taxpayers based on details received by Revenue in respect of pharmacy costs.

[Deputy Brian Cowen.]

As has been said, Revenue is advertising details on television and radio, whereby taxpayers can apply for tax credits and refunds using its on-line service. Local tax offices are also available to assist. In fact, many may go to local office in the first instance. Revenue intends to be in the position where it can make automatic refunds in respect of tuition fees paid to third level colleges and universities. The feasibility of extending this approach to nursing home fees and medical and dental practitioner expenses will also be examined during the course of the year. Revenue has made available a wide range of publications and guides on its website, of which a major redesign will be undertaken this year to improve the quality and timeliness of the information available.

In helping taxpayers to pay the right amount and to avail of their entitlements, Revenue, over the course of its new strategy statement, plans to target better communication and information dissemination at individual needs. These initiatives during the course of the 2008-10 strategy statement period will include a major redesign of Revenue's website to improve the quality and timeliness of information and to present information and services on a more customised basis; running information campaigns on tax and customs systems, both locally and nationally, and to include programmes directed at non-Irish nationals; improving the quality of information based on a plain English standard available to all customers, validated by customer surveys and structured feedback from representative groups; easier to use PAYE self-service channels, leading to greater take-up; and tax credits and other reliefs increasingly given on an automated basis or prompted on foot of third party data. Much has been done in this area on the initiative of the Revenue Commissioners and prompted by the public debate ongoing in the House on successive Finance Bills with regard to making the maximum effort to ensure people get their entitlements.

The amendment is similar to one we had on Committee Stage regarding the need, as perceived by the Deputy, to establish a tax advocate's office. The statutory remit of the ombudsman already incorporates both of the roles proposed for a taxpayer's advocate, namely, acting for taxpayers and investigating actions that are contrary to fair or sound administration. Since the inception of the Office of Ombudsman, significant numbers of taxpayers have exercised their right to make complaints to that office. The ombudsman has carried out several special investigations on her own initiative under the Ombudsman Act 1980. When calls were made previously for the establishment of a taxpayers' advocate, the then ombudsman drew attention to the duplication of role and responsibilities that such a development would involve.

Apart from the statutory role and responsibility of the ombudsman, other avenues are open for taxpayers to make their complaints and to seek satisfaction for perceived unfair treatment. They can lodge a customer service complaint about the standard of service received in their personal contact with the Revenue Commissioners, by telephone, correspondence, fax, e-mail or in person, to a Revenue public office. They can request a review by Revenue of any aspect of the way in which their tax affairs have been handled. Such reviews are undertaken by a senior Revenue official who is not involved in the original decision, or, at the taxpayer's request, jointly by an external reviewer and a senior official. Taxpayers dissatisfied with specific treatment by Revenue can appeal under statutory provisions that grant access to the appeal commissioners, who are completely independent of the Revenue Commissioners.

In the Finance Act last year, I introduced a new scheme to allow the operation of DIRT exempt savings accounts subject to two conditions, that the account holder be 65 years of age or over or be permanently incapacitated and total income not exceed the relevant exemption threshold, €19,000 for an individual or €38,000 for a married couple. In 2007, Revenue arranged for an information leaflet to be issued to social welfare customers in receipt of State and other pensions. Some 100,000 leaflets were issued in that way. Revenue also continued to publicise



the facility offered by the accounts through appropriate channels, including contact with representative bodies, other Departments and agencies and relevant advertising.

The Revenue Commissioners are satisfied that their ongoing efforts to inform taxpayers of their entitlements are having the desired effect. This is demonstrated by the substantial increase in the number of PAYE taxpayers seeking reviews of their tax liability in the context of claiming additional tax credits and reliefs. The number of reviews processed in 2006 was 1.14 million, as against 552,000 in 2005. The figure for reviews in 2007 is comparable to the 2006 figure and will be published in the Revenue annual report due in April.

Revenue staff in front offices dealing with the public and those manning customer help lines are trained to give full assistance to all customers. Where necessary, they will explain all areas of the tax code and the entitlements of individual taxpayers. There is also a wide range of information leaflets available, both in print and on line.

The fact that few people are enthusiastic about paying tax is all the more reason for effective channels of complaint and appeal by taxpayers against poor service or unfairness. Given the comprehensive and accessible system already in place for complaints or appeals by any taxpayer who feels unfairly treated by the tax system, I do not believe there is a case for putting in place the additional layer of a tax advocate's office.

With regard to other issues raised in the debate we have had on this section, there are issues of concern, for example, the weakness in CGT for the first two months of this year. There have also been adverse developments since the Budget Statement in December and in the international situation. We will monitor that situation and commit ourselves to watching expenditure levels closely during this 12 months. We will consider the situation after the first quarter and make further comment at that stage.

**Deputy Joan Burton:** I am disappointed that the Minister's reply is so dull and unimaginative. The Minister seems very active with regard to facilitating well-off people who can afford accountants and tax lawyers to engage in tax planning and making it lucrative for them. The Minister will argue that this has its appropriate place in the system. It is sad that the Minister lacks the imagination to see what happens in terms of the majority of people who work for modest remuneration. These people are not facilitated.

I spoke about the issue with regard to health services. A family on the average industrial wage is unlikely to have a medical card, given the cutbacks in the number of medical cards by the Government over the past ten years. That number has fallen to an historic low. Many families on the average industrial wage have several hundred euro of medical bills per annum. In many cases they do not claim their tax back because, either they do not keep proper receipts or they do not know they can reclaim the tax.

What is at issue is not the fact that the Revenue Commissioners — after long debates in this House — now advertise in a variety of media that people can reclaim taxes, but that they are not active in encouraging and facilitating people to have these refunds paid. The easiest way would be to do it at source, but there has been little inventiveness on the part of the Revenue Commissioners during the Minister's reign to do this. Instead, the Minister's attention has been focused on boosting the property market, house prices and land prices to the point where that won him the election, but now we must live with the consequences of the fall. On the Minister's watch we have had the steepest decline in tax revenue, the largest increase in unemployment for a long time and serious signs of deterioration in the fortunes of the economy.

The Minister can bring in Deputy Mansergh to praise him all he likes, but self-praise is no praise.



**Deputy Martin Mansergh:** I came in of my own accord.

**Deputy Joan Burton:** Deputy Mansergh adores all Fianna Fáil Taoisigh, past and to be. He is only continuing his tradition of incredible adoration of the late Charles J. Haughey—

**Deputy Martin Mansergh:** I thank the Deputy for her respect for my arguments.

**Deputy Joan Burton:** —his current adoration of the Taoiseach and his loyal adulation of the person whom we presume, according to the current Taoiseach, will be the next Taoiseach. That is all good fun and Fianna Fáil politics. We do not mind that, but we would like a fair deal for the ordinary taxpayer.

**Deputy Martin Mansergh:** I am a bit more serious than that.

**Deputy Joan Burton:** That is what the amendment is about. I urge the Minister to reconsider.

**Deputy Brian Cowen:** On the basis of this amendment, the case has been made for the establishment of a tax advocate's office by Deputies across the House and I have given a comprehensive reply as to why I am not convinced that would add to the situation in the way people suggest it would. I recognise the proactive and effective efforts of Revenue in terms of access and its ability to deal with the issues and the fact it is involved in a programme of trying to provide, as much as possible, payments at source. This is not so simple. The number of outlets where expenditure takes place impacts on the ability to provide a tax relief at source system. If there are 3,000 GPs involved or if there are different systems in different local authorities in respect of bin charges, we cannot assume that it can be done very easily. Revenue is in the business of ensuring compliance not only in terms of people's liabilities but also trying to ensure that people draw their entitlements where they are due. That is part of the definition of compliance. It involves trying to heighten public awareness and to be as helpful as possible to taxpayers in every way. The effectiveness of some of its initiatives is demonstrated by the level of response one could say has arisen as a consequence of its efforts.

Revenue has further plans in mind in its statement of strategy for 2008-2010 so this issue is being addressed. It is not a question of not acting to try to improve the situation or suggesting that everything is perfect in the garden. One must also put in the caveat that, at the end of the day, it is the responsibility of each individual taxpayer to bring to the attention of Revenue those issues to which they are entitled. Revenue cannot be assumed to have that information because it may or may not be relevant to the individual concerned. That is the whole idea. We are trying to ensure that the individual is aware of what he or she could seek in refunds under the tax code. That is the situation.

I do not accept the wider issues mentioned by the Deputy outside the scope of the amendment but I will not go into the detail of this when we are dealing with this amendment.

**Deputy Kieran O'Donnell:** I am looking at the section in the strategy which deals with helping customers to pay their right amounts and to get their entitlements. I have no complaint with Revenue in respect of Internet access for people who wish to get the correct entitlements. However, I have a problem in respect of pensioners and older people in particular. I made reference to a particular advertisement run on local and national radio this morning. Like the banks, this advertisement effectively pushed elderly people towards Internet banking and other forms of electronic transfer. As a vulnerable section of the community, they should be looked after. What I am seeking is a very practical measure, namely, that the advertising campaign tells people where their local tax office is and that when they go there, their concerns will be

dealt with. I ask the Minister to go back to Revenue, of which he is boss, and request that it makes its advertisements more accessible to old age pensioners.

**Deputy Joan Burton:** I draw the issue of management companies to the attention of the Minister and his officials. Most of the many thousands of apartments and new housing developments in the greater Dublin region and most towns and cities around the country are subject to management companies which, typically, have charges of €350 to approximately €3,000 per year. If it is an apartment, the normal fee is plus €2,000. Average fees are now around €2,500 for anything in a gated apartment-style complex.

Refuse charges for the local authorities are normally incorporated in the charges for these gated complexes and apartments. In the context of these management companies, as far as I can find out, these charges amount to probably €300 to €500 on average per annum and may be higher in some areas where refuse charges are higher.

Essentially, the people paying these charges through the management company are entitled to a small tax break for paying their refuse charges. However, because management companies are entirely unregulated by this Government and are normally effectively controlled by the developer and the agent chosen by him or her, the residents in the complexes cannot get a detailed and itemised bill to present to the Revenue Commissioners to prove that they are paying refuse charges. This is not the fault of the Revenue Commissioners who must deal with a situation which has developed without any thought on the part of the Government but which was basically designed to provide another quick killing for developers, particularly when they were selling apartments and houses at the height of the boom.

Can the Minister acknowledge that a serious wrong is being done to the tens of thousands of people who have had no option but to buy an affordable or very expensive property in a development subject to a management company? They have no recourse. The Revenue Commissioners do not have the ability to take this up because to whom does it go? There is no legislation to deal with it. It is an area where, once again, the ordinary citizen is powerless but the developer and construction company who built the complex are probably loaded up to the gills with tax breaks. That is perfectly legal. They have an army of lawyers and accountants looking after it. This is their business and it is perfectly legal. The Minister and the Government cannot seem to take account of the issues of the ordinary person who is entitled to a relatively modest tax break and cannot be facilitated to do so.

**Acting Chairman (Deputy Joe Costello):** That is Deputy Burton's right of reply. Strictly speaking, nobody else can come in at this point. Deputy Mansergh has asked to be allowed to say a few words. Each Deputy can speak twice and the mover of the amendment has the right of reply. The Minister can only speak twice so he is not entitled to reply to anything said by the Deputy after that.

**Deputy Martin Mansergh:** I apologise for coming in so late but the rules for Report Stage are slightly different in the Seanad so I am adjusting to them in the Dáil.

Like Deputy Burton, I am a member of the Oireachtas Committee on Finance and the Public Service. Indeed, I have the honour of being Vice Chairman of that committee. On that basis, I consider it my duty to be here during discussion of the Finance Bill on Report Stage. I did not come in here by arrangement with the Tánaiste and Minister for Finance. I would like Deputy Burton to have a bit of respect for other Deputies in this House and acknowledge that, like her, they are here to discuss the issues.

In respect of the issue Deputy Burton raised, namely, the Government's regard for ordinary persons, the House needs to be reminded that over a period of several years, the lower and

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middle income earner has been and continues to be treated better by the tax code in this country than in any other EU country. That should be borne in mind as part of the context in which we are discussing this issue.

Amendment put and declared lost.

**Acting Chairman:** Amendment No. 2 in the name of Deputy Burton arises out of Committee Stage. I remind Deputies that this is Report Stage. We spent three quarters of an hour on amendment No. 1. After Deputies speak on the first occasion, they have only two minutes to speak after that. Ideally, we should be moving much faster.

**Deputy Joan Burton:** I move amendment No. 2:

In page 11, between lines 11 and 12, to insert the following:

“PART 1

COMMISSION ON TAXATION

1.—The Minister shall in establishing the commission on taxation include in its terms of reference the following matters:

(a) to examine anomalies arising from the tax treatment of married persons where one spouse remains out of paid employment in order to attend to child care duties;

(b) to examine the treatment of unmarried persons living together including gay couples in long term relationships;

(c) to examine the operation and possible reform of stamp duty particularly the capacity of property developers to avoid stamp duty on certain transactions and the exclusion of certain financial transactions (e.g. contracts for difference) from the lower rate of stamp duty applied to financial transactions;

(d) to examine the need to ensure that carbon tax proposals have due regard to the ability of less well off individuals including pensioners to meet the cost arising from increased taxation on carbon based fuels such as coal and gas;

(e) to inquire into the fairness and equity of the overall tax system and to provide for the evaluation of tax breaks and other provisions permitting tax payers to mitigate their tax liabilities and the impact in particular of provisions for exemption from tax and residency rules and shall publish at regular intervals the outcome of their enquiries into the tax system.”.

The purpose of this amendment is to ask the Minister to use the Commission on Taxation, which was a proposal put forward by the Labour Party, as a way of having an ongoing look at our tax system and its fairness or unfairness. This is a job that needs to be done on a continual basis, regardless of who is in Government, because what is effective in tax terms in one set of years is not effective some time later. Therefore, this needs to be continuously monitored.

One of the issues the Commission on Taxation should address is evaluating tax breaks. This follows the study done by the Minister’s Department some years ago showing that many of the construction-based tax breaks — to use the language of a number of the reports — carried dead weight in terms of economic activity. In other words, the economic activity would have happened anyway and the tax breaks did not add anything extra. However, the political impact of the tax breaks, particularly for the Minister’s party, has brought huge rewards, even though

all the parties in the House have been party to tax rates being lowered. In the case of the Labour Party, the 12.5% corporation tax was agreed by then Minister for Finance, Deputy Ruairí Quinn, and subsequently implemented by the follow-on Fianna Fáil Administration and Minister for Finance. There was cross-party agreement in the House on this matter.

The Minister announced his Commission on Taxation which is weighed down with the great and the good of the tax world, so many people who are leading lights in the tax avoidance tax minimisation industry, as opposed to one or two persons personally appointed, in one instance with a trade union connection, to be advocates for ordinary taxpayers. The only parallel in history that comes to mind is Dick Cheney's energy commission. It was set up to protect the environment, but it was loaded down with lobbyists and vested interests who basically wanted to get their hands on the US energy reserves. The Minister's approach is very much like Vice President Cheney's approach; the fox is going to raid the henhouse and the foxes are asked to sit on the committee. This is wrong. The Labour Party had in mind a broader commission which would examine what we are doing.

Since the catastrophic fall in tax revenues under the Minister's watch, this issue has become more important than ever. We are going to have less of the kind of tax revenues that were available to blow on any and every other fancy rather than to invest in serious infrastructural which this country requires. We also have an ideological rift running through this Government with the diminishing presence of the Progressive Democrats over the past ten years. This has been to privatise health care at all costs.

I was saddened to read the Minister's proposal on the hospice movement. When I was a teenager, my mother died very slowly and painfully from a very severe form of cancer. There was no hospice movement available at that time to help people like her who did not have money. Twenty years later, when her unmarried older brother was dying with lung cancer, the availability of hospice services had improved and he was able to access such services as a single man, which included male nurses to attend him when he was in his late 80s.

The hospice movement in this country is more than worthy of Government attention, investment and assistance, and this would have my strong support. If the Minister were to propose in the Finance Bill that for every euro the not-for-profit hospice movement raised, the Government would match it by VAT refund — which is the subject of a Labour Party amendment — we would applaud such a proposal because there is no dispute about the fact that the hospice movement has brought a dimension to palliative care in this country which is simply not available in the normal hospital services. The Minister is proposing to complete the circle of privatising our health services by essentially privatising and offering a for-profit investor-led service.

I draw the Minister's attention to four pages of amendments all to do with the investor in palliative care. I understand the technical reasons for the Minister's amendment referring to investors. However, what is the advantage to society of privatising the hospice movement? A developer wishing to invest in hospices will get a 41% tax break for every €1 million used to build a hospice. Over a period of 15 years, a developer will receive at least €410,000 back if he or she is a top rate taxpayer and a bit more if he or she also has a PRSI liability. What is the point of this proposal?

The Minister already privatised and attempted to introduce tax breaks for private hospitals, nursing home care and psychiatric facilities last year. His predecessor as Minister, Mr. Charlie McCreevy, with whom I debated the issue, had a crude view that it would produce more beds. This is an argument that has to be addressed. What has it done to the health services as a whole? Why are we listening, day after day, to so many tragic stories? What does it say about a country when the Government proposes privatising people in their last stages of illness? What does this say about this country as we march on to 2016? If the Minister wished to

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incentivise the development of hospices there were better ways of doing so, which the Labour Party would have supported on a euro for euro basis, rather than yet again giving tax breaks for investors.

I tabled this amendment which speaks for itself. It asks the Minister to evaluate those tax breaks. It is not too late for the Minister to defer his proposal. I suggest he ask the commission, weighted and all as it is by people who have been involved in one or other element of the taxation advisory industry, to undertake that evaluation. In most other parliaments, anyone being appointed to a commission would be subject to scrutiny by a parliamentary committee such as the Joint Committee on Finance and the Public Service, of which my colleague, Deputy Mansergh, is Vice Chairman. One of the questions such an appointee would be asked is whether he or she had a vested interest. Who are the vested interests that are the predominant force on this committee? They are the people in the taxation advisory industry.

I do not have a problem with the taxation advisory industry. I am originally an accountant by profession. However, we must try to define what is in the broader public interest rather than what is in the direct interest of a select few. This is what the Cheney commission did in America in the early 2000s with regard to energy policy and developing areas such as Alaska. The Cheney commission has not been successful and I do not really expect this Commission on Taxation to be particularly successful. It is headed by somebody for whom I have a lot of time, the retiring chairman of the Revenue Commissioners. He is just one person on the commission, with one or two others who might represent the interests of ordinary taxpayers.

I refer to the impact of individualisation on families, particularly families with two or more children. They are now paying extra taxes of approximately €7,000 a year if one partner chooses to stay at home and mind the children. I will not rehearse the various points I made on Committee Stage.

The commission should provide an opportunity to examine the treatment of unmarried persons who are living together, including gay couples in long-term relationships. The Labour Party has published a Bill on civil unions, which has been put before the House twice. The programme for Government promises to legislate for civil unions as a prelude to giving gay people the full entitlements others get in terms of recognition of their relationships. There are big tax issues that need a cool examination to ascertain how we can give people their just entitlements, which is what a proper tax system ought to be about.

We want to consider the reform of stamp duty. The Minister's two attempts, which were too little and too late, to change stamp duty more than anything else wrecked the housing market. There it is going to sit probably for at least another two years. We all wanted a soft landing. For political reasons prior to the general election the Minister chose to boost the housing and land market to unsustainable norms. We could have had the soft landing. However, unfortunately once the general election was over and reform of stamp duty had to come, the Minister took two bites at the cherry, despite having said when Fine Gael made a proposal that if it was done piecemeal it would be a disaster. The two bites at the cherry on stamp duty reform really damaged the housing market.

**Deputy Brian Cowen:** Did the Deputy not support the Fine Gael proposal?

**Deputy Joan Burton:** We need to consider the matter in some detail. The Minister also made several disastrous decisions off his own bat in previous Finance Bills. The first was the 1% stamp duty on contracts for difference. When representatives of the investment houses and brokers contacted the Minister to say they would not have it, the Dublin exchange became a bubble for contract for difference transactions. That bubble has also burst and many high net



worth individuals are nursing very significant losses. I understand that most of them can sustain those losses. However, it is still not pleasant to see people with losses estimated to be in excess of €600 million on the market the Minister helped to boost.

In this Bill when the Minister inserted the securitisation of carbon credits again he omitted the 1% stamp duty from those transactions in order to try to boost a flagging stock market. Deputy Mansergh talked about counter-cyclical measures. They were not counter-cyclical measures. They were measures designed to boost an already inflated market and inevitably they mean that when the crunch has come, the crash and difficulties are worse that they might otherwise have been. All of us wanted a soft landing from the high boom. However, the Minister has conspired to produce a much rougher ride particularly for the people at the bottom of the housing market, many of whom unfortunately are left with degrees of negative equity of up to approximately €70,000.

I ask the Minister to give consideration to the Labour Party's proposal and in particular to reconsider today's move regarding hospices. It is not worthy of the not-for-profit voluntary sector and the history of hospices in the country, which every Deputy in the House supports. Most of us have considerable experience of hospices and of fundraising for them.

**Deputy Martin Mansergh:** The one point on which I strongly agree with Deputy Burton is the value of the hospice movement. That is without prejudice to any measures to encourage the construction of hospice buildings.

I found the discussion about the privatisation of the health service somewhat ironic. I am unclear as to the status of this policy at this stage. However, the Labour Party policy was to make the health service entirely insurance-based. Most of the insurance companies would be private. I have some little experience of the system in one continental country and I am not sure I want to see insurance companies effectively determining health policy and what will and will not be reimbursed. We have a very substantial public health service in the HSE. A comprehensive insurance-based policy could represent a wholesale privatisation of the health service and take it away from the public accountability it has.

The spirit behind the amendment is that the commission on taxation should be a standing body. I am not sure about that. We should be wary, not least in these times, of establishing more permanent agencies. Much could be said for asking a commission to do a job and when it has done its job to disband. I deprecate repetition this morning. The attempt to portray an essentially politically and ideologically neutral body as some enormous right-wing conspiracy and picking the most right-wing figure one can think of who is active in the political world, US Vice President, Dick Chaney, is grossly unfair to the commission and simply not objectively justified. Of course practitioners with experience of the system are needed on the commission along with others. Inevitably as many of the issues that will be discussed, including tax breaks, are technically pretty complicated, I do not see how one could do without such experts.

I will not go into great detail on the individualisation debate — nor did Deputy Burton. It must be pointed out that the pre-individualisation situation was unfair to many people. Single workers on the average industrial wage tended to be taxed at the higher rate and with younger married couples, the second working spouse would be paying the higher rate immediately on taking up work. It was not satisfactory and there seems to be a persistent wish on the Opposition benches to reverse that completely. I do not believe that is practicable or desirable. It is distorted by portraying it as the spouse staying home paying more tax as if that was something imposed on them.

At least the wording of section (b) of the amendment is broader than sometimes occurs. We have debated the matter on the Labour Party Private Members' Bill. A great deal about the



[Deputy Martin Mansergh.]

question of civil partnership, domestic partnerships or whatever one calls them, has to do with taxation consequences. The tax revenue from people who are not married is considerable. I take the view that two people living for the long term under the same roof should not be treated differently depending on what sort of sexual relationship, if any, they might be in.

The last person to accuse of having destabilised the property market by the stamp duty debate is the Tánaiste and Minister of Finance. He certainly did not start that debate which initially began in the media. Various sides contributed to it and it was irresponsible. The fact is that house prices have now eased. Therefore, there is no evidence of or basis for talking about a hard landing in the property market. As far as I can judge, the number of repossessions seems to be minimal. What seems to be more important than whether in a limited number of cases there may be a marginal degree of negative equity is the fact that there has been a significant and substantial fall in house prices for those who want to purchase them. Therefore, they are more affordable. That accounts, potentially, for a much larger group.

While I do not wish to repeat the points I made on Committee Stage, it is self-evident that if a carbon tax were introduced, its social welfare implications would have to be dealt with at the same time. That is not really a matter for the Commission on Taxation, however, but the responsibility of the Minister for Social and Family Affairs.

I have been following with some fascination the action of the German authorities concerning the tax haven of Liechtenstein, detailed accounts of which have appeared in some German publications. I welcome the fact that information will be made available to the Revenue Commissioners. There is an ethical debate ongoing in Germany as to whether the actions of the authorities are justified; they are entirely justified.

We need a degree of stability in the tax system. I do not agree with the last part of Deputy Burton's amendment which suggests the regime should be subject to constant change and fluctuation. A reasonably settled system would be of most benefit to the economy. In the past few years the Minister has considerably tightened and, in some cases, abolished tax breaks. It is more than likely that we will be chary, particularly in the current situation, about adopting schemes without a demonstrable public benefit that would have the effect of narrowing the tax base.

**Deputy Richard Bruton:** I will leave our discussion of health aspects until later because there is a Government amendment on the issue. Therefore, I will not try to explain to Deputy Mansergh how an insurance-based health scheme does not have to be a free for all promoting just for profit medicine. However, we can revert to that topic.

I have no problem with the principle of establishing a commission. We have much expertise on the Select Committee on Finance and the Public Service, of which Deputy Mansergh is the eminent Vice Chairman, which could examine tax policy. However, no vehicle is provided by the Government to debate it. The Minister does not introduce, as is the case with the Estimates, an annual statement of tax policy indicating how much various concessions cost, what they are worth and how they perform. In that way, we could have a serious debate about the direction our tax code should take.

We do not have the opportunity to look seriously at how we treat different families. Many couples are not married but if one partner stays at home, he or she is treated deplorably. The one breadwinner is treated like a single person, even though he or she may have children and an adult dependant. Similarly, it is crazy that if a married couple separate, they suddenly have four tax credits, whereas if they had stayed together, they would have two. There are big anomalies in the way we treat different people and the Dáil needs to move forward on the matter.

We would not always need to have a commission to tell us what we should do if the Minister and his colleagues provided an arena for serious debate on taxation policy, including the dilemma of what to do about equity in pensions. We do not need the social partners or the Commission on Taxation to tell us it is unfair that 80% to 90% of tax relief on pensions goes to 20% of the population. We do not need to be told this by some gurus, from wherever they come, although I am sure they are worthy individuals. We should have some self-confidence as elected representatives with a mandate. The Minister should facilitate a more open debate on taxation matters. The Select Committee on Finance and the Public Service could do this because its membership is drawn from parties with various perspectives. It is a good committee which could make a significant contribution in this regard.

There are serious issues about the way in which we treat children. Public policy towards them is a vital issue. As this becomes a greyer society, we will depend on a more narrowly based workforce to support us, yet we have a niggardly approach to helping parents to bring up children. The Government has taken a particularly narrow view of the approach to child policy but that is a debate for another day.

We have the competence in this House to develop policy in some of these areas if only the Government had the confidence to allow elected representatives to play a more important role. I have laboured on committees, as have Deputies Mansergh, Burton and others. I have produced *rapporteurs'* reports on interesting reforms that we need to undertake, yet Departments do not pay a blind bit of attention to what Oireachtas committees state. Until this changes, we will still ask consultants and committees to tell us what we should do, whereas we should have the self-confidence to deal with such political issues. I am not saying the Minister does not take on certain issues — he has taken good decisions in some areas, on which I compliment him. However, there is expertise all around us if we had the confidence to avail of it.

I have no problem with the principle of a commission and support Deputy Burton's amendment which outlines matters that need to be seriously examined. Although we are asking the Commission on Taxation to look at the balance between income, spending and capital taxes, it is remarkable that the Minister has prominently omitted his own commitments from the terms of reference to cut PRSI and the top rate of income tax. They looked to be core statements of the Government's strategy on the balance between income, capital and spending taxes, yet they have been omitted from the terms of reference. Whether they are being air-brushed out, I do not think the revenue will be there in the next few years to honour some of the commitments made, which will probably colour the situation. Commissions are grand but let us have confidence in ourselves too.

**Deputy Kieran O'Donnell:** I endorse what Deputy Bruton said with reference to the amendment. In the budget the Minister gave 2.25 times more, in terms of an increase in tax relief, to a two-earner family than to a single-earner family on the same income, which amounts to an extra tax credit of €164 per year. The difference between the two is approximately €4,600 a year.

Deputy Bruton's point concerned the high dependency ratio. Other European countries are trying to encourage an increase in the birth rate, whereas there is an impediment here. The Minister should reconsider the issue. I see no reason he could not broaden the terms of reference of the Commission on Taxation to include these issues.

On Committee Stage I referred to stamp duty reform. The Minister should re-examine this matter for people with disabilities who are required to move to a second-hand house, as they cannot move to a new one. The Minister should provide for some alleviation in that respect.

Debate adjourned.

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

### **Message from Select Committee.**

**An Leas-Cheann Comhairle:** The Select Committee on the Environment, Heritage and Local Government has completed its consideration of the Motor Vehicles (Duties and Licences) Bill 2008 and has made amendments thereto.

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

#### **Priority Questions.**

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#### **Services for People with Disabilities.**

78. **Deputy James Reilly** asked the Minister for Health and Children the action she will take to address the long waiting lists for assessment and diagnosis of children suspected of having autism, which now stand at up to two years, given that there is a three-year window of opportunity to intervene to allow a child achieve his or her full potential and that to lose two of these years waiting for an assessment would be catastrophic; and if she will make a statement on the matter. [9774/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Government is committed to providing a high quality service for all people with a disability, as illustrated by the substantial investment in the disability sector in recent years. An integral part of the national disability strategy is the multi-annual investment programme, published in December 2004, which contains details of specific commitments in regard to the provision of high priority disability services in the period 2006 to 2009. These commitments include the development of new residential, respite and day places for persons with an intellectual disability and autism in each of the years covered by the programme. Additional funding was also provided to enhance the level and range of multidisciplinary support services available to adults and children with intellectual, physical and sensory disabilities and those with autism. It also provided for the recruitment of additional professional and support staff. The priority to date has been to enhance assessment and support services for children with disabilities.

Prior to the establishment of the Health Service Executive, different approaches had emerged throughout the State to service delivery for individuals with autism. There are early intervention services in many parts of the country, some of which are run by the HSE and others by non-statutory agencies, but there are inconsistencies in their approach and delivery. The HSE is committed to redesigning these services in line with its transformation programme and current best practice.

Intervention early in life can have a significant impact on the disabling effects of a condition or impairment. In recognition of this, Part 2 of the Disability Act 2005 was commenced for children aged under five years with effect from 1 June 2007. This provides parents of young children with disabilities with an entitlement to an independent assessment of their child's health and education needs and a statement of the services it is proposed to provide for that child. To date, more than 1,300 applications for assessment of need have been received and are being processed by the HSE.

Representatives of the Departments of Health and Children and Education and Science, the HSE and the National Council for Special Education meet on a monthly basis to address a

range of issues, including matters arising from the ongoing implementation of the Disability Act 2005.

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

This work includes planning for the roll-out of Part 2 of the Disability Act 2005 and the Education for Persons with Special Needs Act 2004 to children aged between five and 18 years and to adults. Issues in regard to the timely and appropriate provision of health and education supports for children with a range of disabilities, including autism, are being considered in the context of these discussions. Health related support services for children aged five to 18 years and for adults will continue to be enhanced to enable the HSE to meet needs identified for this group.

The recently established Office for Disability and Mental Health will focus on facilitating the delivery of integrated health and education support services for children with special needs, by further developing the existing mechanisms for co-operation and co-ordination between the health and education sectors.

**Deputy James Reilly:** I cannot tell from the Minister of State's response how he proposes to address this issue. There is a window of opportunity between the ages of three and six years where it is possible to make a significant impression on the ultimate outcome for an autistic child. However, a waiting list of up to two years means two thirds of this window may be lost to parents as they wait in frustration for a diagnosis. Many parents are going abroad to seek diagnostic services or doing so privately at extraordinary cost. This is unfair, particularly when we know that early intervention would mean that 50% of these children could move into mainstream education.

What arrangements are in place to provide speech and language therapy and behavioural therapy under the so-called eclectic model to which the Minister for Education and Science, Deputy Hanafin, has referred, in mainstream schools which provide special classes for children with autism? Two schools on the north side of Dublin, for example, have the classrooms, teachers and special needs assistants but cannot secure speech and language and behavioural therapy services.

**Deputy Jimmy Devins:** The diagnosis of autism is outlined in the international classification of diseases and related health problems. There are five diagnoses under this umbrella. The overall estimated prevalence is in the order of 60 in 10,000 children. As I said, there has been a degree of inconsistency in the delivery of services throughout the State which the HSE is committed to correcting. To date, there is no agreed mechanism for interaction between the HSE and the Department of Education and Science and practices differ throughout the State. The recently established Office of Disability and Mental Health, which I have the honour of heading up, is designed specifically to tackle such problems as this. If the Deputy requires, I can discuss the issue further.

**Deputy James Reilly:** I am delighted the Minister of State is taking control and responsibility in this area. I ask that he devise a cogent, coherent plan to address this issue immediately. It is a matter of co-ordination. All the services and divisions are in place but they must be co-ordinated. I hope we will not have to wait for a report to issue and that the Minister of State will take action that will result in tangible change in the next three months.

**Deputy Jimmy Devins:** A cross-sectoral committee has been established comprising representatives from the Departments of Health and Children and Education and Science, the HSE and the National Council for Special Education, which meets on a monthly basis. I have

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attended one of its meetings and intend to do so more regularly. By these means, we will ensure progress in this area.

### **Departmental Reports.**

79. **Deputy Jan O'Sullivan** asked the Minister for Health and Children when she expects the publication of each of the outstanding reports on cancer diagnosis and treatment, including the three reports on the Midland Regional Hospital, the report on the case of a person (details supplied), and those concerned with Cork University Hospital, Galway Regional Hospital and Barringtons Hospital, Limerick; and if she will make a statement on the matter. [9455/08]

**Minister for Health and Children (Deputy Mary Harney):** I published two reports this morning on the Midland Regional Hospital, Portlaoise. The Health Service Executive is publishing reports on the clinical reviews this afternoon.

The investigation by the Health Information and Quality Authority, HIQA, into the care provided by the HSE for the named individual commenced in June 2007. I am advised that the draft report is going through the necessary legal verification process which includes consulting those referred to in the report. The pathology review in Cork University Hospital is completed and a report is being finalised by the HSE.

The investigation by HIQA into pathology services at University College Hospital, Galway, commenced in September 2007. While it is difficult to predict precisely when the work will be completed, it is hoped the investigation will be concluded in April and the report published as soon as possible thereafter.

In regard to the review of breast services in Barrington's Hospital and medical centre, the review team expects to finalise the draft report this month. Following the completion of the necessary legal requirements, the report will be submitted to me and the hospital management.

The incidents that gave rise to all these reviews highlight the need for swift implementation of the national quality assurance standards for symptomatic breast disease. Implementation of the standards will ensure every woman who develops breast cancer will have an equal opportunity to be managed in a centre capable of delivering the best possible results.

**Deputy Jan O'Sullivan:** I do not know whether it is a coincidence that two of these reports have been published on the day this question is tabled, with a third to be published later this afternoon. We did not have much time to read the two reports published earlier today. Will the Minister take a hands-on approach to this issue? We tabled a motion of no confidence in her last autumn and I have not read or heard anything today to suggest we were wrong in that regard. The reports we received today expose a total shambles in terms of HSE management in the midlands. I have no reason to believe it is not the same elsewhere. There is an array of managers who perform different roles and do not report to each other. Even clinical directors report to different people than those to whom nurse managers report. Has the Minister undertaken any investigation of how management is operating in the HSE? Why has she approved the appointment of six senior managers above grade eight this year?

At the meeting on 28 August in Portlaoise why were there five managers but no doctor? Is the Minister not concerned about this? The initial response of the HSE which was posted on the Department's website seemed to indicate its intention to do something about the management of serious incidents. Clearly, there is no intention to do anything about how management operates in various hospitals.

Will the Minister take responsibility for the HSE, which she established? Clearly, it is a shambles. Does she accept that patients' lives are being put at risk because there is no clear



understanding of what is going on? In the case of Portlaoise, why was there no triple assessment and no radiologist with expertise in mammography? Why were women's lives put at risk by the misdiagnoses arising from this?

**Deputy Mary Harney:** I will deal with the Deputy's last question first. Ms Ann Doherty, the acting head of the National Hospitals Office, highlights at the start of her report the fragmented nature of the service which is spread across three hospitals. The report should not be confused with that of Dr. Ann O'Doherty who did the clinical review which is also being published today. The Doherty report mentions that although there was supposed to be a policy of providing services in one location in the midlands, the Midland Health Board decided to provide services at three locations. The manner in which services were spread across three sites, contrary to medical advice, made it impossible to obtain the expertise needed. Until recently, over 30 hospitals were dealing with breast cancer. Such services were recently withdrawn from 15 hospitals because it was not safe to have such a large number of hospitals dealing with 2,500 new cases each year. It is not possible to recruit specialist clinical staff, or to put multi-disciplinary teams in place, at so many hospitals. It is important that we implement the national control plan which recommends that we concentrate on eight designated cancer care centres. I have huge confidence in Professor Tom Keane who is overseeing the plan.

Serious issues are raised in the reports which I asked for and which have been published today. As I appoint the board of the HSE, it is accountable to me. I have huge confidence in the board which is responsible for the management of the HSE. The Fitzgerald report which I asked the board to produce after the ultrasound issue arose on 21 and 22 November 2007 states "problems arose from systemic weaknesses of governance, management, and communication". I said in my response to the board of the HSE, which I made public this morning, that I wanted it in the first instance to put a protocol in place to deal with these issues and ensure patients came first. The first thing that should happen when incidents of this nature occur is that there should be personal and direct communication with patients. It should not happen through the media or the political system. I want to ensure one person is in charge of ensuring the protocol is implemented. While I do not suggest the person should undertake the reviews in such circumstances, he or she should be responsible for ensuring the protocol is implemented.

I also want the board to be centrally involved in risk assessment. I have asked the chairman to ascertain whether the issues which arose in Portlaoise have wider application across the HSE. In particular, I want permanent personnel to be appointed to management positions which are currently vacant with acting personnel in place.

**Deputy Pádraic McCormack:** When will all that happen?

**Deputy Jan O'Sullivan:** The Minister has not said she will take responsibility for changing the whole HSE system. She spoke about appointing more managers. At the meeting on 28 August last there were five managers with different responsibilities. Does the Minister not accept that the HSE is over-managed and under-staffed with clinicians?

**Deputy Mary Harney:** I am not appointing more managers — I am simply asking the HSE to put in place a permanent management structure. The primary, community and continuing care unit and the National Hospitals Office, for example, have acting heads.

**Deputy Pádraic McCormack:** They are all actors.

**Deputy Mary Harney:** There is an acting head in charge of information technology and an acting head in charge of human resources. In fairness, the HSE has gone to the market a couple of times and I understand an appointment is imminent in one case. It has not been easy to fill



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some of these positions. Some of those originally appointed to fill certain positions have moved on. The first thing I want to see is a clear management team permanently in position. The second thing I want to see is a clear line of accountability and responsibility. We have learned that nobody was in charge.

**Deputy Pádraic McCormack:** There is no one in charge.

**Deputy Mary Harney:** A number of people were going to meetings.

**Deputy Jan O'Sullivan:** There are too many managers.

**Deputy Mary Harney:** The new cancer control plan would never have happened under the former health boards.

**Deputy James Reilly:** It might not happen yet.

**Deputy Mary Harney:** It would never have happened.

**Deputy Jan O'Sullivan:** The Minister will not take responsibility for anything.

**Deputy Mary Harney:** There is no designated centre in the midlands. I could not imagine one of the old health boards deciding not to designate a centre in its functional area.

**Deputy James Reilly:** That was a designated centre.

**Deputy Olwyn Enright:** Portlaoise was designated.

**Deputy Mary Harney:** Cancer was being treated at three locations in the midlands, which was highly unsafe.

**Deputy Pádraic McCormack:** The Minister will keep defending the HSE.

**Deputy Mary Harney:** Quality care could not be assured. That was one of the problems.

**Deputy Jan O'Sullivan:** The HSE has been in existence for three years. Is the Minister taking any responsibility?

**Deputy Mary Harney:** I certainly am. If somebody is trying to——

**Deputy Jan O'Sullivan:** The Minister set up the HSE.

**Deputy Mary Harney:** Twenty years ago Fine Gael called for the establishment of a semi-State body to deal with the unified health service.

**Deputy Pádraic McCormack:** The Minister might as well go back to the foundation of the State.

**Deputy Mary Harney:** No organisation is perfect.

**Deputy Olwyn Enright:** The HSE is certainly not perfect.

**Deputy James Reilly:** It is dysfunctional.

**Deputy Mary Harney:** Nothing short of a unified system of delivery——

**Deputy James Reilly:** The health boards would have done a better job.

**Deputy Mary Harney:** I do not accept that.

### **Ambulance Service.**

80. **Deputy James Reilly** asked the Minister for Health and Children if, with regard to the recent decision by ambulance staff to vote for industrial action, she is truly committed to the development and expansion of a national ambulance service or if it is her intention to privatise the paramedic sector; if not, the way she plans to develop the national ambulance service and the Dublin Fire Brigade Service; and if she will make a statement on the matter. [9775/08]

**Deputy Mary Harney:** My commitment to the continuing development and expansion of the ambulance service is clear from the extent of investment made in the service in recent years. Funding has been allocated by the HSE as part of the fleet replacement policy for the purchase of 67 new ambulances in 2006, 65 new ambulances in 2007 and 50 new ambulances this year. These figures represent a combination of additional and replacement ambulances. The HSE has embarked on a major recruitment campaign to strengthen staffing in the next three years. It has no plans to privatise the ambulance service. Private ambulance companies have traditionally been used to supplement the service provided by the HSE in the areas of non-emergency patient transport, inter-hospital transfers and some emergency ambulance calls. The work provided by private companies represents less than 4% of the total budget for ambulance services.

I do not consider that industrial action by ambulance staff is warranted. The HSE met SIPTU last May and later established a sub-group with a view to developing a national framework agreement on the role and function of private ambulance companies. I am advised that the HSE and Dublin City Council are discussing the requirements for developing an integrated ambulance service in Dublin. This is the best way to make progress. I look forward to the outcome of the deliberations.

**Deputy James Reilly:** Dublin Fire Brigade which has just 13 ambulances had 12 ambulances 20 years ago when the population of Dublin was at least one third less than it is now. It has gained just one ambulance to cater for approximately 200,000 additional people. Between 200 and 300 emergency calls are backed up at any given time. On 18 January 2007, 60% of Dublin Fire Brigade's ambulances which cover acute 999 emergencies were tied up at various hospitals. Their trolleys were being used in accident and emergency departments and they could not find a spare trolley to get away. When I asked the Minister a parliamentary question about this matter last year, I suggested spare trolleys be kept in portakabins on the grounds of hospitals in order that ambulance crews could continue their work. I said accident and emergency staff could treat patients on the trolleys on which they were brought to the hospital and ambulance staff could take the spare trolleys and go back on the road where they were needed if lives were to be saved. I did not understand the response I was given, which was that it was not safe to move patients off trolleys.

What are the Minister's specific plans for increasing Dublin Fire Brigade's fleet, something that needed to be done before now? We do not need another long plan. The national industrial secretary of SIPTU, Matt Merrigan, has pointed out that the sub-committee of representatives of union and HSE personnel established last year to discuss the introduction of private services had not reached agreement on the matter before the contracts were awarded on 27 December last. Why did that happen? Can the Minister confirm that the contracts awarded to private ambulance service providers will include transport services in emergency cases? Will they be limited to transport services in non-urgent cases? The Minister indicated that private operators might be involved in urgent cases. What action will she take to address the concerns of ambulance workers?

**Deputy Mary Harney:** The Deputy referred to Beaumont Hospital the last time I responded to him at Question Time. As he knows, his comments on that occasion were subsequently contradicted by the hospital. We need to be careful when we are putting facts into the public domain through this forum. I mentioned that an additional 50 new ambulances would be purchased this year. That is a considerable commitment.

**Deputy James Reilly:** Will all the ambulances be operated by Dublin Fire Brigade?

**Deputy Mary Harney:** No, the figure relates to the country at large. I do not have the breakdown for Dublin and the rest of the country because the Deputy did not request it in his question. I understand private ambulances deal with emergency calls in a small number of instances. As I said, less than 4% of the budget for ambulance services is spent on private services which have a role to play in supplementing the public service in that regard. The percentage of ambulance services provided by the private sector is much larger in many other countries, including the United Kingdom. Emergency services are generally provided by the public ambulance system and that will continue to be the case.

**Deputy James Reilly:** I stand over my statement that on a Sunday morning in May last year, before the general election, a man who collapsed near Rush had to wait 40 minutes for an ambulance. I was told that the delay happened because four ambulances were tied up at Beaumont Hospital. If the Minister cannot answer the question I asked about Dublin Fire Brigade today, will she communicate with me in that regard at some future stage? How many ambulances will be made available to the Dublin Fire Brigade ambulance service which is creaking at the seams in the next few months? Just one additional ambulance has been provided for it in the last 20 years.

**Deputy Mary Harney:** I hope the ongoing deliberations between SIPTU which is raising issues in this regard, the HSE and Dublin Fire Brigade will be resolved. That is what I said. I do not have figures for the breakdown of the 50 new ambulances being provided this year but I will make them available to the Deputy when I get them.

### **Health Service Staff.**

81. **Deputy Jan O'Sullivan** asked the Minister for Health and Children when she will address the shortage of speech and language therapists, occupational therapists, psychiatrists, psychologists and other health professionals that is causing children to have to wait years for assessments and interventions which are crucial to their health, education and social development; and if she will make a statement on the matter. [9456/08]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** The Government has invested heavily in the education and training of health care personnel in order to secure a good supply of graduates to provide for the health care needs of the population into the future.

Since the establishment of the Health Service Executive, the number of speech and language therapists has increased by 215 to 712, an increase of 43%, and the number of occupational therapists has increased by 320 to 1,025, representing an increase of 45%. In addition, there are 18 more psychiatrists, excluding consultant psychiatrists with a special interest in adult learning disability, which is an increase of 42%, and a further 184 psychologists, an increase of 36%.

Training places for speech and language therapists have increased by 336% since 1997, from 25 to 109, and training places for occupational therapists have increased by 297% since 1997,

from 29 to 115. Training places for clinical psychologists has increased by 396% since 1999, from 23 to 114.

In addition, there has been a steady increase in the number of higher training posts in psychiatry at senior registrar grade over the past ten years. There are currently 97 senior registrar posts approved and funded within the national higher training scheme in psychiatry, of which 28 are child and adolescent psychiatry training posts. In recent years, the Department of Health and Children has made additional funding available via the postgraduate medical and dental board to the Irish psychiatric training committee to assist in the further development of psychiatric training in Ireland.

The Government has made a major investment in these services and in the professionals who provide them. Part 2 of the Disability Act 2005 commenced for children aged under five years with effect from 1 June 2007 and entitles people with disabilities to, among other things, an independent assessment of health and education needs and a statement of the services which it is proposed to provide. The implementation of this legislation has placed additional demands on the services of health professionals.

I am aware there are waiting lists for some services and I expect the HSE to manage this in a proactive way.

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

The Government has also made it clear that public health and social services must be managed within the funds provided by the Oireachtas and to achieve, at a minimum, the service activity specified in the HSE's annual national service plan.

My Department is working closely with the HSE to ensure effective workforce planning into the future. A joint working group on workforce planning was established in June 2006 and includes representatives of my Department, the Departments of Finance and Education and Science, the HSE and the Higher Education Authority.

Research is being conducted by FÁS, under the auspices of the expert group on future skills needs on the labour market in health care, which aims to identify current and future shortages of health care skills. FÁS is currently undertaking a detailed analysis of 11 professions, including speech and language therapists, psychologists and medical consultants, and this study will be completed during 2008. This builds on earlier work undertaken by FÁS in 2005.

The Government is committed to identifying and enhancing the health-related support services for children and is also committed to building on the significant developments that have taken place in recent years.

**Deputy Jan O'Sullivan:** I will speak about my own area because I know it best. Is the Minister of State aware that the child and adolescent mental health services in the Limerick area are dealing now with applications from 2005? Anybody coming in since then will be waiting approximately two years. We are speaking about young children who need these tests done so they in turn can get help with various issues involving education and so on.

Is the Minister of State aware there is no occupational therapist at all for those aged over ten years in the school system in Limerick? Is he aware people are waiting up to two years and more for occupational therapy services for young school children? In most cases the people just give up and go private if they can afford it. Even if people can afford private care, I believe it is almost impossible to get a private OT.

Is the Minister of State aware there were 183 unfilled occupational therapy posts, according to an answer given to my colleague, Deputy Roisín Shortall, in January of this year? Will the Minister speak to his colleagues in the Department of Education and Science about the crisis

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position on getting support for children in schools? People cannot get the necessary tests in the health service for the supports they need in the education service.

I urge the Minister of State to talk to the Minister for Education and Science about this as there may be a way around the problem. It is possible the young people will not have to get all these tests in order to get the supports they need in the education service. It is a crisis which must be responded to. If children lose these early years, they lose the chance to progress.

**Deputy Brendan Smith:** I take the points made by Deputy Jan O'Sullivan although I do not have the statistics for her own city and county.

**Deputy Jan O'Sullivan:** I am sure they are similar in other parts of the country.

**Deputy Brendan Smith:** I will pursue the specific issues raised by the Deputy and come back to her in writing very shortly. On child and adolescent mental health, the Health Service Executive will establish eight child and adolescent mental health teams during this year.

An important lesson learned from the activities of the HSE during the course of 2007 is the fact that there is a need to monitor employment levels and service needs at an area level. That agreement has been made with the HSE at central level and it is also involved at area level with the relevant trade unions. It is very important the service plan which has been published and approved by the Health Service Executive be monitored from the start of this year. The Department and Government has laid particular emphasis on the need to ensure therapy positions are filled.

Over the past number of years, as I outlined in my initial reply, there has been significant investment by the State in human resources and in upskilling people to ensure we have people qualified in these different disciplines. We must ensure those services are provided for the patients who need them and the Department is involved, sharing a working group with the Health Service Executive, as well as frontline professionals in developing an action plan for the short, medium and long term. This will ensure adequate services for these therapies throughout the entire State.

**Deputy Jan O'Sullivan:** We do not have them. That is the problem.

**Deputy Brendan Smith:** At present the Department and the Government are determined to ensure we come to the position where services are equal and adequate. Over the years, the Deputy would have made the call, as I would have, from different sides of the House to train more people in different disciplines.

**An Leas-Cheann Comhairle:** I will allow a brief supplementary.

**Deputy Jan O'Sullivan:** Is the Minister of State aware that because of the Disability Act and the EPSEN Act, there is now huge pressure on the provision of assessments? The Government cannot just publish legislation and not put in the personnel to deal with the need. Is the Minister of State also aware of how vital it is for a young child to get the necessary supports at an early age, and the negative effect of having to wait two or three years for an examination they needed at a particular time?

**Deputy Brendan Smith:** I am fully aware of the need for early intervention in instances where children need particular assistance. As Deputy Jan O'Sullivan knows, Part 2 of the Disability Act 2005 will be commenced in respect of children aged five to 18 in tandem with the imple-



mentation of the Education for Persons with Special Educational Needs Act, commonly known as EPSEN.

Representatives of the Department of Health and Children and the Department of Education and Science, as well as the Health Service Executive and the National Council for Special Education, meet on a monthly basis to address these particular issues. As the Deputy is aware, the Act in respect of children under five commenced in June 2007.

### **Mental Health Services.**

82. **Deputy Dan Neville** asked the Minister for Health and Children the way she will ensure that the allocation of €25 million in 2006 and €25 million in 2007 for the introduction of the recommendations contained in A Vision for Change is allocated for this purpose in view of the fact that €23 million of the €50 million has been spent in other areas; and if she will reconsider her decision not to allocate additional resources in 2008 to continue the introduction of recommendations bearing in mind that A Vision for Change is explicit that a minimum of an additional €25 million is required annually for a six-year period to allow implementation of the mental health service expansion and improvement objectives outlined in the policy. [9504/08]

**Deputy Jimmy Devins:** Under the Health Act 2004, the HSE is obliged to operate within its overall Vote. In this regard, it took steps to ensure that it met this objective in 2007 by delaying some of its planned developments, including developments in mental health.

However, I understand from the HSE that some of the mental health services funded in 2006 and 2007 will be put in place in 2008. These include the provision of eight additional consultant child psychiatry teams; the provision of 18 additional beds for children and adolescents at St. Anne's, Galway, St. Vincent's, Fairview, and St. Stephen's Hospital, Cork, to increase the bed complement from the current provision of 12 to 30 during 2008; and the construction of two 20-bed units for children and adolescents in Cork and Galway. Construction on these units is expected to commence in 2008 and be completed in 2009.

A Vision for Change is clear that new funding should follow implementation. The estimated additional cost of the implementation of A Vision for Change is €150 million over a seven to ten-year period. A total of €51.2 million has already been allocated since 2006, which represents over a third of the overall requirement.

There are substantial resources already invested in mental health. In addition to the extra funding required to finance A Vision for Change, existing resources need to be remodelled and reallocated. Implementation of A Vision for Change is dependent to a much greater extent on the remodelling of existing resources than on new additional funding. Additional investment must be phased in parallel with the reorganisation of mental health services and resources. In view of the significant additional investment in 2006 and 2007, it is entirely appropriate to pause and review the issue to ensure consolidation of the investment to date.

In the context of ever-rising demands for health resources, mental health expenditure should be closely monitored to ensure services demonstrate both effectiveness and efficiency. Before any further additional funding is provided, it is essential the HSE is in a position to demonstrate that money allocated for mental health services is efficiently used and that the substantial changes in the organisation and delivery of mental health services envisaged in A Vision for Change are progressed.

The newly established Office for Disability and Mental Health has a remit to drive the implementation of the recommendations of A Vision for Change and I will be meeting the HSE shortly to discuss what measures can be taken with immediate effect to ensure progress in this regard.



**Deputy Dan Neville:** That is a most creative piece of presentation to cover up a lack of spending and an abandonment of the recommendations in A Vision for Change. Was the Minister of State consulted over the decision of the HSE to reallocate €23 million from 2006 and 2007 to something other than what the Government and the Minister designated it for? The Minister stated that up to early December, €51 million had been allocated in 2006 and 2007 and A Vision for Change was being implemented. We now discover that €23 million of that was hived off. When did the Minister of State sanction this change? A Vision for Change explicitly recommended non-capital investment of an additional €25 million each year for seven years.

Does the Minister of State agree that the decision to provide no extra funding for 2008 is an abandonment of that recommendation, of the Government's expressed policy of implementing all the recommendations and, in effect, of the mental health service? A Vision for Change explicitly recommended that resources, both capital and revenue, in the mental health service must be retained by it.

In January, the Irish Psychiatric Association identified 17 incidents of asset stripping of our Victorian asylums and lands over the past two years. Will the Minister of State explain why he sanctioned this as it is against expressed Government policy since 1984?

**Deputy Jimmy Devins:** I was not consulted in 2006 and 2007 for the simple reason I was not in this job. A Vision for Change is Government policy. As the Deputy knows, we have set up a monitoring group in the Department to closely monitor implementation of A Vision for Change. The most recent report, an interim report, for which I specifically asked on assuming this office, stated that responsibility for A Vision for Change in the HSE lacked the clarity associated with the recommended national mental health service directorate. I outlined a few more issues, all which are available in the Department. The HSE board approved its implementation plan for A Vision for Change on 14 February last. The plan outlines the key priorities which will be implemented—

**Deputy Dan Neville:** Two years later.

**Deputy Jimmy Devins:** I agree with the Deputy that it is too slow. The HSE now has an implementation plan.

**Deputy Dan Neville:** It is two years since A Vision for Change was published. In those two years, the Government and the Minister regularly paraded the commitment to, and implementation of, A Vision for Change. We have now been informed the plan was only sanctioned on 14 February of this year. How can we believe anything the Minister of State says if that is the case? In early December, the Minister expressly said that €51 million was spent in 2006 and 2007 on the implement of that plan. We now find out that €27 million was spent and not €51 million. Will the Minister of State address the issue of asset stripping?

**Deputy Jimmy Devins:** As I said, the HSE board approved the implementation plan in February of this year. It includes that the definition and clarification of catchment areas be made clear; modernisation of the mental health infrastructure; community based mental health teams; child and adolescent mental health teams; mental health services for people with intellectual disability; and mental health information systems.

As I said to Deputy Reilly, the office was set up in January of this year and it will support me in exercising my responsibilities. I will meet Professor Drumm shortly and will look for a more ambitious approach. We will work in partnership with the HSE and other stakeholders to agree the implementation levels over the coming years.

I presume the report to which Deputy Neville referred was the Lie of the Land. It outlined the examples of proceeds of assets which were lost to the psychiatric services over a 20 to 25 year period. A small number of assets were disposed of in the past two years which were identified. I have asked the HSE to explain the report to me.

### Other Questions.

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#### Mental Health Facilities.

83. **Deputy Charles Flanagan** asked the Minister for Health and Children the reason the Health Service Executive is undertaking a cost-benefit analysis to determine whether it would be cheaper to redevelop the Central Mental Hospital on its existing site; if the Central Mental hospital will go ahead at the Thornton site; and if she will make a statement on the matter. [9384/08]

144. **Deputy Ruairí Quinn** asked the Minister for Health and Children if she will review the decision to transfer the Central Mental Hospital from Dundrum to Thornton Hall; and if she will make a statement on the matter. [9310/08]

**Deputy Jimmy Devins:** I propose to take Questions Nos. 83 and 144 together.

The Government decision in May 2006 to approve the development of a new national forensic mental health facility at Thornton Hall, County Dublin, also required that a cost-benefit analysis be carried out. Department of Finance guidelines require that all projects over €30 million are subject to a cost-benefit analysis. This cost-benefit analysis is currently being undertaken and is expected to be completed by the end of March.

The new hospital facility will provide a therapeutic, forensic psychiatric service to the highest international standards in a state-of-the-art building. The decision to relocate the Central Mental Hospital is consistent with A Vision for Change, the report of the expert group on mental health policy, which recommends that the Central Mental Hospital should be replaced or remodelled to allow it to provide care and treatment in a modern, up-to-date humane setting and that capacity should be maximised.

The redevelopment of the Central Mental Hospital will constitute a separate capital development project independent of the prison complex to replace Mountjoy Prison and will be owned and managed by the Health Service Executive. The new hospital will be built on its own campus and will retain its identity as a distinct therapeutic health facility with a separate entrance and address to the prison complex.

**Deputy James Reilly:** I am glad to hear a cost-benefit analysis is being done. Was a cost-benefit analysis done before the site was bought, given the extraordinary sum which was paid for it? I had hoped the Minister and the Minister of State would have taken on board the concerns of the professionals involved in the service, outside professionals and voluntary groups and their dismay at the thought that psychiatrically ill patients would be placed on a site beside a penal institution and would be stigmatised as criminals when their problem is one of mental health.

I had hoped the Minister of State would say the Government was considering leaving it at the site in Drundrum where there is ample land and where there would still be land left over to provide money for the HSE. We would hope that money would be ring-fenced for psychiatric services. What was the initial cost of this project? Was the original plan a mere fig leaf for the Government to justify the extraordinary sum paid for the prison site?

**Deputy Jimmy Devins:** I do not have the figure with me but I will get it for the Deputy.

**Deputy Jan O'Sullivan:** I presume the Minister of State is aware of a wide group of interests which have come together to oppose the moving of the site. Views have been expressed by organisations such as GROW, Aware, the Irish Civil Rights Commission, various unions, Amnesty International, Bodywhys, the Central Mental Hospital carers group, etc. All of them are strongly opposed to moving the Central Mental Hospital from Dundrum.

Is the Minister of State aware that Jim Power, chief economist of Friends First, of all people, has done an economic analysis suggesting that of the 34 acres in Dundrum, it would be possible to sell some of the land and redevelop the site in a cost effective manner? Will the proposal to move the Central Mental Hospital be reconsidered in view of these widespread concerns and the alternative economic analysis of the situation?

**Deputy Jimmy Devins:** The Deputy will agree that the current location of the Central Mental Hospital, which was opened in 1850, is not suitable for a modern forensic psychiatric service.

**Deputy Jan O'Sullivan:** Is the Minister of State talking about the building or the site?

**Deputy Jimmy Devins:** I am talking about the building. The need to develop a new Central Mental Hospital is the responsibility of the HSE. A project team is progressing the development of the new hospital which will have a complement of 120 as distinct from 85 beds as at present. I should add that additional funding was provided in 2007 to enable the development of West Lodge, which is a high support community based residence in Lucan for six patients. The facility has been opened and patients have been placed there on a temporary basis pending finalisation of the formal approval of the relocation by the Department of Justice, Equality and Law Reform.

**Deputy Caoimhghín Ó Caoláin:** The list a previous speaker read out of organisations and voices opposed to the proposition of siting the Central Mental Hospital on the same site as the new so-called super prison to be located at Thornton Hall is not exhaustive. Without question, one could add to that list the Mental Health Commission, the clinical director of the Central Mental Hospital, the families and carers of the patients in the hospital and the Human Rights Commission, to name but a small number of additional voices which have roundly rejected the proposition. What is it that outweighs the concerns voiced by these eminent organisations and has the Department locked into proceeding with this proposal to co-locate the Central Mental Hospital's new facility adjacent to a super-prison? What information is guiding this obstinacy on the part of the Department of Health and Children with regard to what is, in the view of the greater number of Members of this House, including those on the Government benches, and all of the people concerned, an ill thought out and deeply wounding proposal?

**Deputy Jimmy Devins:** I accept that the Central Mental Hospital's new facility will be adjacent to the prison being built to replace Mountjoy. However, it is important to stress that the project relating to the former is stand alone in nature. The new facility will, therefore, have a separate entrance to the prison. There will also be separate road access. From an organisational point of view, it will be operated by the HSE and not the Irish Prison Service. It is incorrect to state otherwise.

**Deputy Caoimhghín Ó Caoláin:** It will have a separate entrance. That is absolutely wonderful.

**Deputy Dan Neville:** The Minister of State has experience as a physician. Does he not agree with the advice that was offered by a number of experts — including some from Australia and

New Zealand — in recent times in respect of this matter to the effect that locating a therapeutic hospital beside a custodial establishment is the wrong way to proceed? The experts to whom I refer also referred to the inevitability of the culture of and approach taken by the hospital becoming more custodial rather than therapeutic in nature. A hospital is a place of recovery, not one of control. It was stated that where such co-location has occurred in other countries, members of staff from custodial institutions have been used to contain difficulties that arise in the adjacent hospitals. It is inevitable that the latter will happen and this will lead to the Central Mental Hospital being stigmatised.

**Deputy Jimmy Devins:** I must point out that the Mater Hospital, a medical institution of world renown, is located adjacent to Mountjoy Prison.

**Deputy Dan Neville:** That is a completely different situation. We are discussing a forensic hospital.

**Deputy James Reilly:** Will the Minister of State clarify the position?

**An Leas-Cheann Comhairle:** We must proceed to the next question.

### Health Services.

84. **Deputy Tom Sheahan** asked the Minister for Health and Children if she will request the Health Service Executive to provide interpretive services in hospitals for aurally impaired citizens, because there are no such services at present, in view of the fact that the HSE has agreed to extend interpretive services for non-nationals in hospitals; and if she will make a statement on the matter. [9427/08]

**Deputy Jimmy Devins:** The HSE has provided access to interpretation services for aurally impaired citizens in hospitals. A survey carried out in June 2007 among all hospital groups found that, when required, interpretation services are provided directly by contracting the services of approved sign language practitioners; a number of hospitals have identified staff members with a knowledge of medical terminology who can use sign language; a number of sign language interpreters have been trained to work in hospitals; and arrangements have also been made with the National Association of the Deaf to provide interpretation services, when required and if available.

The HSE is obliged, under the provisions of the Disability Act 2005, to make its services accessible to people with disabilities, in as far as is practicable. In general, responsibility for ensuring that health services are accessible rests with local service providers. The sectoral plan prepared by the Department of Health and Children under the provisions of the Disability Act contains a range of measures to be taken by the HSE in this regard, including the designation of access officers, as set out in Part 3 of the Disability Act.

**Deputy James Reilly:** The Minister of State's reply is completely unsatisfactory. It is completely unacceptable that in 2008 we are dependent on volunteers and volunteer staff members to be available, on a haphazard basis, to assist in interpreting for people with hearing difficulties. Surely there are not so many hospitals that we cannot appoint to them properly accredited people to act as interpreters. The services of such interpreters could be shared among hospitals. Surely we should have properly appointed officers in place and we should not be dependent on volunteers or the goodwill of staff.

**Deputy Jimmy Devins:** Under the one year review of the sectoral plan, which was set down in the Disability Act 2005, the HSE has committed to put in place access officers who will

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develop and deliver an appropriate training programme. This will ensure consistency across the health system in 2008. The key actions and timeframes relating to these access officers are the appointment of a national specialist in accessibility by the HSE by March of this year; the putting in place a plan for the designation of access officers by September; and, the commencement of the designation of said officers will take place by the end of the year.

I understand that the national assistant director with responsibility for disability currently chairs a group, the function of which is to provide support and advice and monitor compliance with the legislation. The post of national specialist in accessibility is currently being processed by the Public Appointments Service.

**Deputy James Reilly:** The Minister is reading out gobbledegook provided by officials at the Department of Health and Children. What is an access officer? We want interpreters to be appointed in order that patients might have their consultations and clinical examinations carried out in a meaningful fashion in order that people will not be misinformed and to avoid misunderstandings. Will the Minister of State indicate the nature of an access officer's job? It seems that such officers will be responsible for arranging certain things but a commitment has not been given in the context of appointing interpreters.

**Deputy Jimmy Devins:** The remit of access officers is clearly set out in Part 3 of the Disability Act 2005. I am sure the Deputy can, like any other Members, seek out that information.

**Deputy James Reilly:** That is very useful.

### Hospital Staff.

85. **Deputy Pádraic McCormack** asked the Minister for Health and Children her views on the recent comments by the Irish Hospital Consultants Association that the new consultants contract is deficient in many areas and does not reflect the agreement announced in January 2008; the aspects of the agreement reached in January 2008 that were omitted from the proposed contract; if a revised contract will be presented to the consultants; when she expects the Health Service Executive to begin recruiting consultants; and if she will make a statement on the matter. [9398/08]

148. **Deputy Eamon Gilmore** asked the Minister for Health and Children the position with regard to agreement on the consultants' contract; and if she will make a statement on the matter. [9325/08]

**Deputy Mary Harney:** I propose to take Questions Nos. 85 and 148 together.

Negotiations between health service employers and the Irish Hospital Consultants Association, IHCA, on new contractual arrangements for medical consultants came to a successful conclusion on 24 January 2008. While the Irish Medical Organisation, IMO, withdrew from the talks on 22 January 2008, it engaged in subsequent dialogue with Mr. Connaughton, who had facilitated the agreement. Mr. Connaughton issued a final document on 1 February 2008 setting out the agreed position and his recommendations on a number of issues.

All parties agreed that Mr. Connaughton be invited to draft the formal employment contract and that a composite document summarising the key elements of the agreement be prepared and forwarded to him at the earliest opportunity. It was clearly understood — and agreed — by the employers, the IMO and the IHCA that this document would be a summary of the agreement rather than a formal contract.



On 22 February, a revised composite document, based on the various documents and recommendations issued by Mr. Connaughton during the course of the negotiations, was circulated to the IHCA and IMO. The national council of the IHCA considered this document on 23 February but deferred a decision on it until the end of March. We are satisfied that the document reflected the main areas of agreement under various headings. However, there is ongoing contact between the parties to clarify certain aspects.

As far as health service employers are concerned, the only substantive issue outstanding is the rate of salary applicable to academic consultants who sign up to the new contractual arrangements. This is the subject of ongoing contact between the sides. In the meantime, we need to proceed with the process of recruiting new consultants. I have already engaged in discussions with the HSE in this regard. The delay in filling posts in critical areas such as cancer care, neurology, rheumatology, respiratory care and mental health is having a detrimental effect on the development of much-needed services.

**Deputy James Reilly:** The Minister announced the agreement on the contract, to great fanfare, a couple of months ago. What has happened in the interim? Why is the view of the IHCA that nothing meaningful has occurred? Is it possible that a new contract will not come into being in 2008 and that the HSE will not, therefore, employ any new consultants, thus avoiding the €300 million shortfall it faces in the context of funding? Many people are coming to the view that this is the strategy.

How many new consultant posts will be filled this year? I would like the Minister to provide a definite number in that regard. She may, if she so wishes, provide written information at a later date in respect of the nature of the specialties to which these new posts will apply.

**Deputy Mary Harney:** I do not accept that there are many issues outstanding. The agreement was reached and announced in good faith and was signed off on by Mr. Connaughton. As the Deputy is aware, we do not have agreement with the IMO. There were a number of issues in respect of which tidying up exercises were required. One of these related to academic consultants and another to emergency consultants and the current group thereof. We are satisfied that the composite document circulated recently to both organisations reflects the agreement that was reached. There has to be a contract, which is different from, although it encompasses, the agreement. Close to 100 consultants will probably be recruited but I do not know when they will all be in place. We have advertised for 68 and Professor Drumm announced 100 plus as a result of performance in accident and emergency departments.

**Deputy James Reilly:** There is funding for only 20.

**Deputy Mary Harney:** The Deputy misunderstands. These posts are not being funded by additional revenue. The idea is that we suppress junior posts to create senior ones. All bodies acknowledge that we need 6,000 hospital doctors, 4,000 consultants and 2,000 juniors. We have 4,000 juniors and 2,000 consultants. The Deputy knows from his own experience that suppressing the cost of many of the non-consultant doctors will more than meet the cost of appointing consultants. The intention is that the additional resources, such as they are, will mainly come from the suppression of junior posts rather than additionality.

**Deputy Jan O'Sullivan:** Some medical newspapers report that there is a problem with the detail of the 80-20 mix for consultants. Will the Minister clarify whether that is a problem? Is the Minister saying that there will be money to appoint extra consultants this year?

**Deputy Mary Harney:** The move from 4,000 non-consultant hospital doctors to 4,000 consultants should be cost-neutral. This has been the subject of discussion for many years. It is not a

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question of keeping the 4,000 non-consultants and having 4,000 consultants as well. The Health Service Executive will receive an additional €1.1 billion during 2008.

There are transitional arrangements for the incumbents agreed over a three year period. The 80-20 mix will no longer be designated by beds but rather by volume so a consultant will be entitled to see one fee-paying patient in a public hospital for every four public patients he or she sees. That is very different from the situation in many hospitals today.

**Deputy Pádraic McCormack:** The Minister said agreement was reached in January. Why is the matter now being revised again and why is the Minister saying it may be the end of March before we reach an agreement? The Minister does not sound as confident as usual that this matter is settled. The negotiations started almost five years ago and the Minister announced a deal. Is the HSE stalling agreements and why would it do this and not appoint consultants? When will the consultants be appointed and by what process? Will there be a public advertisement and will they have to give notice where they are now? Will it be another year before they are appointed? What is the time scale for the appointment of the necessary consultants if this agreement is reached at the end of March?

**Deputy Mary Harney:** We would have reached agreement with the consultants a long time ago if we had simply agreed with everything that everybody sought but there is give and take in negotiation. It was no different here and access to public hospitals for public patients was crucial to negotiating a new contract so that there would be one for all equality of access to diagnostics, outpatients and so on. That is extremely important in facilities funded by the taxpayer in a society where we are all entitled to coverage.

It takes time to recruit consultants. It is a global search although many of the senior registrars will qualify for many of the appointments. We are seeking to bring the best doctors to Ireland, many will be our own people who work in Canada, the United States, the United Kingdom and elsewhere. For them to disengage from their existing employment and come here can take upwards of a year.

The HSE is not trying to revise anything. Mr. Connaughton, the chairman of the talks, announced the agreement. He was an independent chairman whom both sides respected highly. As in all agreements, when it comes to dotting the i's and crossing the t's problems arise. These mainly concern the academic consultants. We have offered a salary of €265,000 but consultants want €310,000. We have suggested referring the matter to the review group on higher pay because of that difference.

**Deputy Pádraic McCormack:** So there is no agreement.

**Deputy Caoimhghín Ó Caoláin:** The Minister has indicated that she regards the scandalous delays of up to 18 months in diagnostic procedures for cancer, including colonoscopy, as unacceptable. She has also cited the new consultants' contract as a means to address the situation. Will the Minister advise the House on how exactly that will be done, where the new consultants will be deployed and how that will impact on the scandalous waiting time?

**Deputy Mary Harney:** I dealt with this earlier today. It is a matter of great concern, especially for cancer care, and Professor Keane is in discussions with the professional organisations, particularly the Irish College of General Practitioners, about the form of referral so that we can separate what would be broadly called urgent from routine cases. There are protocols and best practice models in place in many jurisdictions, including Canada, that we will put in place here. The intention is that people will be diagnosed within a two-week timeframe. They can get early diagnosis and treatment. That will be done for the main cancers at the eight centres.

We have all acknowledged that the best health care system is one in which consultants deliver the service, not just lead the team. That requires doubling the number of consultants. This year we will begin to recruit those additional consultants, including in cancer care.

**Deputy James Reilly:** If there are 6,000 hospital doctors comprising 2,000 consultants and 4,000 non-consultant hospital doctors, which will change to 4,000 consultants, the pay equivalents do not stack up. Junior hospital doctors cost so much only because of the inordinate overtime they do, up to 100 hours per week. I doubt that is envisaged in the new consultant contract, so it will never be a 1:1 or even 1:2 ratio. Will the Minister explain what ratio she is working off because, as I pointed out, there is funding for only 20 consultants although she talks about appointing 100?

**Deputy Mary Harney:** Part of the new contract includes longer working days and cover for 24 hours a day, seven days a week, where required. We will not be funding the substantial overtime bills that we fund at the moment. These have arisen because of the manner in which we have employed consultants in the past. It is often the case that because consultants work across several different sites ward rounds are done in the evening and the team has to stay back on overtime to accompany the consultant so there are many such issues to be resolved.

I am not saying that the additional money will be a zero sum game for the Health Service Executive but the bulk of the additional resources will come from reducing the number of non-consultant hospital doctors, many of whom are qualified to be consultants, and enhancing the number of consultants.

#### **Health Services.**

86. **Deputy Jack Wall** asked the Minister for Health and Children if she has approved the Health Service Executive budget for 2008 and the addendum thereto; if she is satisfied that the proposals are adequate to address service needs; and if she will make a statement on the matter. [9323/08]

**Deputy Mary Harney:** Under the Health Act 2004, the Health Service Executive, HSE, must prepare and submit a national service plan, NSP, each year in accordance with any directions from the Minister. The NSP must, among other things, indicate the type and volume of health and personal social services to be provided. The NSP for 2008 was submitted to me on 19 November 2007 by the chairman of the HSE board. In accordance with the Health Act 2004, I approved the plan on 10 December 2007 and it has been published.

In my letter of approval, I requested the board to pay particular attention in 2008 to the absolute necessity for the HSE to operate within the limits of its voted allocation in delivering, at minimum, the levels of service activity specified in the 2008 service plan. This means that the voted allocation, approved employment levels and service activities, within the HSE itself and in HSE funded agencies such as the major voluntary hospitals, must all be actively planned and prudently managed from the very start of the year.

Considerable additional funds, over and above those provided in the Estimates, are being made available to the HSE in 2008 as a result of the December budget day announcements. These additional funds are being provided for the further development of specific services in 2008, most notably services for older people, cancer services and services for persons with disabilities. At my request, the HSE has provided me with an addendum to the national service plan, detailing these additional services and enhancements. I approved this addendum on 20 February and it too is being published.

[Deputy Mary Harney.]

The HSE has been allocated almost €15 billion gross for 2008 in total current and capital expenditure, an increase over €1.1 billion, or almost 9% when provision for the long-stay repayments scheme is excluded. I have emphasised to the HSE the need to secure greater value for money and cost effectiveness from its core funding. This is essential if the HSE is to meet its obligation to provide the best possible services within the funding made available to it.

**Deputy Jan O'Sullivan:** Has the Minister any mechanism for ensuring that what happened, for example, with the money for A Vision for Change is not replicated with other moneys this year that have been specifically allocated for particular developments — in other words, money meant for a particular area actually being used to plug the holes in the HSE's budget? A Vision for Change, as raised by Deputy Neville, is of particular concern.

Is the Minister aware that unfilled positions are, in effect, saving the HSE money? Has she any way of ensuring positions will not be left unfilled in order to balance the budget? I raise this in the context of figures in the media at the weekend which showed that people were waiting up to a year and a half for colonoscopies, despite what was said after the sad death of Ms Susie Long, who had been waiting on a public list for this procedure but did not get it.

How will the Minister bring down those waiting lists if the HSE budget is so limited that it cannot even do what it did last year? I ask this because of the various pressures on money such as a rising birth rate, growing activity levels, medical inflation, national wage increases, etc.

**Deputy Mary Harney:** A 9% increase is considerable. Ireland has been increasing current spending on health over the past decade faster than any country in the OECD, yet we have one of the youngest populations in the world. Only 11% of the population is over 65, as against 17% in the UK and 27% in Germany. The HSE has to manage its budget in accordance with the money voted for it by the Oireachtas. We cannot have over-runs. Money given for new developments, in particular, must be spent on them.

**Deputy Jan O'Sullivan:** How will the Minister ensure that happens?

**Deputy Mary Harney:** We have made it clear. The HSE has put procedures in place — I am sure we will discuss this in the morning at the Joint Committee on Health and Children — to ensure that moneys identified for mental health, A Vision for Change and disabilities are spent in those areas.

The employment ceiling is obviously important. Some 80% of HSE spending is on staff and, using full-time and wholetime equivalents, it employs 112,000 people directly or indirectly through the voluntary hospitals, which is a considerable resource. Last year, it employed an extra 4,000 people approximately and this year it will employ more people, but this will be justifiable in the delivery of new services.

**Deputy Caoimhghín Ó Caoláin:** Will the Minister confirm she wrote to the chairman of the HSE, Mr. Liam Downey, as regards the executive's national service plan? In the course of that correspondence, did she express concern over shortfalls in services to be provided in 2008 under the plan, especially in the whole area of mental health, as Deputy O'Sullivan has indicated, as well as primary care? How is the service plan target to reduce inpatient numbers in 2008 reconciled with the failure to improve primary care? Does she not agree that without the promised roll-out of primary care centres, there will continue to be an inordinate demand on acute hospitals? Does she not accept that, as Minister, she must approve the service plan for the HSE each year? If she is as discomfited by what is being proposed, should she not have

taken steps to reject the plan and put the responsibility back on the HSE to present an initiative in keeping with the Minister's alleged intent?

**Deputy Mary Harney:** The Deputy has raised a number of issues. Clearly, the preferred health system is one in which more procedures are carried out at community and primary care levels, and 90% of health needs can be met in these areas. This year, primary care teams are being rolled out and additional staff recruited, particularly as regards therapies, to ensure we have the range of expertise at community and primary care levels to provide a service. We are moving from inpatient to day cases, and in particular outpatients. Professor Keane has commented on this move.

The Irish norm is unusual in his experience where, after a person receives cancer treatment, he or she continues to attend the treating consultant. Best practice in Canada and internationally, he has said, provides that patients come back only in a rare number of cases. Follow-up treatment should be provided through the general practitioner. As a result of this practice, many people never get to see a consultant in the first place. Much of what we are trying to do is to change the way that outpatient and other services are provided.

As regards the plan——

**Deputy Caoimhghín Ó Caoláin:** Do we have enough general practitioners?

**Deputy Mary Harney:** We have 2,500 general practitioners, who provide a very good service. People in the UK can wait for up to four or five days to see a GP, while in Ireland it is a same-day service, and a good one. As the Deputy knows, we are training more and more doctors. As I said in a different forum, health care professionals, like others, always do well in a well developed society. The reason we took such a strong view on the pharmacy issue was to save €100 million, so that it could be put into areas such as primary care and targeted at many of the other concerns raised by the Deputy.

**Deputy Pádraic McCormack:** The Minister said she approved the budget on 10 December and that the HSE had to work within its allocation and manage programmes prudently. That is the key to the whole problem. Who is responsible for prudently managing the budgets? Deputy Jan O'Sullivan said unfilled positions sometimes saved money. Unfilled positions sometimes cost hospitals a good deal of money. For example, at University College Hospital, Galway, a nurse cannot be appointed to the dermatology unit. Last year, some 30 dermatological patients were admitted to the hospital, at least 20 of whom could have been dealt with if a nurse had been appointed. They spent an average of five nights in hospital, equivalent to 100 bed nights, the expense of which could have been saved if a nurse had been appointed. When the manager of the hospital is asked about this, she refers the issue to the Health Service Executive.

Who is responsible for such problems in the Health Service Executive because it never gets back to the person concerned? A good deal of money is being wasted in hospital units. Talk of prudent management is a joke.

**Deputy James Reilly:** I must refer to the Minister's comments on general practice. It is a great shame, given that she mentioned the good work done by GPs, that the funding for GP training this year was pulled and the 75 extra places so badly needed to train doctors of the future will not now be available.

In light of the PPARS debacle and the Comptroller and Auditor General's report for last year, which identified another €4.5 million alone in IT overspend, Mr. John Purcell questioned the value of the HSE's report because so many errors and information gaps were contained in



[Deputy James Reilly.]

it. Given today's FitzGerald report, which specifically mentions the lack of clarity of roles for senior management in the HSE and poor communications, does the Minister have confidence in the executive to deliver the service for which she has paid it almost €15 billion in an efficient, effective and timely fashion?

**Deputy Dan Neville:** Bearing in mind that an inadequate €44.3 million is allocated to the Road Safety Authority and 338 people died in road accidents last year, how can the Minister justify the allocation of just €3.5 million to the National Office for Suicide Prevention when 500 people die by suicide? How can she justify not increasing the level of funding this year?

**Deputy Mary Harney:** A very competitive proportion is allocated to each area, be it cancer care, mental illness care, including suicide prevention, or primary care. They are all very worthy causes. The reality is that we have increased funding for health care substantially. The increase the HSE received since it was established, that is, over €4 billion, is more than we spent running the entire service approximately 11 years ago. This puts the expenditure into perspective. If money alone could solve our problems, none of us would be here today talking about the health service. A programme of massive reform must accompany investment and that is why I, along with many Deputies, believed strongly for 20 years that a unified system with consistently enforced standards in respect of cancer care and quality—

**Deputy Jan O'Sullivan:** There is no consistency. There are different rates.

**Deputy Mary Harney:** —was not possible under the former health board regime.

**Deputy James Reilly:** It is not happening under the current one.

**Deputy Mary Harney:** On the question on confidence, the HSE is a new organisation and it is not perfect. It is the largest in the country and employs one third of all staff in the public sector. Many of the staff who work in the hospital sector work in voluntary hospitals that are not owned or controlled by the State. I accept they would not be able to function without the resources of the State.

A report on one particular hospital in Dublin, in which the HSE conducted a study, identified that 65 acute beds could be freed up, at no extra cost, if the hospital changed the way in which it went about its business. That is the kind of approach I support.

Deputy McCormack should note that there are 2,600 staff in Galway hospital and they comprise a considerable resource.

**Deputy Pádraic McCormack:** It needs a dermatology nurse.

**Deputy Mary Harney:** The number has doubled in a relatively short period. I read a story about a patient who fell out of a bed, supposedly because there was nobody on hand to assist. I do not accept a lot of that but that is not to say hospitals could not do with more staff. There has been a considerable investment in resources in the acute hospitals in recent years.

**Deputy Pádraic McCormack:** Why can we not get a dermatology nurse?

**An Leas-Cheann Comhairle:** Please, Deputy.

**Deputy Pádraic McCormack:** The Minister wants to make progress.

### **Mental Health Services.**

87. **Deputy Michael Noonan** asked the Minister for Health and Children where the proposed acute psychiatric unit to replace St. Ita's psychiatric hospital, Portrane, will be located; and if she will make a statement on the matter. [9412/08]

145. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children when the long-promised psychiatric unit at Beaumont Hospital, Dublin, will be delivered; and if she will make a statement on the matter. [9284/08]

**Deputy Jimmy Devins:** I propose to answer Questions Nos. 87 and 145 together.

The development of an acute psychiatric unit at Beaumont Hospital to replace the facility at St. Ita's, Portrane, is included in the HSE's national capital plan for the period 2006 to 2010. A project team has agreed the staffing and operational aspects of the unit.

During 2007, with a view to optimising the location of the range of capital projects planned for the Beaumont campus, a development control plan process was initiated. The draft development control plan has now identified an alternative site for the development of the acute psychiatric unit. It will be necessary for the project team to revisit the design and layout of the unit in the context of the new site. However, this will also afford the opportunity to the project team to review the design in the light of the recommendations in A Vision for Change, the report of the expert group on mental health policy.

**Deputy James Reilly:** I thank the Minister for that response, which is clearly straight out of God knows what. The reality is that Beaumont Hospital was built 24 years ago and a psychiatric outpatient and inpatient unit was to be located therein. The proposed unit was taken over to contain the overflow of patients from medical and surgical beds and, subsequently, when that problem was resolved, it was used to store equipment. In 2004, planning permission was sought and obtained for the psychiatric outpatient and inpatient unit. The project went to tender in 2005.

I remind the Minister of State that there are 23 women in an open ward in St. Ita's Hospital with one shower, one bathroom and one toilet, bearing in mind that it is 2008.

How much was spent on the original planning application and tendering process for the psychiatric unit? How much was spent on architects' fees and legal fees? Can the Minister confirm that the unit is now being moved to accommodate the co-located private hospital in Beaumont? It is impinging on the site.

**Deputy Caoimhghín Ó Caoláin:** We must remember that the unit to be developed at Beaumont Hospital has been promised since the 1980s, yet an archaic and antiquated facility continues to operate at Portrane. Will the Minister of State indicate whether the identified site is on the site identified for her precious so-called co-located private hospital arrangement? What is the position on the proposal to develop the psychiatric unit at Beaumont Hospital? Will work commence thereon or will the whole project be cancelled and become a victim of the Minister's privatisation policy?

**Deputy Jan O'Sullivan:** I did not hear the Minister of State say where the proposed acute psychiatric unit will be. We did not get an answer.

**Deputy James Reilly:** We do not have it.

**Deputy Jimmy Devins:** To reply to Deputy Jan O'Sullivan's question, a site has been identified.

**Deputy Jan O’Sullivan:** The Minister of State already said that. Where is it?

**Deputy Jimmy Devins:** On the Beaumont campus. A review of the location of capital projects on the Beaumont campus was commenced in 2007—

**Deputy James Reilly:** Why did the original project not proceed? Why the change?

**Deputy Jimmy Devins:** The site has been identified, the design has been approved and the staffing and operational aspects have been agreed, but in light of the development control plan, the campus had to be considered in its entirety.

**Deputy Caoimhghín Ó Caoláin:** Has the co-location proposal resulted in the movement of the proposed psychiatric unit from the site originally intended?

**Deputy Jimmy Devins:** It was a matter for the board to examine the overall development of the campus.

**Deputy James Reilly:** “Yes” is the answer.

**Deputy Dan Neville:** “Yes” is the answer.

**Deputy Jimmy Devins:** This was done in the development control plan of 2007.

*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 James Bannon — the position on transport for cancer patients in rural areas; (2) Deputy Joan Burton — the increase in fees charged to swimming groups, including disabled swimmers at the National Aquatic Centre; (3) Deputy John O’Mahony — the urgent need to reverse the decision on the AIRE-FÁS equestrian traineeship programme, which is to be restricted to the greater Dublin area from December 2008; (4) Deputy Joe Carey — the application of Barefield National School, Ennis, County Clare, for a major extension, and that the Minister of Education and Science will allow the project move to tender stage; (5) Deputy Joe McHugh — the number of marine rescues on Lough Foyle; (6) Deputy Dan Neville — the need for a new school in Kilfinane; (7) Deputy Terence Flanagan — the need for the Minister to urgently appoint an inspector from his Department to assess the health and safety concerns of residents of Carndonagh Road, Donaghmede, and all local residents in respect of demolition work in the Baldoyle Industrial Estate (details supplied); (8) Deputy Charlie O’Connor — the need for job creation in Tallaght; (9) Deputy Pat Breen — the circumstances whereby women in County Clare may have to wait up to two years for a publicly funded mammogram in Limerick Regional Hospital, and the urgent need for the Minister for Health and Children to roll out the BreastCheck mobile facility in County Clare; and (10) Deputy Joe Costello — to replace the ten-year old prefabs with a new school for the children of Gaelscoil Bharra, Fassaugh Avenue, Dublin 7.

The matters raised by Deputies James Bannon, Joe McHugh, Charlie O’Connor and Dan Neville have been selected for discussion.

#### **Finance Bill 2008: Report Stage (Resumed).**

Debate resumed on amendment No. 2:

In page 11, between lines 11 and 12, to insert the following:

## “PART 1

## COMMISSION ON TAXATION

1.—The Minister shall in establishing the commission on taxation include in its terms of reference the following matters:

(a) to examine anomalies arising from the tax treatment of married persons where one spouse remains out of paid employment in order to attend to child care duties;

(b) to examine the treatment of unmarried persons living together including gay couples in long term relationships;

(c) to examine the operation and possible reform of stamp duty particularly the capacity of property developers to avoid stamp duty on certain transactions and the exclusion of certain financial transactions (e.g. contracts for difference) from the lower rate of stamp duty applied to financial transactions;

(d) to examine the need to ensure that carbon tax proposals have due regard to the ability of less well off individuals including pensioners to meet the cost arising from increased taxation on carbon based fuels such as coal and gas;

(e) to inquire into the fairness and equity of the overall tax system and to provide for the evaluation of tax breaks and other provisions permitting tax payers to mitigate their tax liabilities and the impact in particular of provisions for exemption from tax and residency rules and shall publish at regular intervals the outcome of their enquiries into the tax system.”.

—(Deputy Joan Burton).

**An Leas-Cheann Comhairle:** Deputy Kieran O’Donnell was in possession but he is not present. Does the Tánaiste and Minister for Finance, Deputy Brian Cowen, wish to respond?

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** Before the sos, we had a discussion on this amendment similar to that on Committee Stage. All I can say is that the manner in which Deputies characterise the work of the commission, which met for the first time this morning, is very unfortunate. Members are entitled to their views on any individual or what they regard as the orientation or composition of the commission, but attacking its professional integrity is not a very constructive means of suggesting how it should go about its work. The commission will do its work according to its terms of reference in a way that will exhibit a genuine effort on its part to come forward with ideas on the equitable distribution of the tax burden between income, labour and possible environmental issues, and on the financing of local authorities in this context.

These issues have been dodged consistently in some respects by consecutive Governments because of the political sensitivities involved, but they clearly must be addressed in some way in order to have a sustainable public finance system. In this regard, one must also bear in mind the challenges posed by demographic change, globalisation and climate change. Such major international trends and phenomena will have an impact on our ability to generate resources and the purpose to which we put them. It is a matter of achieving a sustainable level of expenditure in the context of increasing costs in some social policy areas, as a result of the ageing of the population, for example. The issues involved are considerable and I suggest that the terms of reference the commission has been given are quite comprehensive. They are not as specific as Deputy Burton outlines in her amendment but by the same token they are not omitting or excluding particular areas either. It is best to give full discretion to the commission to look at the present state of the taxation code and to come forward with recommendations in any area of policy, recognising that the terms of reference are quite wide, expansive and comprehensive

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and are in line with what is set out in the programme for Government. This is probably the best way of ensuring that the terms of reference are consistent with the political commitment regarding the setting up of the commission in the first place.

Following the announcement on the establishment of the commission, which is now beginning its work, reference has been made to the high standing in which the chairman is held. I would suggest, that being the case, the chairman is quite capable of ensuring that the direction of the commission's work will be such as to instil rather than undermine confidence by us in the outcome of its work; indeed, we could look forward to the quality of its work being quite high as a result of his chairmanship. We can agree there is at least one person in whom we have some confidence, although I would suggest that all of the persons who have been appointed have an expertise in this area and an ability to make a positive contribution.

We have engaged in tax reform, as has been stated, without the existence of a commission of taxation in the past quarter of a century. I heard recently an interview by the former chairperson of that body who suggested perhaps that much of the work might have been ignored. It had some quite radical proposals at the time. Certainly, it is true that it was not transplanted word for word into the taxation code because all of these recommendations, ideas and studies by eminent and reputable people require to be posited in the political circumstances of the day. At the end of the day it is we in this House who are accountable to the people and support or modify their judgments as we see fit, and they recognise that such is the case as well. We must apply our own political realism to many of these issues.

In that context, in more than a decade we have seen a move towards a greater simplification of our system and codification of our tax code — the Taxes Consolidation Act 1997 is an important piece of legislation. We have seen a continuing effort to reduce taxes on labour and, indeed, on capital in an effort to spur economic activity to deal with the historic problems of underemployment and mass emigration, which have bedevilled and characterised the Irish economy in the past. Such problems, thankfully, are no longer the reality but are ones about which we cannot be complacent in the future while at the same time we may operate from a position of strength. Having joined a common currency system and had the benefit of being part of the euro area, that ability to withstand external turbulence, as we have seen since the autumn, in financial and equity markets has been a clear demonstration of the correctness of the decision in the late 1990s to pursue our full participation in and membership of the euro currency area.

Needless to say, since the debate on Committee Stage I have not changed my mind substantively from when I stated that introducing the type of specific terms of reference such as the Deputy has proposed would only serve to restrict the work of the commission and place it under unnecessary constraints. If we were to make the terms of reference so specific that they would remove discretion, why have a commission in the first place?

As I have indicated previously, the members of the commission are drawn not only from the social partners but the accounting and other sectors, and also include accomplished people with environmental and economic expertise and those with wide experience in central and local government. The wide range of skills and knowledge of the members of the commission will help to ensure that we get a report that can help shape future policy in a positive manner. Therefore, I do not accept the amendment.

**Deputy Joan Burton:** The Minister's reply is very disappointing. One of the issues the commission — I noted its imbalanced composition and counted 11 or more persons connected with taxation advisory services of one kind or another — should address is that, unfortunately, we have grown a rather unequal society in recent years where there are millionaires who pay no



tax. We have the phenomenon of persons who can leave the country at midnight to be non-resident for tax purposes — they live here for all intents and purposes but claim they are non-resident for tax purposes.

I read the Minister's remarks yesterday on Liechtenstein, where he congratulated the German authorities on their action in getting some information on tax dodging of a high order organised, I think, by the Royal House of Liechtenstein. Tax avoidance of that scale is not perpetrated by ordinary people. It has the royal stamp of approval of the super wealthy. The Minister felt that what the Germans did was correct. I congratulate him on that rather more egalitarian approach, not often evident from him.

If he praises the German authorities for pursuing tax dodgers from Germany who are hiding their money in trusts in Liechtenstein, why not ask the Commission on Taxation to look at our own cherished group of people, who have done well? Good luck to them. They are enterprising and entrepreneurial people, but in a republic they should not decide that the rest of us will pay tax but they will contribute nothing. It goes to the foundation of republican principles that everybody contributes.

There is also the issue in the report the Department commissioned in the run up to the budget that the cost in 2006 of the Minister failing to implement section 110 on stamp duty avoidance by developers was €250 million for one year. If the figure is typical, in the boom years of the construction industry, with land prices hyped and development deals, it probably cost €750 million over a three year period. Once again, there is one law for the little people and another for people who have the resources to indulge in tax avoidance on the scale essentially encouraged by the Government.

**Deputy Martin Mansergh:** For Deputy Burton's information, the crown prince's brother is a vice-president of the Liechtenstein bank in question.

**Deputy Joan Burton:** I knew there were royal connections but I was not quite sure what they were. Does it make it better though?

**Deputy Martin Mansergh:** I did not say it did. I expressed approval this morning of the German authorities' actions but residence rules, which we set in the Oireachtas, are a separate matter from residents hiding away earnings in some offshore bank.

I really want to take up one or two points relating to section 1(a) of Deputy Burton's amendment which is to do with married persons and child care. Rightly or wrongly, the decision was made approximately 20 years ago in the 1984 budget to abolish child tax allowance. Since then there have been substantial increases, particularly since the mid-1990s, in child benefit and now, of course, there is also the payment, which was enhanced in this year's budget, for children under six.

It is worth bearing in mind that those who stay at home to look after children need not necessarily have the child care costs of those where both spouses go out to work. That is, if one likes, a compensating difference in the financial situation. I know a case can be made that it is good for socialisation purposes for any child under the age of three years, even where one parent is at home, to attend a child care facility, a crèche or preschool. In the debate on individualisation this is not taken into account. Where both spouses have to work, they have no choice but to pay many thousands of euro each year in child care costs which can be saved where a spouse is at home.

**Deputy Joan Burton:** What Deputy Mansergh has said is the clearest evidence of the reason individualisation and its social consequences should be examined in detail. Nobody suggested tax policy was easy. It is always about balancing competing interests. Unfortunately, the com-

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mission established by the Tánaiste is very similar to the Cheney commission on the environment in America which was loaded down with oil men and other lobbies with a vested interest. I do not expect the accountants on the commission to lose a night's sleep about the impact of tax policies on families with more than three children. I would expect a commission on taxation to look at inequity, where some pay no tax and others, even on modest incomes, pay a lot.

Some people who are non-resident but live here may for all we know have deposits in Liechtenstein. When people do not have to pay income tax, their earnings and wealth can accumulate dramatically. It is a very large advantage to be offered by the State. This must and should be weighed by the commission.

I said the Minister's decision to provide tax breaks for private hospice care is sad. This will go against the establishment of the commission and against previous reports that all such tax breaks must be costed and examined. The evidence is that many of them carry dead weight and contribute nothing extra. In this case, we are going to make private patients who need medical services at a stage when they are terminally ill. Many of them may be in severe pain and need palliative care. However, even at a stage when they are terminally ill, the Government wants to distinguish between public and private patients. That is regrettable in a republic.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendment No. 3 in the name of Deputy Burton has been ruled out of order as it involves a potential charge on the people.

Amendment No. 3 not moved.

**Deputy Richard Bruton:** I move amendment No. 4:

In page 13, line 22, column 3, to delete "€900" and substitute "€1,540".

This amendment deals with the home carer's credit which the Minister has increased by €130, from €770 to €900. Anything is better than nothing but Fianna Fáil made a commitment to double it. It should at least be the same as the PAYE credit. We must treat people who opt to care for someone at home as being entitled to be recognised as working in the home. Therefore, they should receive the allowance available to someone working outside the home.

This provision was introduced following the introduction of individualisation. At the time the difference between the amount of tax at the 20% rate allowed to two-earner and one-earner couples was approximately €7,000. After the exertion of much pressure by both Fianna Fáil backbenchers and the Opposition parties, the Minister moved to provide a special home carer's credit of €3,300. In the intervening period the differential at the standard rate between a one-earner and two-earner couple has expanded to €26,000, worth €5,500 in cash terms to individuals, but the home carer's credit was never increased. This is the first increase in a period of approximately seven years.

There is no doubt that those who opt to stay at home have been disadvantaged by this provision. Any practising Deputy knows the reality facing many couples. When they are strapped with a mortgage and a child arrives, they must look at the child care options. There is no tax relief for child care costs which amount to approximately €200 per week, to which child benefit comes nowhere close. When and if a second child arrives, the cost of child care is unsustainable. Only those on exceptionally good wages could afford it. People then decide to drop out of the workforce for a couple of years to care for their children in the home, to which they see many benefits in the early years. Experts also agree that it is beneficial for young

children to have the company of a parent at home. However, parents are hit with a massive tax penalty, a potential penalty of over €6,000. What public policy tells a family that decides one parent will spend a few years caring for a child at home that it should be hit with a tax penalty of €6,000? No far-seeing public policy considering the situation we face would state that was sensible. According to the Minister, the provision resulted from a desire to provide tax relief for workers that would not be so costly, because people in the workforce who were married would have to be given double. We are left now with an extraordinary situation where families trying to care for children must face bills that are more substantial than their huge mortgages. This year there was only a 60 cent increase in child benefit, and nothing for those who specifically commit to child care. Public policy is effectively stating children are consumer goods and those who choose to have them must cope and hack it as best they can. That is so short-sighted it is unbelievable.

In countries such as France one sees posters on billboards stating having a child is not a huge burden. There the government is advertising on billboards to encourage people to have children and leaning over backwards to find a public policy that will support them. The reason for this is that the population of that country is in decline and the French Government knows it will not be able to support the pension burden in the long term, that the country will not have a vibrant workforce or be at the front end of innovation if it does not have strong growth in the young population coming through the education system. That is now public policy in France which may be 20 years further down the road than we are, in terms of the greying of the population but there is a relentless trend and that is the way we are going. However, we have the opportunity to have a much more positive policy towards promoting the welfare of children.

On introducing this provision, no doubt with good motives, Charlie McCreevy took a wrong turn. He wanted to encourage more people into the workforce. We have relatively high participation in the workforce but it is very noticeable that we do not have high participation in the 25 to 40-year age group because women in this critical age group are dropping out of the workforce. They are doing so partly out of personal preference but also because the tax penalties we impose and the lack of support.

Taking the view of where Ireland needs to move to, this sort of approach to family support does not fit in with our long-term needs. The Minister and the rest of the Government must come up with an approach to families that regards child rearing as a very important responsibility that people take and recognises that the State is there to help. It is one of the most important investments the State and families make in the future of the country and we should be leaning over backwards to facilitate that investment just as we would lean over backwards if Google was talking about putting plant and machinery into the ground. Human capital is the future wealth of this country and we do not in any way lean over backwards to provide families with the sort of support they need.

Tax policy is only a tiny element of the overall mix. We need to think much more centrally about children. The rhetoric of many Ministers reflects an understanding of that but when it comes to practical policy, it does not materialise. Maybe the Commission on Taxation would provide the momentum to think again about this but I suspect it will look very narrowly at the tax code and will not see the wider picture.

I do not pretend that this is the “be all and end all” measure to address this but it is part of a policy towards children that regards achieving the maximum potential of children as a core objective of public policy. Under our current public policy on children, nothing is done until there is a crisis, we then come in too late with inadequate interventions and wonder why things go wrong and why children are at the margins in our community.

[Deputy Richard Bruton.]

This is only a very small piece of a jigsaw puzzle that needs to be put together in terms of public policy. This was an error in the approach of the Minister's predecessor. We should recognise that having sternly resisted it for many years, Fianna Fáil in the last general election committed itself to increasing the home carers tax credit for the first time. It was the first crack in the approach adopted by the Minister and his predecessors when they came to face the people and realised the reality of what people must contend with. This is an important area where the Minister must not only accept this amendment if he is so disposed but, as the person who will soon lead the country across all Departments as opposed to just the Department of Finance, take this as an issue on which we must change our thinking. If the Minister is adopting a few areas where change must occur, it is in the approach to families and the important work they are trying to do.

This includes families of all shapes and sizes. We know that not all families are conventional families headed by married couples. As I mentioned earlier, our treatment of cohabiting parents where only one parent works is disgraceful and indefensible. I know the Minister will say that we are awaiting changes in other areas of law before we do anything about it, but that is the reality. We have to think more about family in the way we put together our tax and other codes. I do not wish to hold up the House but I believe this is a worthwhile amendment.

**Deputy Denis Naughten:** I thank Deputy Bruton for moving this amendment, which is very important. The amendment is about trying to give young families a choice in respect of whether they want to stay in the workforce or take a year or two out of it. That choice is not available to them at the moment. As Deputy Bruton said, there is a penalty of approximately €6,000 for coming out of the workforce. It is a very reasoned and fair amendment in respect of the home carers' tax credit.

As Deputy Bruton said, it is only one small element of it. We need to look at our tax code with a greater focus on children rather than the traditional way we have looked at it. There is a lack of support in respect of child care. We know about the debacle that happened over the past couple of months and will happen again at the back end of this year in respect of funding for the Minister of State, Deputy Brendan Smith's Department.

The objective behind the home carers' tax credit was to try to combat the financial inequality created through individualisation. The difficulty is that this particular threshold has not kept in line with wage increases or increases in inflation. It will not have a significant impact on the overall tax code but will have a direct impact on families. It is an amendment that sets the Government and the Oireachtas in a direction where we want to focus on children and on supporting them in the best way possible, regardless of the make-up of their families.

In many cases, the cost of child care is equivalent to the cost of a mortgage. I know from personal experience about the cost of child care and the drain it puts on many families. I urge the Minister to accept this amendment as a small step to addressing the inequality within the system.

**Deputy Martin Mansergh:** I repeat that the child tax credits were abolished by the parties opposite in 1984. Over the past dozen years or so, there has been a significant increase in support for child rearing not primarily through the tax system, but through direct payments. That was seen as fairer and more equitable, particularly *vis-à-vis* those who were not in the tax system. When assessing the consequences of public policy, it must be borne in mind that we also have one of the highest birth rates in Europe.

I do not share the nostalgia for the pre-individualisation era. Individualisation was introduced in recognition of changing social realities. There is a contradiction in Deputy Bruton's argu-

ment. He begins by talking about a spouse who withdraws from the workforce because of the cost of child care and is, therefore, implicitly better off. He then seems to say that the moment they get home, they discover that they are worse off because of so-called tax penalties. Given the cost of child care where the full cost is being paid, when a spouse comes home, those costs do not necessarily have to be paid anymore.

I do not dispute the fact that the amendment may, in abstract, be desirable, as is any increase in tax credits. However, we heard it said this morning that the public finances were in a catastrophic state of affairs. We now have an amendment which suggests that the budget gap be made even wider.

**Deputy Kieran O'Donnell:** It is not often that I agree with the Government but Deputy Mansergh made the point that I was about to make. The point was that tax legislation is very anti-family. People are caught in a trap. For some people, it is uneconomic to continue to work because the cost of child care is so severe. In the last budget, they received an increase of €3.30 per week between child benefit and the early child care supplement. The supplement is worth €1,100 per year, approximately €21 per week, yet child care costs approximately €215 per week. There is a shortfall of approximately €200 per week for people whose children are in child care. They are trapped and they cannot make up their minds whether to stay at home and mind their children or be forced out to work to pay the cost of child care. This measure was introduced under the inequitable individualisation measure. The amount of the child care allowance has not been increased since then. Fine Gael wants that balance to be redressed. The dependency ratios are becoming higher as the years go on because we are an ageing population. Rather than reacting in ten or 15 years time, the Government should be proactive and should make it easier for people to afford to have families. As Deputy Bruton said, families should not be a commodity but rather a way of life. I know from personal experience that the Minister is putting young mothers and fathers in impossible situations. I hope the Minister will consider Deputy Bruton's amendment which is a valid one. I ask him to include it in the terms of reference for the Commission on Taxation. This should be a proactive measure. A pensions time bomb is in the offing because our dependency ratio will increase at such a rate in the next 15 to 20 years.

**Deputy Arthur Morgan:** I commend Deputy Bruton not so much on his amendment, although I fully support it, but rather on his somewhat novel idea of lobbying a future Taoiseach and of trying to instil or develop a social conscience in Fianna Fáil. This is particularly useful and I wish him well in his endeavour; indeed I might join in with him and extend it to paternity leave, for example, as there is not a single day of paternity leave in this State. We all know about the crisis in child care, which has been referred to by other speakers. We are all aware of the crisis in preschool education and home support workers. We would all have neighbours, never mind constituents, who are grossly in need of additional support in that area. If this debate on the Finance Bill could be used to develop a culture of social conscience in a potential future Taoiseach then it could be time well spent.

**Deputy Joan Burton:** Today is 5 March and International Women's Day is celebrated on 8 March. I can understand that perhaps men in Government and in the Government parties are of the view that women are rather contrarian. I have to admit we want it all. We want to be able to be part of the paid workforce and when we have children or responsibilities to elderly relatives we also want to be able to spend time caring. From listening to speakers on the Government side, this is probably regarded as a contrarian view. Why should we not want everything, if in the end it is worthwhile for society that parents should have time to look after their children? By the time most people have children, they often have fairly heavy mortgage



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commitments. When they have a first child it is often possible for both parents to go back to work, full-time or part-time, with child care costing approximately €200 a week. Grandparents or sisters can also be very helpful with child care. Returning to work is possible in these circumstances. However, when there are two or three children in a family the weekly cost of full child care for three children is very often between €500 and €600 which amounts to more than €2,000 a month. For most families, affording a mortgage payment of more than €1,600 a month, gross, is at the outer edge of the scale so €2,000 a month for child care, crèche fees, after-school care and so on, is very expensive. It is therefore a no-brainer for many families that during the years when children are very young and parents want to be able to look after their own children full-time, one or other of the parents should be able to stay at home. This may be the father in a percentage of cases but for the most part it is the mother. We should not lose sight of the fact that this is actually good for society.

I refer to the table of tax reliefs which represents the “right-on” feminism of 15 years ago. The one-parent family credit is €1,830 which is the same as the PAYE tax credit for people working. However the home carer tax credit is only €900. If our lovely couple with their three children were to split up, as a separated family they would receive the full tax credit. I understand why this was done and it reflects the concern of 15 years ago when people parenting on their own had it very tough and rough and we wanted to acknowledge them and include them. We must equally take account of the current situation.

I understand the budgetary constraints on the Minister, particularly with the bad figures for the first two months of this year. However, I ask him to consider the principle which is to do with people not caring for a house but rather caring for children and caring for elderly relatives. I really hope the Minister will examine this. The great coup by Mr. Charlie McCreevy at a stroke enabled tax rates for single workers or tax impacts for single workers to be reduced and encouraged a significant number of women to join the labour force.

Just this morning the Taoiseach acknowledged that many thousands of building workers are likely to become unemployed. A building construction worker becomes unemployed and his wife then goes out to work because it may be easier for her to find work. This couple will immediately reduce to a single earner family tax credit. The tax penalty to them will be approximately €6,200 which they will be required to pay in extra taxes because one of them became redundant and only one of them is now working. I strongly urge the Minister to reconsider this. It will be expensive to re-jig policy to make it family-friendly and child-encouraging but it is something that ought to be done.

**Deputy Seán Barrett:** I am a believer that in political life the job of a politician is to decide on what sort of society he or she wants and to build policies around that principle instead of the other way around where people say certain actions will cost too much money. Many things cost too much money but one does not know the benefits of the proposal put forward by Deputy Bruton and which used to be evident in our society. On Committee Stage I made the point that I have no objection to either married fathers or married mothers working outside the home if that is what they wish to do. That is a matter of choice. However, we should not force people into that situation where the tax system will penalise them. The most insensitive part is that we do not recognise the role of the stay-at-home parent, whether it is the man or the woman. Let us be frank about it in most cases it is the woman.

Let us consider what has happened to society as a result of not having more parents in the home. We have rushed out to try to find more child care places. The planning laws needed to be changed. We now have a dearth of volunteers in society, caring for elderly neighbours and elderly parents. All the voluntary work that used to be done has disappeared. People are asking

what has happened. If we want that sort of society that is what we will get. My theory in life is that I do not want that sort of society. I prefer the society in which I was brought up. I make no apologies for saying so. It was of great benefit to me personally to arrive home from school at 3 o'clock or 3.30 p.m. on a winter's evening and for my mother to be there. She gave me hot meal, made certain I sat down and did my homework, and did all the normal things. She visited neighbours and was part of a community. That is good for society and is a good way of living. However, we are saying that woman has no value to the economy. Our tax system implies we want such women to do all these other things, but they are of no value to us. People adopting the ideas I am expressing can be accused of being old-fashioned, opposed to women in the work place and all this sort of nonsense. That is all rubbish. I have no problem if somebody wants to make his or her own arrangements privately. If that is the way they want to live their lives, so be it. If they are working in the workplace they should be treated like anybody else, whether they are male or female. However, what we need to decide is the value we put on a parent staying at home particularly in the formative years when children are growing up, including the teenage years. We must decide whether we are going to recognise this in our tax system. If it costs money, so be it — we need to prioritise it and identify savings elsewhere.

This evening we will debate a Private Members' motion, which while the Government has amended it, in principle it does not disagree with. We are talking about anti-social behaviour, the prevalence of drug and alcohol abuse in communities and the proliferation of knife crime, including the recent tragic death of two Polish men in Dublin. I noted that over the weekend a 16 year old girl was taken into custody for questioning in connection with the crime. All the signs are there. It is only human nature. Of course a 15 or 16 year old whose parents do not guide them will get into trouble. We are all human. The world has not changed that much. The sooner we wake up and realise this the better. We need to be prepared to say, as I am prepared to say, that we made a mistake in not recognising the value of the parent in the home in the formative years when children are around. It is far better that either the mother or father is there to look after their children than putting them in the back of a car at 6 a.m., driving 20 or 30 miles, dropping them off at a crèche, handing them over to other people to look after them, driving to work, finishing work, driving 20 or 30 miles to the crèche, picking up the children and arriving home at 7 p.m. or 7.30 p.m. Apparently we think this is a good way of living and do not think this will do any damage to the child. Are we coddling ourselves? The sooner we realise we have made a mistake the better. The sooner we agree to accept the amendment tabled by my good colleague, Deputy Bruton, in accordance with the commitment we gave in our election programme, the better it will be for society.

**Deputy Brian Cowen:** The amendment before us relates to doubling the home carer credit from €770 to €1,540 in one go. The budget increased it from €770 to €900 as part of an overall programme for Government commitment. Every year Ministers for Finance make certain choices on taxation and expenditure and overall budgetary parameters. While less than in previous years, the personal tax package, including PRSI and health levy changes, amounted to approximately €582 million. The aim of the income tax measures in the budget was to use tax credits and bands to keep low-income earners out of the standard rate band and average rate earners out of the higher rate band as promised in the programme for Government. During the general election campaign, I said that was a matter of higher priority than other tax commitments.

The measures were also focused on assisting the elderly, lone parents, widowed persons and widowed parents, those with a disability and carers. Some 54% of the resources of the personal income tax package were devoted to assisting those categories and the low paid. To provide a doubling of the home carer tax credit as suggested by the Deputy would mean that increases

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in other income tax credits or reliefs would need to be curtailed or not implemented. As I mentioned on Committee Stage, it is a question of finding the balance and deciding what is fair and reasonable in how we intend proceeding over the course of a Government programme.

The argument can be made all the time — I have listened to the debate. People are talking about the historical situation and the legacy of moving towards individualisation and the changes my predecessor brought about. It was not just about the need to deal with the increasing participation levels in the labour force. That is not the full story, particularly as it relates to the female labour supply. The weakness in our income tax system at that time was how heavily it bore on single people who started to pay tax at a very low rate of income. I believe it was at the equivalent of €84 ten years ago. That was having an impact on job creation and economic activity generally by bearing very heavily on that rate in terms of how the income tax system was structured. There was also the question of double increases to married one-earners and this used up tax resources as we tried to deal with that. So what he did was change the structure.

If we wanted to go back on individualised tax bands we would inevitably raise the relative burden on single earners for a given amount of tax relief. While I accept people may make life choices at different times in their lives, I am not sure we can turn the clock back at this stage. In my view it was right to move towards this system with caution and to recognise there are societal attitudes and situations that need to be taken on board while at the same time ensuring we facilitate participation in the workforce to the maximum extent possible. The differential between the married one-earner band and the upper limit of the married two-earner band impacts on higher incomes only if they are above €44,400. That level of income is 30% greater than the average industrial wage. It is important to stress the current structure of tax bands means that married one-earner couples on average earnings are not affected by the different standard rate bands. That is an important point, from which one can deduce that the Deputy's amendment would do little to help those whose income is below €44,400.

The Government has been devoting much of the available resources to helping those lower down the scale who are less well off. The reason workers on the minimum wage are outside the tax net is precisely we changed the structure of the bands. If there is nostalgia about the old system, it is clear that, given the entry point at which one would start paying tax, it would be less possible for those on the minimum wage to be outside the tax net because the use of tax expenditure resources would be shifted away from the lower end. The fact that 80% of the workforce pay at the standard rate is an indication of that shift. It is important to make that point. By the same token, the reduction in rates, the broadening of bands and general simplification of the system during the last decade mean that greater disposable income is available to married couples with one earner as well as with two earners on similar incomes, compared to what would have been the case ten years ago. People are bringing home and keeping more of their own money.

The OECD has made the point that Ireland is the only country where, when one takes child benefit payments into account, there is a negative contribution with regard to married couples with one earner and two children. In net terms, they do not pay tax at the effective rate when one takes into account, as Deputy Mansergh said, transfers available in a more equitable fashion through direct provision than through the tax code, restricted to those in a position to pay tax. It is more complicated than the suggestion that those more committed to the home carer credit are, in some sense, more pro-family than I am. I do not accept that suggestion.

**Deputy Kieran O'Donnell:** No one is making that suggestion.

**Deputy Brian Cowen:** The argument certainly contained a suggestion that one was less committed to married couples with one earner as a result of this measure. Clearly, if one had a home carer credit, as Deputy Bruton suggested, of €1,540 rather than €900, it would be of greater benefit. The fact is, however, that the tax package I devised was geared towards the lower end. I have made the point that married couples with one earner earning less than €44,400, 30% above the average industrial wage, would not gain.

**Deputy Kieran O'Donnell:** It is not a huge salary.

**Deputy Brian Cowen:** I am explaining where the burden of taxation resides. I am making the point that while it would do something, it would not do a whole lot to help the people in question. The suggestion that married couples with one earner are being ignored is not correct. By the same token, there was not a move on the rate of €770 since it was introduced in 2000. The issue was discussed in the debate on the last budget when Opposition parties suggested they would move to a greater extent than I was prepared to move in the tax package I announced in our manifesto, simply to double the home carer credit during the course of our Administration. From memory, I think the Opposition was going to increase it to €1,760. I may be wrong but that is my recollection seven or eight months later. Those points are relevant. I am moving on the issue, having begun a process which is not a panacea but a recognition that we should move beyond the €770 mark. That figure was devised by the former Minister for Finance, Charlie McCreevy, in an effort to rebalance a suggestion he was neglecting married couples with one earner.

I do not know if there is much point in replying to Deputy Morgan's suggestion that I am bereft of a social conscience. It is great to see people trying to persuade me that I should have one but I stand over the policies achieved implemented by Fianna Fáil in government. Deputy Morgan has a good record of agitation, while we have a far better record of achievement, a major distinguishing feature between him and me. On the Opposition benches he has the luxury of being able to ask for whatever he likes since he will never have the responsibility of doing anything about it.

**Deputy Arthur Morgan:** It is a matter of striking a balance, as the Minister knows.

**Deputy Brian Cowen:** While I do not wish to deviate beyond the parameters of the Finance Bill, I will not take lectures on social conscience from the Deputy, given his support for past atrocities.

**Deputy Arthur Morgan:** It is about making this country a better place for all, including the less well-off.

**Deputy Kieran O'Donnell:** The Minister said 80% of earners were paying tax at the standard rate. As regards young couples, in particular, both partners are being forced to work outside the home. In such a situation they will be able to avail of €26,400 extra in the standard rate band. We are talking about allowing people to stay at home to look after their children but under the current system, they cannot afford to do so financially.

Will the Minister comment on the anomaly, whereby if a one-earner family separates, instead of receiving a home carer allowance of €900, both partners will qualify for the single person's credit of €1,830? Will the Minister also comment on the projected fall in the birth rate and the consequent increase in the number of adult dependants? Surely it makes sense to put tax measures in place in this regard. Deputy Bruton's amendment would help in that respect. The Minister might address those points.

**An Ceann Comhairle:** I call the Tánaiste to reply.

**Deputy Kieran O'Donnell:** The Tánaiste, rather — the Taoiseach, sorry.

**An Ceann Comhairle:** He is the Tánaiste.

**Deputy Brian Cowen:** The Deputy should try to avoid that temptation. He should respect the incumbent rather than playing that game. I do not regard it as flattery. Others had smart-ass comments to make about it.

**Deputy Kieran O'Donnell:** It was not said in that way.

**Deputy Brian Cowen:** I know that.

**Deputy Kieran O'Donnell:** It was a mistake.

**Deputy Brian Cowen:** No problem.

The personal tax credits available to couples with dependent children depend on their marital status and income. They range from one single tax credit for a one-income cohabiting couple to the equivalent of four single tax credits for a separated or divorced married couple, or a former cohabiting couple, each with income. The situation where up to four single credits are available reflects the fact that there are two separate single-parent families to be maintained with the associated costs where dependent children are involved. What was the Deputy's second point?

**Deputy Kieran O'Donnell:** My second point concerned the falling birth rate.

**Deputy Brian Cowen:** In the last seven years we have seen an increasing population with the changes we have had. I do not suggest for one moment that it is all down to the tax system. There are social phenomena and societal values at play which go way beyond the tax code. Drawing conclusions from one point to another may not be a very sound method by which to devise tax policy. We are trying to make things more equitable for those who require our help. It can be argued that we could do more, or less, but some choices are questionable. We can have that political debate. I have outlined the thinking behind the personal tax package I devised which was geared more towards the lower paid. There are specific tax credits, including the one we are discussing — although obviously not to the level Deputy Bruton would like — whereby I have made some moves in an effort to target assistance at people in particular circumstances where extra recognition should be given in the tax code, given the constraints and room to manoeuvre available to me. I do not expect it to be a unanimous view.

**An Ceann Comhairle:** Is the amendment being pressed?

**Deputy Richard Bruton:** It is but I would like to make my concluding comments, if I may.

**An Ceann Comhairle:** Sure.

**Deputy Richard Bruton:** I am sometimes unable to tell whether Deputy Mansergh is spoofing. He said that he struggles to understand how people can suffer a penalty when they give up a job. However, consider a person who leaves a job paying €30,000, which is close to the average industrial wage, because he or she faces annual child care costs of €20,000. Such people will find that they have not only lost their salary of €30,000 but that their spouse has lost the advantage of their PAYE tax credit, worth €1,830, and that the proportion of the latter's band



which is taxed at 20% has dropped by €26,000. That is the penalty. I am sure Deputy Mansergh knows this but is being obtuse.

The Minister says it was not part of his priorities to make these changes in one go. I question the basis upon which he sets his priorities. He seemed to suggest that the change we propose would in some way conflict with his desire to concentrate relief at the low end. The reality, however, is that this is a flat rate tax credit and is just as much a relief concentrated at the low end as are the personal tax rate changes on which he has chosen to concentrate. Moreover, it is targeted and not available to every couple. Deputy Barrett, for example, would not be a beneficiary because he does not have children in the eligible category, unless his spouse were caring for someone who is incapacitated.

Is it not a supreme irony that the Minister for Finance is willing to say to someone who is incapacitated that he or she will be allowed tax relief up to €50,000 if a carer is brought in from outside the home but will not even receive the PAYE credit of €1,830 if his or her carer is a member of the household? It requires some extraordinarily convoluted thinking to arrive at that type of attitude to people who care for incapacitated family members in their own home. Moreover, only a tiny fraction of carers qualify for the carer's allowance.

I do not accept the Minister's view that this amendment somehow seeks to turn back the entire individualisation clock. That would not be the consequence of this proposal.

**Deputy Brian Cowen:** I did not say that.

**Deputy Richard Bruton:** I acknowledge the Minister's point that this was a way in which individualisation allowed him to concentrate some tax relief on single people without having to give all the benefit to one-earner couples. Our objective is to recognise the home carer *per se*. We do not seek to reverse individualisation. The Minister is setting up a straw man when he pretends it is a question of reversing individualisation. This a flat rate credit concentrated on people who are either caring for children or a person who is incapacitated. The social argument for this is extremely strong, as I am sure many on the Minister's side of the House would agree.

When the Minister comes to frame next year's budget, he should not pretend that increasing the home carer's credit is in some way of benefit to the better off, unlike the other measures he is proposing. This is a targeted measure aimed at families to whom we have a duty of assistance. Many of them are anything but well off, as the Minister knows from his own work with young families.

**Deputy Martin Mansergh:** The type of social picture implicit in many of the Opposition contributions is at some remove from reality, certainly as far as younger people are concerned. In my experience, young people make careful calculations before moving out of the workforce as to whether they will be better or worse off. I do not buy the notion that they leave the workforce believing they will be better off only to discover they are worse off.

**Deputy Richard Bruton:** Those were entirely Deputy Mansergh's own words.

**Deputy Martin Mansergh:** Deputy Bruton is trying to ride two horses at the one time.

**Deputy Richard Bruton:** Deputy Mansergh is out of order speaking at this stage in the debate. I wish to set the record straight. I said such workers would face a penalty; I did not say they would be worse off. I explained the penalty, which is the loss of their PAYE tax credit and the narrowing of the spouse's standard rate tax band.

**An Ceann Comhairle:** I understood Deputy Bruton was making another intervention and intended to wrap up later. That is why I asked him at the outset whether he was pressing the amendment. He tells me he has wrapped up the debate on his side and, in those circumstances, I have no choice but to put the question. I apologise to Deputy Bruton for the confusion on my part.

Question, “That the words proposed to be deleted stand,” put and declared carried.

Amendment declared lost.

**An Ceann Comhairle:** Amendments Nos. 5 and 6 are related and will be discussed together.

**Deputy Richard Bruton:** I move amendment No. 5:

In page 15, line 30, to delete “€2,000” and substitute “€3,000”.

This amendment relates to the amount of relief available for tenants in the private rented sector. We must rethink our approach in this area. Most people have the ambition to purchase their own home; that is long ingrained in our psyche. There is nothing wrong with this and we rightly support it in public policy. However, the extent of the gap that has emerged between our support for those who opt to purchase their own home and our extraordinarily mean treatment of those who rent is highly dubious. Many of the poorest families I come across are trapped in the private rented sector because, regardless of their ambitions to purchase their own home, they cannot afford to do so. If they are in employment, they are denied access to rent supplement, the rental allowance scheme and all other State supports in this area. They depend solely on this particular tax credit as the only public recognition of their expense.

A couple paying rent in the private sector are entitled to tax relief on €4,000 whereas a couple who purchase their own home will, under the Minister’s new scheme, get €20,000 relief on the interest payment for seven years, followed by €6,000 for a further eight. This represents a significant advantage in hard cash terms over their counterparts in the private rental sectors. It is €22,400 in the first seven years and €8,000 over the rest of the life of the mortgage. In other words, we are giving a capitalised amount in tax credits of more than €30,000 to people who are in a position to purchase versus those who are trapped in the private rented sector. While it is public policy to promote home ownership, our niggardly treatment of people caught in the private rented sector is difficult to justify. An alternative approach would be to introduce a housing credit, which has been strongly advocated in other jurisdictions but never given serious consideration here. It would be a flat rate credit available to people across the different spectrums, whether tenants in private rented accommodation, home owners and so on.

Our unfair approach to those renting privately has had the unintentional effect of forcing increasing numbers to apply for inclusion on the public housing lists as the only way in which they can obtain reasonable support. Under the differential rent arrangement, the maximum

one pays is 15% of one’s income over a certain figure in rent. We are creating  
*5 o’clock* an extraordinary position whereby people who are renting from the local authority have access to a good public subvention, private purchasers likewise receive good support, as do those who are unemployed and in receipt of rent supplement, but people who work and rent privately are screwed. I do not think it stacks up. I know the Minister will talk about his priority, with which I agree, of building up infrastructure under the national development plan. Public policy has been promoting a forced concentration on housing as the infrastructural asset we want to develop. Should we continue to focus on housing assets in this way? Perhaps we should start to move towards a continental attitude to home ownership. One has more flexibility when one is renting one’s home. Renting results in a higher level of utilis-

ation of the housing stock. We would not have to invest such a high percentage of our scarce resources in our housing stock if it were used more efficiently. This serious issue needs to be examined. We should give some assistance to people in the private rented sector in the short term. I am sure the members of the Commission on Taxation will examine this area.

While there is a real need to develop this country's infrastructure, I do not believe we should try to contain the deep commitment of the people of this country to trying to own their own homes. We should continue to support home buyers. We need to consider whether the huge discrimination faced by those who wish to avail of the private rented option continues to be justified. I honestly think it is not. I cannot stand over it from the perspective of short-term equity, regardless of any consideration of how we use our assets. Those who attend my clinics are, by and large, people in the private rented sector who are on some interminable waiting list for a council tenancy which, in many cases, they will never get because they do not have enough points. I am sure the same is the case in the Tánaiste's clinics. We have to tell such people they have no chance of getting a council tenancy. Given that the Central Bank has reported that 50% of the population is unable to buy a home, it is likely that those who come to our clinics in these circumstances are below the home-buying threshold. Similarly, the affordable housing scheme, which is a good idea, is of no assistance to them because it is not delivering the beef. Last year, which was a very good year, just 2% of new housing was in the affordable housing category. It is just not delivering and will deliver less, obviously, as a result of the collapse in private house building. We need to rethink our strategy in this area because we are constraining the housing options of a particular category of people.

**Deputy Joan Burton:** It is right that the State should, as far as possible, promote people's ownership of their own houses. I remind Deputy Mansergh, who is something of a historian, that in 1973 the then Labour Party Minister for the Environment, Jimmy Tully, gave people the right to buy council houses. There has been cross-party agreement that the right to access home ownership is a social good. I suppose we are continuing the tradition of the 40-shilling freehold.

As those who are renting their homes enjoy very little security of tenure, it is difficult for them to access a long-term right to rent properties in a fair way. There was once such a right in Ireland and continues to be in many European countries. If one travels to city centres in France and Italy, one will find families which are renting high quality apartments and houses. They can rent such properties intergenerationally because they have rights of succession. The Irish market is different and has become more different as the years have passed. Most people try to get on the property ladder by buying a home, but the recent problems in the housing sector have made that extremely difficult. The affordability barrier has been raised by the credit crunch. It costs much more to pay a mortgage for a modest starter home than it did some time ago. The impact of the Minister's increases in mortgage interest relief over the last two budgets has been negated by recent developments in the international and Irish finance markets, the property market and the credit market.

When the many people who have to rent in the private housing market rent old section 23 properties, or the successors of those properties, landlords get tax breaks. In such circumstances, most landlords register properly with the Private Residential Tenancies Board and the Revenue Commissioners and are quite happy to assist tenants who wish to avail of tax relief on the rent they are paying. Landlords who do not register with the Revenue Commissioners, because there is no tax benefit in it for them, are often reluctant to register with the Private Residential Tenancies Board as they are required by law to do. Many of them are reluctant to pay tax on the rents they receive. The situation becomes even more ridiculous when one con-

[Deputy Joan Burton.]

siders that the Health Service Executive, which spends several hundred million euro on rent allowances, often consciously turns a blind eye to those to whom rents are being paid.

The Labour Party has tabled an amendment, which will be considered later in this Report Stage debate, providing that the Revenue Commissioners be given full access to the information registered with the Private Residential Tenancies Board in order that they can pursue landlords who are not paying tax on the rental of properties. The HSE and the local authorities need to get their act together to end the waste of public money which is resulting from the Government's management of the rent allowance structure. It seems the Government has decided to hardly ever again build old-style local authority accommodation. If that means massive estates like those in many of our cities and towns will no longer be developed, that is fine. I do not think anybody wants to see massive local authority estates becoming islands of deprivation in otherwise well off cities and towns.

The Government's attitude to the rental sector needs to be seriously overhauled. Landlords should be paying tax on their earnings from the properties they rent. Information about such properties should be available to the Revenue Commissioners, who should be able to pursue landlords who avoid paying tax. Equally, tenants should be encouraged and facilitated to claim tax relief on their rent allowances. I do not want to return to the debate that took place this morning. Landlords who operate under the counter often strongly discourage tenants from claiming tax allowances. To secure their properties, tenants often have to supplement the rent that is recorded by the HSE as being paid with under the counter payments to landlords. That is quite common in certain parts of the country. The Minister needs to recognise that while there are many decent landlords — it can be a good business if one runs one's property properly — the many landlords who do not want to pay tax are having a field day. One way of incentivising tenants to ensure that the landlord of the property they are renting is paying tax is to improve the tax rebate people can get for renting. Therefore, I recommend the thrust of the Fine Gael amendment to the Minister because it incentivises people.

I raised a matter on Committee Stage which was previously highlighted by my colleague, Deputy Ciarán Lynch from Cork. This is the case where tenants in receipt of rent supplement from the HSE end up having to deduct tax for non-resident landlords because people who pay rent to foreign landlords are obliged to deduct the tax at source. It seems ridiculous that even people renting through the HSE have a responsibility for deducting tax on behalf of a non-resident landlord and can become liable for it.

I recommend the spirit of the amendment and I feel this is one of the areas where in the good years of the Celtic tiger it was very easy for the Government to turn a blind eye to whether landlords paid their fair share of tax. Now that times are getting tougher, we cannot afford parasitic landlords who are renting, in some cases, very substandard properties for €1,200 or €1,600 a month and then showing two fingers to the rest of us by not paying tax on the properties.

**Deputy Martin Mansergh:** I agree with Deputy Burton that the right to buy council houses is a good policy. There was also a scheme in the late 1980s for buying them out and many of the older council houses, from the 1920s to the 1950s in particular, were very solidly built. Some of them look absolutely terrific in private ownership, having been refurbished.

It could be said that, particularly in another jurisdiction and perhaps occasionally in this jurisdiction, there was much criticism of that policy from a very left-wing perspective. I also agree that landlords should pay tax and the existence of this relief is an incentive to see that happens.

The amendments may be put down to simply discuss the subject but taken literally, they involve an increased cost to the Exchequer in what is an acknowledged tighter position. There is also an economic impact to be considered, which is that whenever a rent allowance against tax is increased, or mortgage interest relief is raised, we must always consider the knock-on effect.

If it simply enables landlords to charge higher rents without much benefit to tenants, it clearly would not be a particularly good idea. Whenever those limits are raised, and particularly by a relatively large step as proposed here, that issue must be considered.

**Deputy Kieran O'Donnell:** I support the amendment. Considering rent relief, a single person receives €400 per year or €33 per month. The increase amounted to just over €3 per month. For a married couple the relief is €800, which is €67 per month, and the increase was just short of €7 per month.

Ireland is changing and more and more apartments are being built. The balance will probably shift towards rented accommodation like the European model and although we must allow people to buy their homes, some will not be able to afford the homes they live in. The Minister should bear in mind that there may be people who end up renting over their lifetime. They should be entitled to a reasonable amount of tax relief, which at the moment is paltry compared to the rents being paid.

Deputy Mansergh indicated the landlord may just take up the extra tax relief through higher rents. If more tax relief is provided, tenants may be more inclined to demand of landlords that they become compliant and register. It may have a benefit in making sure landlords pay their taxes, as well as improving the quality of rented accommodation. I commend Deputy Bruton's amendment.

**Deputy Brian Cowen:** Section 6 of the Finance Bill implements the budget announcement to improve the level of rent relief and the section amends section 473 of the Taxes Consolidation Act 1997, which grants relief to taxpayers for rent paid in respect of private rented accommodation which is their sole or main residence.

The changes I am introducing will introduce an amount of relief due to all categories as follows: for single persons under 55, the credit goes from €1,800 to €2,000 and for single persons over 55 the credit increases from €3,600 to €4,000; for married and widowed persons under 55, the credit is increased from €3,600 to €4,000; and for married and widowed persons over 55, the credit is increased from €7,200 to €8,000.

The amendment proposed by the Deputy increases the amounts due for single persons only. The tax code generally ensures a married couple should get the same level of relief as two single persons. The cost of the Deputy's proposal would be approximately €28.6 million in a full year. Over the last four budgets I have increased rent relief by 57% in total, which far exceeds increases in the costs of living and in rents over the same period.

I am satisfied the increases in the relief that I have provided for in the Bill will help to reduce the burden of rent for tenants in the private rented sectors, particularly in light of a report showing recent increases in the supply of rental accommodation, which will lead to reduced rent levels.

The changes provided for in this Bill are generous by these standards and I am not in a position to accept the Deputy's amendment.

Rent relief for people over 55 is already higher than mortgage interest relief for non-first time buyers. For those aged under 55, it is two-thirds of the level of mortgage interest relief for non-first time buyers. I am satisfied the 11% increase I announced in the budget was the



[Deputy Brian Cowen.]

appropriate measure to take at this time as a larger increase in rent relief could encourage landlords to increase rent.

**Deputy Richard Bruton:** I am disappointed the Minister has not really engaged in the debate on whether we are treating people fairly. He has read out his brief, which I could have written myself. The more interesting question is what the Minister for Finance thinks of the way we treat people who are in the private rented sector.

I do not know if it is different in Offaly but most disadvantaged people who are struggling, working and trying to get by and feeling the pinch, are in the private rented sector. They are really being put upon. Private rents have increased by 12% in the past 12 months, although I am sure the Minister is correct when he states there has been some softening in the past month or two. By and large, rents have been rising very rapidly because of the rising cost of borrowing, etc.

I can take the point made by Deputy Mansergh that with landlords, in any market where a subvention is supplied, demand and supply elasticities will rule. The benefits will be shared and this is inevitable. Rent supplements, a pillar of existing Government policy, are the same. There is no doubt a significant portion of rent supplements has resulted in higher rents paid to landlords. That does not mean we would not intervene to provide support to people who are out of work and would otherwise be out on the street.

Public policy must take a view on this area. I could understand if the Minister was speaking about moving to a house credit system, where money would be paid directly to the individual rather than through the tax code. When the process goes through the tax code, it is at least a good distance away from the landlord and it is not easy for him or her to grab hold of it. As Deputy O'Donnell stated, it also requires the landlord to be compliant for tax purposes.

I put this forward as I have raised the issue with the Minister before. On previous occasions he expressed some interest in considering the matter but in this budget he has moved the goalposts even further away from the person in private rented accommodation. I am a bit disappointed in the Minister's response but this issue will return in the taxation commission report when we see it. As a House, we will have to return to it.

Question, "That the figure proposed to be deleted stand," put and declared carried.

Amendment declared lost.

Amendment No. 6 not moved.

**Deputy Richard Bruton:** I move amendment No. 7:

In page 16, between lines 2 and 3, to insert the following:

8.—Part 30 of the Principal Act shall be amended by inserting a new section:

"785.—A person who reaches retirement under a Defined Contribution Pension Scheme shall from 1st March 2008 not be required to purchase an annuity unless they do not have an income equivalent to the Non-Contributory Old Age Pension prevailing at the time of retirement."."

I do not pretend the amendment has been well drafted but it is to pick up on an issue we discussed on Committee Stage, that is, that under defined contribution schemes, people reaching retirement are now compelled to purchase annuities. This is in stark contrast to people in the self-employed category. As the Minister knows, his predecessor, Mr. McCreevy, brought

in very generous provisions for the self-employed to set up these retirement funds. One of the big advantages of the retirement fund is that when one reaches retirement age, one does not have to take out the money in an annuity unless one's income is extremely small. I believe a figure of €12,700 has been set. If one can show one has €12,700 from some other source and that one is self-employed, one does not have to take out one's money in an annuity.

As the Minister knows, the problem with annuities is that they are extremely bad value in the marketplace at present because they are tied to the yield on Government bonds, which has been very low for some time, and they are related to life expectancy, which is lengthening. Buying annuities is extremely bad value. The most inequitable element of them is that if one buys an annuity and one happens to die, one's annuity dies with one. Presumably, the insurance company or whoever sold one the annuity is the beneficiary of all one's careful savings over one's lifetime and those who one leaves behind do not get the benefit.

There is a big issue about these defined contribution schemes anyhow, whether people are putting enough into them and whether they will have enough to support themselves when they reach retirement. Adding even more difficulty by compelling people to buy a bad product in the marketplace seems inexplicable. The Minister said he wanted to discuss the issue of pension reform with the social partners. He also has the Green Paper. The Irish Congress of Trade Unions believes it is bad policy to force people to buy annuities, and I have not heard anything to the contrary from the employers, the third strand within social partnership.

On the law of averages, approximately 60,000 people reach retirement each year. Before the Minister moves to change this in next year's, or in the following year's, Finance Bill, perhaps 60,000 or 120,000 will have been forced to purchase these annuities if they are in a standard PAYE scheme under defined contributions. Those of us in the public service are in the privileged position that we do not have to worry about this because we have a defined benefit. However, we are becoming rare animals. Nothing like this is provided in the private sector.

What does the Minister think about this compulsion to buy annuities? As most of these people have a social welfare contributory pension, it is not as if they will be without anything. They meet the test the former Minister, Mr. McCreevy, set for the self-employed. They will not be penniless if they do not buy the annuity and if they use their money foolishly because they will still have the contributory pension. They will have fulfilled the requirement the Minister's predecessor felt was needed to be imposed on the self-employed.

Does the Minister believe this compulsion to buy annuities is still appropriate? If like me, the Irish Congress of Trade Unions and many others, the Minister believes it is not, why not get rid of it now rather than put it off to some future date?

I do not know what the cost to the State would be as a result of making such a change. I suspect it would probably be minimal, although perhaps there is some hidden cost. Presumably exchanging being forced to buy an annuity would not have a tax implication because one way or the other, the resource will come to pay tax as it is realised in an income stream for the individual involved. I do not believe it has a tax implication.

Many people reaching retirement, including people around the House, face this issue. I received a spontaneous telephone call this morning from someone who said this was terribly unfair and who was not from my constituency. I said I was going to debate it with the Minister today and I would find out what he thinks about it. It is an issue which really matters to those affected. If we believe it is worth doing, why not do it now and not force at least another 100,000 people into a straightjacket of a scheme which we really do not believe should be in place in the long-term?

**Deputy Brian Cowen:** The Green Paper has begun a debate on the options we should take in regard to a whole range of pension-related issues. We should avoid deciding what to do in a piecemeal fashion. It would be better to do this in an integrated and planned way. That is what the Government, in conjunction with the social partners, wants to do. The Deputy raised some important but complex issues which need to be fully thought out. The decisions will have far-reaching effects and impacts on pensioners' lives for a long time to come. There are many ways in which to look at this issue.

During the Committee Stage debate Deputy Bruton's concern related primarily to the equity or fairness of a system that allowed some pensioners to invest in an approved retirement fund while others were obliged to purchase annuities with the attendant danger that should the member die early in his or her retirement, the annuity would die with him or her. What also came through in the earlier debate was the perception that annuities currently represent poor value for money. These two issues — a perceived lack of value in annuities at present and the equitable treatment of pensioners — have been the primary arguments put forward for the extension of the approved retirement fund option for pensioners across the board in recent years.

Annuity contracts are a well established feature of the pensions landscape and are probably likely to remain so. There is a wide range of annuity contracts. They may be fixed or escalating with a fixed rate of increase or index linked. They may cover a single or a joint life. In addition, a guaranteed period may be purchased, for example, an annuity may be guaranteed payable for a minimum period whether the annuitant survives the minimum period or not. The longevity and investment risks for those purchasing annuities are pooled. In essence, this means that people who live longer can expect to receive more than the capital used to purchase the annuity while the capital of those who die shortly after purchasing an annuity effectively enhances the returns of those who live longer.

As pointed out in the Green Paper on Pensions, for each argument in favour of extending the approved retirement fund option, as suggested by the Deputy, there are some counter arguments against such an extension. The fact is that for a person to retain the value of his or her pension as a lump sum in an approved retirement fund may be to overlook the many advantages for the individual that a guaranteed stream of income can provide over time. An annuity ensures an income regardless of how long the purchaser lives. An approved retirement fund on the other hand may involve the adoption of complex investment and withdrawal strategies taking account of matters such as life expectancy. Over time this could become very onerous particularly as a pensioner increases in age. There is also the clear possibility of outliving one's pension assets. Pensioners may also find their income falls, for example, if the investment performance of their fund has been poor.

Other factors include the perception of life expectancy which can tend to be underestimated by individuals and returns from approved retirement funds which may be overestimated. The approved retirement fund option may indeed be particularly unsuited to holders of relatively small pension funds, which I suspect is the category of pensioner about which the Deputy is most concerned, in view of their likely inability to cope with fluctuations in income and capital deriving from investment performance.

I put forward these alternative arguments simply to point out that annuities provide a secure means of converting pension savings into pension income. This would avoid the danger that pensioners could exhaust their pension savings during their lifetime. The level of comfort, simplicity and security of income they can provide should not be dismissed lightly.

I am not trying to pre-empt, one way or the other, the outcome of the debate on the Green Paper on the degree to which the approved retirement fund option should be extended, if at

all, to other categories of pensioners or for that matter how and to what extent the market for annuities can be encouraged to diversify and become more competitive. The Deputy raises an important issue which must be addressed in the context of how it will mesh with whatever reforms we draw up. We need to proceed in a planned and integrated way because many could be affected.

According to figures in the pensions screening paper, it is estimated that over 52,000 are currently in receipt of annuity-based pensions. Approximately 239,000 people are in defined contribution occupational pension schemes that lead to the purchase of annuity contracts. In addition, some 311,000 who have either personal pensions or PRSAs may also choose to purchase annuities. In a report commissioned in the context of the national pensions review it was noted that total of annuity premia amounted to some €230 million in 2004.

While it is not possible to say with certainty, there are reasons to believe annuities will continue to play a role in the pensions market. An ageing population with an interest in the maintenance of pre-retirement living standards in retirement can be expected to present a strong incentive for the financial services industry to meet that demand with competitively priced products suited to consumers' needs. One of the factors likely to support such growth is the projected large increase in the number reaching retirement. The number reaching 65 years is projected to increase by approximately 100% in the next 20 years. As a result, there will be an increase in the proportion of those reaching retirement who will have individual pension funds. Another factor will be the steady growth in the number of older pensioners. Annuities may be seen as relatively attractive to such individuals. A third factor will be the decline in the proportion of persons reaching 65 years with only defined benefits.

The position is continually evolving, a matter we must address in attempting to reach decisions. There are complex issues involved.

**Deputy Richard Bruton:** I accept that there are complexities involved and that people can make bad investment decisions or that things could go wrong. However, they should be given a choice. Why are the self-employed given a choice — clearly, people value that choice — while PAYE employees are not? This smacks of some form of paternalism, particularly when one considers that the annuity relating to some funds is only 3.6% per annum. For all the money one accumulates, therefore, one gets only that amount per annum. That is a hopeless return in the context of all the savings in which one might engage.

There is also the argument that people enjoy flexibility if they have access to a fund. They have choice but they also have the flexibility to do different things with the capital they have accumulated. We are going to be obliged to inform people that they must give more serious consideration to saving for their retirement. They would do so if there was a degree of flexibility. It should not be the case that individuals feel they are throwing money down a black hole and will never see it again except in the form of a slow release payment when they reach retirement age. As the song goes, "That don't impress me much". I do not believe people will be encouraged by matters as they stand.

We must treat people in a mature way. We must give them the same choices as those given to the self-employed and provide them with flexibility regarding the way in which they wish to use their money. What I am proposing represents a positive change and it would not involve a cost to the State. I accept that there are other things on the balance sheet which must be weighed up. However, I am of the view that the Minister will adopt what I am proposing in due course. Why not take our courage in our hands and do so now? The outlook in respect of this change is positive. People would not be locked into it and they would still be in a position to purchase annuities if they so choose. Notwithstanding the fact that people might make bad decisions, they should be given a choice and allowed to proceed on that basis.

**Deputy Brian Cowen:** I am not opposed to that general approach. I do not understand why certain categories are denied choice, particularly if others have it. I understand the logic of the Deputy's argument. Reforms will be required in order to make pension provision more attractive. Too often the question is asked as to why more people on lower incomes are not involved with pension schemes. The answer is simple in many respects — they do not have enough money. In basic terms, a pension is a deferred income. If one is struggling to survive on a particular amount of income at present, it is extremely difficult to make plans for the future. People also ask why we do not have greater pension coverage, etc. Arriving at an answer in that regard does not involve rocket science.

There are those who are of the view that we merely need to put in place reforms and then everyone will have access to a pension. One needs a disposable income over and above that relating to one's existing responsibilities and commitments in order to provide for a pension. Many have used the pay related social insurance system, through a weekly PAYE contribution, to build an entitlement to a State pension when they reach retirement age. We have been successful — I do not know if we can continue at the rate we are going, particularly in the light of demographic changes — in providing a pension that covers the basic necessities of life. The challenge we face revolves around the extent to which we can provide a means to encourage people to supplement this basic pension by making provision now for when they retire.

The financial services industry will be obliged to provide more diversified and imaginative products. It is not a captive market. The old idea of local insurance men — be they from New Ireland Assurance or Hibernian Life, etc. — collecting a few bob from each house is long gone. That is what happened when I was young. People required particular prudence and foresight to be able to make such a contribution.

Everyone refers to the need to introduce reforms. We are committed to reforming the system and a great deal of work is being done. There is a major actuarial exercise that must be undertaken and this would need to be accurate and well considered. The Department of Finance will be considering that aspect of the equation, even as others refer to reforms and arriving at solutions.

The Deputy made a more general point regarding how pensions have been structured over time on foot of the cohort who are interested in investing in them. He has also referred to the fact that, statistically, the benefits that are derived are greater for those individuals than they are for others. The basic point is that there must be income available to allow people to provide for pension coverage. I would love everyone to have sufficient income in order that we could all enjoy pension coverage. However, as much as we are trying to spread opportunity and prosperity, the reality to which I refer remains for many.

This is an area in respect of which one must be able to predict what will happen to each part of the matrix in order that what evolves will be better than what currently in place. As the Deputy is aware, a certain proportion of the evolution of pension policy is not based on the continuation of defined benefits regardless. The latter comes about as a result of the life expectancy issue and how this feeds back into actuarial costs and product development in the first instance. Cognisance must also be taken of what is affordable and sustainable in the context of employer contributions, etc.

It is not that one is overwhelmed by the science involved but the more one examines this issue and discusses it, the more one becomes aware of the fact that we must proceed in a systematic and comprehensive way in order to include as many as possible. I am not stating there will be unanimity in respect of the outcome. However, in the light of the importance of this issue for everyone, including workers and their representatives, people must be given an



opportunity to participate and offer ideas as to how we might proceed. Although people criticise the time it is taking, its complexity is such that it should take some time.

**Deputy Richard Bruton:** To quote Mao Tse-Tung, the journey of 1,000 miles starts with the first step. This first step could be useful. I accept the Minister's good faith in presenting it.

This is a complex issue and there are major questions of equal treatment for those who have defined benefits as we do, those who have had tax relief on large incomes over a long time and have accumulated significant funds subsidised by the taxpayer and those who cannot afford to put anything by and get nothing from anyone other than the State pension.

We can do something now as a first step.

**Deputy Brian Cowen:** There is a lot we can do this year and in the coming years.

**Deputy Richard Bruton:** Yes but why say to whoever it is——

**Deputy Brian Cowen:** I never found Mao convincing and I am surprised that Fine Gael does.

**Deputy Richard Bruton:** All these people have certain insights.

**Deputy Brian Cowen:** If one spends a long time in the wilderness one will take up anybody.

**Deputy Kieran O'Donnell:** That is a bit harsh.

**Deputy Brian Cowen:** I am only joking.

**Deputy Richard Bruton:** If one stands at the edge of the sea waiting to decide whether to put one's toe in the water one might freeze to death because one never got in. One will never get to the other side if one never puts one's toe in the water. One can never have all the certainty one wants in this life.

**Deputy Brian Cowen:** I want to be sure we are getting into water not mercury.

**Deputy Richard Bruton:** The Minister has a massive matrix that he wants to fill out in his own mind about all the complex players on pensions, with 40,000 columns in one direction and 40,000 rows in the other.

**Deputy Brian Cowen:** That is what Deputy Bruton loves.

**Deputy Richard Bruton:** When he sees all the little lights shining he will move. The Minister should take his courage in his hands. This is something he can do that will have a positive effect for 30,000, 40,000 or 50,000 people who will retire in the next year. It will not cost anything but will give people flexibility and choice, the ability to make decisions for themselves and it will be seen as a progressive reform. The Irish Congress of Trade Unions supports it. I doubt that IBEC opposes it. It will be the Minister's first toe in the water. He may find it quite warm and be tempted to go much deeper, much more quickly.

**Deputy Brian Cowen:** I can feel the Deputy's hand on my back already.

Amendment put and declared lost.

**Deputy Richard Bruton:** I move amendment No. 8:

In page 16, between lines 21 and 22, to insert the following:

[Deputy Richard Bruton.]

11.—Section 216C of the Principal Act is amended in subsection (5) by substituting “€17,500” for “€15,000”.

This is a small amendment and I do not intend to delay the House with it. The upper limit for people who provide child care in their own home, to have the concession of not making a tax return, is €15,000. The take-up on this is low. At the very least it should move to be in line with the minimum wage which would be €17,500. Would the Minister consider that small increase in order that people who care for children in their own homes would not be brought in to make tax returns if the income that it generates is under the minimum wage?

**Deputy Joan Burton:** The time has come for the Minister to examine this provision thoroughly. I had a long discussion with the Minister when he introduced it and I hoped that it would help some people providing child care. Many value this service, particularly those who can come home early from work and have a half day’s child care every day. It has not worked, however, for various reasons. Some of the associated technical regulations such as the number of children has proved awkward, for example for a person who minds some children in the morning and some in the afternoon. A teacher, for example, can be home at 3 p.m. or 3.30 p.m. I have told the Minister before that in the Dublin area, which I have reason to believe is typical of the whole country, it is not possible to get part-time child care. A husband and wife who juggle their hours, such as public servants working on flextime, may need only 25 hours of child care a week.

It is almost impossible to get part-time child care in most commercial and large crèches, including some of the community crèches, because of the charging system. This will get worse when the new charging system is introduced in community crèches. The only alternative is private child care. This should be to a good standard, the providers ought to be insured and registered with the health board, have training and it ought to provide them with income support without entangling them in red tape and bureaucracy. I do not wish to repeat the arguments made a couple of years ago when he introduced this measure. I complimented the Minister then on bringing it in because fundamentally it is a good move. Some of the private child care providers do not particularly care for it because they think it has brought in additional competition for scarce child care workers but equally there is a high demand for less than full-time child care.

For the reasons we discussed on amendment No. 5 some women want to retain a connection with the workforce. They may have employers, particularly in the public service, who will allow them more flexible working hours. This may also apply to men. The partners may be able to take some time off with the effect that they can be with their children more often which dramatically reduces the child care bill. This is also socially desirable. The Minister ought to take an opportunity to examine why this provision has not worked as well as we thought it would.

I would not worry too much about some of the large commercial crèches which have tax breaks. There are different kinds of child care and care provided in a child’s home or the child minder’s home which is local, friendly and registered and of a proper standard is the Rolls Royce model for many people. Their child is not cared for with too many other children. This is important, particularly for small babies. I support the spirit of the amendment to improve and make this provision more attractive but that alone will not be sufficient. The problems in this relief go deeper. We all share the view that people should have options about the kind of child care the parents would most like and with which they are most comfortable.

**Deputy Arthur Morgan:** I can confirm that in the parts of this State outside Dublin, with which I am familiar, it is almost impossible to get that sharing arrangement except in the unregistered crèches which present their own challenges and dangers. The Oireachtas crèche costs €694 per month. The other difficulty is that if both parties are working they lose their home makers' allowance. Then to rub salt in their wounds there are virtually no tax credits in those cases. We need significant additional creative thinking to come to terms with the major costs involved and the provision of that bit of flexibility to allow people stay in touch and keep their hand in the workforce.

I am glad I provoked the Tánaiste earlier in the debate. I should look forward to a debate with him at any time on the issues raised by him or by me.

**Deputy Kieran O'Donnell:** I want to make a very brief point. For many parents now, child care costs are equivalent to a second mortgage. The general thrust of what is being proposed is good, where people can have their children minded in someone else's home, in an environment with which they are familiar. It is a very simple measure, which seeks to ensure a greater take-up of the scheme and make child care affordable. For many people there is no form of tax relief for anything to do with child care. It is a measure the Tánaiste should consider.

**Deputy Martin Mansergh:** I do not believe we will have any difficulty in debating with Deputy Morgan the social conscience of this party, as exemplified in social policy back to its foundation.

I recall this measure being discussed in quite an animated fashion in the tax strategy group in the late 1990s. At that stage the figure of £6,000, if I recall correctly, was the sum being debated and the issue as regards the allowance, which was being introduced for the first time, was whether this initiative was compatible with equity within the tax system. It has now grown for totally pragmatic reasons to €15,000 and nobody doubts it serves a useful social purpose. It recognises the difficulty of collecting or enforcing tax collection from such a source. On the other hand, if some limit is kept to it, this encourages one form of relatively inexpensive child care provision as compared to some of the alternatives and provides useful and tax-free earnings to a household where there may well be other sources of income. The issue is apart from cost considerations, which lies behind all of these amendments. If it is increased, will that mean the cost of a particular form of child care for the people using it will straightaway increase by the same amount? It seems that in present circumstances €15,000 is not a bad level and in fact is fairly generous, stretching issues of tax equity practically to the limit.

**Deputy Brian Cowen:** When I introduced this measure in the Finance Act 2006, the limit was set at €10,000. I increased it by 50% last year to €15,000, but there was not much of a take-up, for a number of reasons. Although the relief was always targeted at small-scale child care operations, I felt at the time that €15,000 was a more realistic figure, given the costs of child care. The tax returns for the first year only reached Revenue last October for the €10,000 limit. It will be October 2008 before we have any additional information about the 2007 tax year. That said, I am not aware of any complaints that the current levels are set too low. We should prefer to see how the scheme operates over a number of years before deciding whether a further increase ought to be considered or regarded as having merit.

If clarification is needed, the limit is three children at any one time. A person could mind three in the morning and three different children in the afternoon and still be within the scheme. If there are more than three children, the child minder must be registered. If there are three or less he or she is only required to notify the authorities. Children do not have to be minded full-time in order for the particular exemption to be availed of under this code in an effort, as Deputy Burton said, to provide the widest range of choice possible as formal and

[Deputy Brian Cowen.]

informal options that best suit parents who want to have their children looked after for any period of time during the course of the day. For that reason I cannot accept the amendment.

**Deputy Richard Bruton:** I thought for a wonderful minute that Deputy Mansergh, for once, was going to agree with an Opposition amendment, only to have my hopes dashed that the outer limit of his tolerance for equity stretched only to where the Minister has already put the benchmark. No doubt we shall keep trying to persuade Deputy Mansergh of the merits of the change.

I do not want to hold up the House, but I believe the €17,500 figure is just the minimum wage. The fears Deputy Mansergh has that the whole equity structure of the tax system will come tumbling down because of people providing care for three children being allowed this exemption from making a return if they are earning less than €17,500, is ill-founded. I am disappointed the Minister will not accept the amendment. We have not managed to get any amendment by him yet. At least last year we got one through. There is one later, however, which he has conceded to Deputy Burton, so——

**Deputy Brian Cowen:** The Deputy unnerved me with his analysis this morning about the tax bases.

**Deputy Richard Bruton:** Did that upset the Minister? I cannot get any concession from him.

**Deputy Brian Cowen:** No, the Deputy unnerved me.

Amendment put and declared lost.

**Acting Chairman (Deputy John Cregan):** Amendment No. 9 is in the name of Deputy Bruton. Amendment No. 10 is related and both will be discussed together.

**Deputy Richard Bruton:** I move amendment No. 9:

On page 16, between lines 21 and 22, to insert the following:

11.—Section 477 (1)(a) of the Principal Act shall be amended by deleting “€400” and substituting “whatever charge has been levied by the relevant authority in the year of assessment”.

This is to remove the ceiling from the amount of tax relief available on bin charges. We are promoting a much more responsible approach to managing waste. People are being asked to shoulder responsibility not only in financial terms in paying, but also as regards their co-operation with the separation and recycling of materials. For some families this still means costs that run beyond the upper limit set. We should not set an upper limit on this, I believe. As we move through the amendments towards what is contained in Deputy Burton’s proposal, tax relief at source, it would be easier to administer if there were not ceilings and thresholds that require calculations as regards how much of a payment is due for tax refund, and how much is not. It would add to the simplicity of removing this ceiling. I do not foresee Deputy Mansergh’s concern that by extending this relief we shall suddenly see an expansion in the charges being levied to grab back the 20% concession that would be available on the amounts paid.

I support both of the amendments that are being grouped together. We need to move to a point where we give this relief at source in order that we can ensure everyone gets it who is entitled to it. The Minister made the point on Committee Stage that it is not just the local authorities who are involved in this now, and there are also private contractors. With some ingenuity on the part of the Revenue Commissioners, a system could be devised to allow

deduction at source. The question of complexity as regards larger numbers of providers is something the Minister should greet with some scepticism when that response comes from Revenue. It now has systems which allow taxpayers to pay online and methods for easily calculating these types of liabilities. To be told time and again that because there is not a monopoly provider the situation is hopelessly complex and impossible to deal with is not an argument the Minister should accept too easily.

**Deputy Joan Burton:** There is no reason the Revenue Commissioners could not provide tax relief at source in respect of environmental and waste collection charges. After all, service charges for waste collection, be it by public or private operators, are normally set  
*6 o'clock* once or, at most, twice a year. There is some certainty associated with them, which makes it very easy to calculate how much is to be paid and the value of the tax relief. Throughout the country charges are largely levied in respect of household properties. Since there is not a great turnover of residents, it would be very easy to put in place a system that would allow the authorities to establish with considerable certainty the households liable to charges. It would be easy to develop a database like those that the ESB, Bord Gáis and other service providers have a well deserved reputation for maintaining. The Revenue Commissioners' database of addresses — containing those of at least one person per household — is just as well developed. The Revenue Commissioners obviously send tax certificates to the houses of all those at work, of whom there are slightly in excess of 2 million. Therefore, a basic information structure is in place that would allow for the provision of tax relief at source in respect of service charges.

It is galling that many people are meeting the growing cost of service charges while not benefiting from the tax relief the Government decided should be made available to encourage individuals to pay such charges. Since service charges are levied by fewer than 200 operators, including county councils and private operators, it seems feasible to have a data capture system that would allow for the provision of tax relief at source. Given the work of the Revenue Commissioners, they ought to adopt such a system.

This morning I mentioned on two occasions the issue of individuals paying charges to management companies. In my constituency when an apartment is rented or purchased, often through the affordable housing scheme, the management charge is, on average, €2,400, which is not cheap. The management fee almost always includes the refuse collection service charge for an apartment but, because there is no regulation by the Government, despite lots of promises, the circumstances that obtain are unsatisfactory. The Taoiseach and former Tánaiste, Deputy Harney, told me repeatedly in the House that they believed the non-regulation of management companies was a disgrace and that the issue would be attended to by the Government pronto. If we were in cowboy films and were waiting on the Government to ride pronto to assist various categories of taxpayers, the film would be over before the US cavalry arrived.

I mentioned this problem to the Minister for Finance. I suspect addressing it will require legislation on both management companies and management agents — there are two sets of actors. In many cases, the management company directors are the developers of the managed properties. They are the Minister's friends, not necessarily mine, and have a ready-made cash cow in the form of management fees. They are meant to hand over the management company to the residents but, because they never complete the development, the hand-over is postponed. Not all developers do this and some handle the matter fairly and well. However, what some are doing to residents in such developments is an unholy disgrace. If there were tax relief at source, it would represent another way in which to exert pressure on rogue management companies to behave responsibly and give those living in the developments and paying through the



[Deputy Joan Burton.]

nose for service charges some recompense and access to the tax relief to which they are entitled by law in respect of the service charge element of their management fees. It would be a good and fair policy.

It was amazing and fascinating to hear Deputy Mansergh refer to the tax strategy committee which is regarded as being up there with the great and the good in the hidden world of the public service. It is a very important body but one should try to imagine its very important members wrestling, over their breakfast, cup of tea or croissant, with the equity of a €6,000 tax break for a childminder. No wonder those who are not well off sometimes consider the Department of Finance to be conspiring against them. I can understand that Deputy Mansergh and others wrestle with their consciences over the equity of a €6,000 tax break for a woman minding kids and probably about the equity of tax reliefs on bin charges for those paying fees to management companies but the same set of people have no problem with multimillionaires being stuffed to the gills with tax breaks. This this does not seem to bother them. Deputy Mansergh's comments certainly constitute a fascinating insight into the world of the *haut* Civil Service. No wonder the officials in question have handed themselves such salary increases. I wonder whether they live on the same planet as the rest of us, even the ordinary Deputies in this House.

I recommend the amendment to the Minister. I hope that, in the absence of a taxpayers' advocate, he will exert some pressure on the Revenue Commissioners to address the issue.

**Deputy Arthur Morgan:** The tax relief in respect of the waste collection charge is somewhat questionable. Virtually everybody is charged. I, therefore, wonder how beneficial it is. Would it be more productive or worthy to consider the introduction of a threshold below which relief would be available and above which it would not, or the subvention of families on very low incomes?

The number who do not need a bin at all is growing. If they have a reasonable income and some space outside the house, they can create a compost heap or bin and can bring their recyclables to the local civic amenity centre for proper and safe disposal, at a very low charge. The charge is usually a couple of euro in any of the centres I know. Given that those on higher incomes invariably have transport to achieve such a laudable environmental goal, the scheme for providing tax reliefs for those who pay bin charges should be skewed in favour of those on lower incomes who invariably do not have the space around their homes to create a compost heap and very often do not have transport to convey recyclables to a civic amenity centre. Very often, they do not have the space about their homes to store them. I have a major doubt about the usefulness of the scheme as it operates. There is a significant case to be made for taking a fresh look at it with a view to encouraging those on higher incomes to deal with their waste issues in a more environmentally responsible manner and obviate the need for a bin completely. I accept that the entire refuse service generally operates in a more environmentally friendly fashion in terms of the use of the brown bin, green bin, etc., but we could encourage people to move away from using the bins altogether. I accept that there are small quantities which must be disposed of, which is where use of the pay bag comes in. Certainly, that is how I operate. I try to avoid using the bins completely. Perhaps that is a method on which the Tánaiste might reflect.

**Deputy Martin Mansergh:** In fairness to the Department of Finance and the tax strategy group, I was speaking about discussions held ten years ago when €6,000 would have been a much more realistic figure than it sounds today. As my record in the Seanad shows, I certainly would have been against the continuation of many of the multimillion euro reliefs. I am not sure the seaside home scheme was ever a good one. It was introduced by the Government of which Deputy Burton's party was part. I certainly fully support the policy followed by the

Tánaiste under which these schemes are being phased out and pension contributions are being capped.

There are two amendments. Obviously, if a good, efficient and fair way could be found to administer tax relief at source, there is a policy in place to do this. It would have to be administered through the local authority in the case of a public authority service charge, although it would be more complicated where the private sector was involved and especially complicated in an area such as my constituency where there are a few examples of the management companies about which Deputy Burton spoke.

What I feel is a bad amendment is the previous one which suggests the limit should be removed in respect of the charge levied by the relevant authority. One must understand the psychology of local authorities. Sometimes strapped for cash, they would be able to justify practically any increase in bin charges on the grounds that it was tax deductible. It would be most undesirable from the point of view of those who must pay these charges, namely, the citizenry, if there was unlimited relief because I do not think they would be the beneficiaries.

**Deputy Kieran O'Donnell:** I welcome both amendments. We speak about promoting a greener environment. Costs will go up and people are entitled to tax relief. I come from the practical school of politics and cannot understand why one cannot provide tax relief at source on environmental service charges. As the Acting Chairman, Deputy Cregan will be aware, there is one main environmental service company collecting bins in my region. It is a sophisticated company with fantastic systems. It should be simple at the end of every year for it, like any employer completing a P35, to file a return with the names and PPS number of every customer who has availed of its service and link it with the Revenue system in order that the people in question obtain the relief. Where tags are sold in shops, let the individual concerned go to the local authority providing the tags to file a return at the end of the year. We need to progress to a system which is straightforward and equitable and by which people would receive tax relief. In many cases with various tax reliefs many taxpayers are not obtaining relief because they are not claiming it. I am interested in hearing the Tánaiste's views on this practical measure that could be applied to provide relief at source on bin charges.

**Deputy Michael Finneran:** I appreciate that we are dealing with two amendments seeking tax relief for refuse collection and services charges but scorn has been thrown by Deputy Burton on the tax relief available for child care costs. I remind the Deputy that her former leader, Deputy Quinn, when Minister for Finance, did not even consider it appropriate to bring forward tax relief for such costs.

**Deputy Joan Burton:** The Deputy missed the topic of the debate. He was not here earlier.

**Acting Chairman:** I call the Tánaiste.

**Deputy Joan Burton:** Deputy Finneran has the wrong end.

**Deputy Brian Cowen:** It always amazes me how Deputy Burton regards herself as being ideally equipped to look into the mindset of ordinary people and the rest of us do not have a clue.

**Acting Chairman:** On the amendments, please.

**Deputy Brian Cowen:** We are badly equipped. It is only extraordinary people who vote for Fianna Fáil. We must put up with that continuing mindset.

[Deputy Brian Cowen.]

On the amendments, the relief for service charges is available in respect of charges paid by a householder in the previous year subject to a maximum claim of €400. Where an individual makes a claim in any year, the level of relief claimed is allowed automatically for all future years. That is an important point, that once a claim is made, effectively the benefit is given in future years by Revenue. The Revenue Commissioners have provided a number of simplified ways for individuals to make their claim for this relief. They may do so by text, on-line or by telephoning or writing to their local tax office. The argument is that allowing unrestricted relief would also serve as a disincentive to householders to reduce the amount of waste which they dispose of and aggravate the associated environmental issues with which local authorities must deal.

There are issues with trying to provide tax relief at source. Unlike mortgage interest relief where tax relief at source is provided by sophisticated financial institutions, service charges are primarily levied by businesses designed to process waste, not money and documents, as in the case of financial institutions.

**Deputy Kieran O'Donnell:** What about the Internet?

**Deputy Brian Cowen:** It is difficult to put in place the structures to adequately reflect the range of business models and services charges levied by over 400 separated business, some of which are very small-scale.

**Deputy Kieran O'Donnell:** Most people now file on-line.

**Deputy Brian Cowen:** The tax relief at source system for mortgages is operated by some 200 banks, building societies and local authorities familiar with such work. Revenue, however, is prepared to continue to see what can be done and will continue with discussions with those involved.

An added complexity is identifying and isolating commercial customers from residential customers. Therefore, there are issues in terms of the various collection methods and arrangements used and charges levied. It is not that there is an easy way of sorting the matter out and that it can all be done at source. Revenue will continue to work with the ten local authorities still involved in waste collection. They co-operate with Revenue in publicising entitlements. I am not in a position to accept the amendment.

**Deputy Richard Bruton:** If the Tánaiste introduced it with the ten local authorities, I imagine the other 390 providers would move quickly to come up with systems under which their clients could access the same facilities. One would find that the ingenuity of the marketplace would respond to the Tánaiste's initiative if he started with the ten local authorities and invited the others to come up with schemes whereby customers could equally avail of deduction at source.

**Deputy Brian Cowen:** The Deputy is assuming there is competition on every run.

**Deputy Joan Burton:** Has the Tánaiste received any advice from his officials in addressing the issue of management company fees? Young people, in particular, pay these fees which include service charges, the accounts or receipts for which they cannot access. Therefore, they cannot obtain this tax relief. I do not know whether the Tánaiste has taken an interest in the phenomenon of management companies and the difficulties posed by them. The constituencies most affected are in the growth areas on the edge of towns. There are now tens of thousands, mostly young people, living in management company controlled properties. Some of them are now living with negative equity and their mortgage repayments are very high. It is a worthwhile

objective to try to ensure they can receive even the small amount of tax relief to which they might be entitled. What is the Minister's response?

**Deputy Brian Cowen:** That is an initiative we must take up with Revenue to see if there is any way around the problem where people pay a management charge to the management company for the provision of services, not just refuse services, but others also.

**Deputy Joan Burton:** Absolutely.

**Deputy Brian Cowen:** The problem is management is the vehicle which pays the service charge to the local authority or the service provider. This leaves the question at one remove from those paying the service charge. The question is: how is it possible to devise a system that might be of assistance to individual occupiers in isolating the portion that is the service charge and seeing whether there is a way in which the benefit could derive to them as distinct from the management company which provides the service as a business expense? It is an even more complicated problem because of having to identify behind the management company the persons who pay management charges, the amounts paid and all the rest. That is an even more difficult problem than that presented by the traditional model, not to mind management companies where businesses provide the services at varying levels of cost. If we cannot even sort out the first model, it will not be easy to come up with a solution.

I will ask Revenue to look at the issue. I accept the point and would like to see people being able to obtain a benefit, although it is not significant. They should have an entitlement, if possible. However, it is a difficult problem which is not easily solved.

**Deputy Kieran O'Donnell:** On the question of management charges, management companies receive a combined bill from a local authority or refuse collection provider. The simple solution is for them to divide the total amount among the units and allocate this sum to the unit owners' PPS numbers and return the information to the service provider which will then forward it to Revenue. All companies file P35s. There is nothing complicated about separating domestic payments from commercial ones. This is already being done with different PRSI rates for P35s. If the will is there, it can be done. The point made about competition is irrelevant to the argument. The argument is about taxpayers getting tax relief at source on bin charges. If the political will was there, a Revenue system could be put in place.

**Deputy Brian Cowen:** Revenue has a track record in this regard. It is interested in trying to accommodate taxpayers. For example, where people make a claim, the credit is provided forever more. People would probably get the benefit, even if they moved. The idea that Revenue is trying to deny them their entitlements is wrong. There is a responsibility on taxpayers to claim their entitlements. The provision of tax relief at source is only possible in respect of certain payments, for the reasons we have given. It is acknowledged that there is a variation in this regard and that the matter is not as simple as suggested. This does not mean, however, that Revenue will not continue to seek to solve the problem more satisfactorily. It will continue to engage to see how it might be able to solve it. Let us acknowledge there is a problem and not suggest Revenue is not interested in trying to solve it.

**Deputy Richard Bruton:** How about starting with the ten local authorities?

**Deputy Brian Cowen:** I will talk to Revenue about how we might make progress on the issue but I do not want anyone to think it is only a matter of doing that and everything else will follow. That is not the case. I point out to Deputy Bruton that he cannot make the assumption that the market would come into play because there was competition on all routes. There is not. Even if it was agreed with the ten local authorities, if there was someone else providing a

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service where there was no competition, there would be no incentive for them to continue with it. The market is not geared that way.

**Deputy Kieran O'Donnell:** It should not be an incentive, but a filing requirement.

**Deputy Brian Cowen:** The assumption that there is competition on all routes is not correct. I did not say there was not merit in what was said, just that Deputy Bruton's suggestion was not the solution.

Amendment put and declared lost.

**Deputy Joan Burton:** I move amendment No. 10:

In page 17, between lines 29 and 30, to insert the following:

14.—Tax relief at source shall be available for environmental service charges.”.

Amendment put and declared lost.

**Acting Chairman:** Amendments Nos. 11 and 12 in the name of Deputy Burton are out of order.

Amendments Nos. 11 and 12 not moved.

**Deputy Joan Burton:** I move amendment No. 13:

In page 17, between lines 29 and 30, to insert the following:

14.—Where an employer provides a childcare facility directly to an employee, or pays the childcare costs of an employee to a third party, the provision or payment shall not constitute a taxable benefit-in-kind.”.

I recommended this amendment to the Minister previously. It follows from our general discussion of the issue of child care. It seeks that where an employer provides a child care facility directly for an employee or pays the child care costs of an employee to a third party, the provision or payment should not constitute a taxable benefit-in-kind. The amendment tries to even out the situation for workers. Where people work for large public employers, it is very easy to facilitate the arrangements but where they work for smaller employers, their employers may not be able to provide for the same level of arrangements that large employers, including the public service, can make.

This is another element of the jigsaw in respect of child care provision. The provision in the amendment would assist a specific and limited number and I recommend it to the Minister. Otherwise, he could review the whole area in order to take into account those who would not benefit from it. During Committee Stage he said he was anxious to avoid people getting tax benefits to which they were not entitled, or that the provision might be used as a tax avoidance mechanism. However, where bona fide child care services are provided, these arrangements are possible with large companies. It is difficult, therefore, to see why people who work for small-scale employers should not have the same advantage.

**Deputy Brian Cowen:** As the Deputy is aware, we debated this topic on Committee Stage. It was also discussed at some length during previous Finance Bill debates. As I indicated to the select committee, the position is that the existing law already provides an exemption from an employee benefit-in-kind charge where employers provide free or subsidised child care



services for their employees. The exemption applies where the child care facilities are made available solely in-house by the employer, or are made available by the employer jointly with other participants, or are made available by other persons and the employer is wholly or partly responsible for financing and managing the child care service, or are made available by other persons and the employer is wholly or partially responsible for capital expenditure on the construction or refurbishment of the premises. Essentially, in order for the exemption to apply, the employer must be involved in the provision of the facilities, their management or funding.

Concerns were expressed previously that the relief was not available to small and medium-sized enterprises by virtue of their size. Where the individual small and medium-sized enterprise might not be able to facilitate the provision of child care facilities on its own, the legislation allows it to join with other small employers to provide co-located facilities, contribute proportionately to costs and jointly provide the child care service. In this way, SMEs can collectively address the differences of scale in the provision of facilities. The proposal, in so far as it relates to direct provision of child care, is addressed in existing legislation.

The second proposal in the Deputy's amendment suggests employees be given a benefit-in-kind exemption where their employer purchases child care services for them from third parties. A core requirement of the current exemption is that employers must be involved in the provision, management or funding of facilities. Apart from this, the main difficulty with the Deputy's suggestion would be the potential cost to the Exchequer. Allowing employers to buy child care services for employees from third parties is unlikely to have any significant impact on the supply of additional child care places. It could lead to some displacement, with employers buying up the most convenient child care places for their employees, with those not getting such a benefit being forced out to less convenient child care facilities.

There could also be a knock-on effect on the cost of child care, as people being subsidised might be prepared to pay even more for the service. Therefore, it would not be a legitimate policy objective to provide tax relief for some taxpayers who have been lucky enough to be employed by an employer or group of employers which have sourced child care places from the existing complement of places. Such a policy would be of no benefit without taxable income. Ultimately, such a provision, if introduced, would lead to pressure for full tax relief for all those paying their own child care costs, with the associated cost being borne by the Exchequer. As the Deputy is aware, current Government policy is designed to increase the supply of child care places through the creation of additional places and not to use resources to grant tax relief for child care costs *per se*. He will also be aware that in the past few years, the Government has sought to support parents with children. These support measures include the early child care supplement, the national child care investment programme which is aimed at increasing the supply of affordable child care places by 50,000, a training strategy for national child care aimed at producing 17,000 additional child care training places by the end of the decade, increased maternity leave and a tax incentive for those who mind children in their own homes, a matter we discussed earlier. It is for these reasons that I am, unfortunately, not in a position to accept the Deputy's amendment.

**Deputy Joan Burton:** I understand where the Tánaiste and Minister for Finance is coming from. However, providing child care has become such a complex jigsaw that it is very difficult to understand it fully. A whole series of issues need to be examined because of the anomalies in and unfairness of the system.

A new system of charging for community-based child care facilities will be introduced by the Minister of State, Deputy Brendan Smith, who wants to eventually reach a commercial charge for people in work. I understand civil servants in his Department complained because they were of the view that the better-off, particularly in villages and towns, were benefiting from

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community child care facilities. I am sure the Minister is familiar with this issue. It seems ironic that people with varying incomes and none in an integrated community in towns and villages who are to participate in and use a community facility will probably be charged much more in the future. There is probably a case for charging them a certain amount more. According to the reports of the senior civil servants urging the Minister of State to make these changes, many of the people in question are probably self-employed or work for small employers. Therefore, this time next year the Minister might be subject to some lobbying to address the issue again. The new system will throw up certain anomalies, particularly for those on moderate incomes who are either self-employed or work for small employers. Most of them tend to work either for themselves or for small or family-run businesses. The Minister has spoken about employers and small and medium-sized enterprises gathering together, which is to be desired. However, it is not happening very quickly. Perhaps other sections of Government might look at how policy is panning out.

**Deputy Brian Cowen:** Child care policy must be kept under review all the time. I am simply making the point that there are many initiatives and that additional places are being provided. The question of affordability arises in this regard. Fair dues to the Minister of State, Deputy Brendan Smith, for being prepared, after a very good consultation process, to work with others and give them a timeframe in which to ensure community places will be used in the way contemplated by the Oireachtas. Where persons are in a position to contribute a little more towards the costs of those excellent facilities, that should happen on the basis of equity in order that those on lower incomes do not cross-subsidise places for persons who can afford to pay a little more. Everyone talks about reform but, by definition, implementing reforms leads to there being winners and losers. As people set up community facilities and show considerable initiative in so doing, we have provided a way forward that will enable some of the problems to be solved in an orderly and equitable fashion.

I think the Deputy accepts the general policy point, which concerns additionality, which we will support in whatever way we can. We had a discussion about the informal sector, in which additionality is not coming through as much as we would have liked. I will know better next October whether even the increase to €15,000 from €10,000 has resulted in the provision of any more places. Similarly, we will continue to encourage businesses to look at investing in child care facilities or even refurbishing existing facilities to provide a basic child care facility in the workplace. The capital allowance system is designed to do this. We will do anything we can to facilitate such a development but it must be on the basis of additionality.

Amendment, by leave, withdrawn.

**Acting Chairman (Deputy Charlie O'Connor):** Amendment No. 14 in the name of Deputy Burton and Amendment No. 20 in the name of the Minister are related and will be discussed together.

**Deputy Joan Burton:** I move amendment No. 14:

In page 17, between lines 29 and 30, to insert the following:

14.—Where an employer provides training to an employee, or pays the training costs of an employee to a third party, the provision or payment shall not constitute a taxable benefit-in-kind.”.

I moved this amendment on Committee Stage and thank the Minister for responding to it. When employers provide training for employees as part of their employment, this is deemed

to take place for the purposes of the business and is not subject to benefit-in-kind regulations. When an employee is made redundant and the redundancy deal provides for a training package, this package is deemed to be a benefit-in-kind and liable for taxation of up to 50% because it is no longer seen to be of benefit to the employer because the employee is being made redundant and undergoing training following redundancy. We are facing into a period when there will be a higher unemployment rate. A practice originated with a number of multinational companies which involved offering training packages to upskill departing workers to either assist them in respect of the job they had performed, to help them to train for other jobs or to start a business. It seems unfair and anomalous that such packages in the hands of the employee being made redundant should be subject to tax as part of the redundancy scheme.

I am delighted the Minister has brought forward amendment No. 20 to address the issue. The case which gave rise to it is the one involving The Coca-Cola Company in County Louth which is, unfortunately, making employees redundant and where, as part of the redundancy package, employees are receiving training worth around €5,000. With these packages, no money passes to the employee. They cannot take the cash in lieu. It is not like winning a car and receiving its value in cash. One must take up the training package.

I have been asked a question about the Minister's amendment. Under section 201(1A)(a)(iii), provided for under the amendment, the training must be completed within six months of the termination of employment. I understand the Minister is anxious to prevent his amendment from being abused. In practice, is this wisest thing to do? Let me give some examples. During the years Dublin West has had large numbers of industries with a lifespan of ten to 15 years, such as call centres, IT centres, various types of factories and employments which have come and gone as business has changed or been outsourced to other countries. 3Com was a very good employer in the Dublin 15 area. It departed because it was affected by the bursting of the IT bubble. It outsourced and the employment went abroad. Many of the women who worked there retrained as special needs assistants and found employment in this expanding sector.

In many cases of redundancy it is not possible to find the course of one's dreams within the six-month period allowed. It is not always advisable to pay for a course up front. I know many young men who have been working in the construction industry for the past eight or ten years. They have worked under hard conditions. Many of them are highly skilled and possess an entrepreneurial spirit. Many of them now want to return to education and ultimately study at college for a degree. This should be encouraged. It can take a long time for people to organise a return to education and attending pre-university courses. The Minister seems to be confining it to very traditional workers' training rather than including education, learning and upskilling in the wider sense. If, for instance, the company making workers redundant was to suggest they do a return to education or a pre-university course which are provided by most colleges — in my view they are not doing enough in this area — the costs mount up. People in that situation usually work at night such as driving a taxi in order to pay the fees. I can see this is an anti-avoidance mechanism and I do not wish to detract from the Minister's desire to have an avoidance mechanism but I ask why the period could not be extended to encourage people to go the whole hog and if possible go to third level. The people coming out of the building industry have to be some of our best, most skilled and most entrepreneurial people. Many of them are under 35 years and many are under 27. I ask the Minister to think outside the box on this matter. We do not want people just doing training courses of the kind that in the mid-1990s and before employment started to take off, gave FÁS a bad name. I would like it to move from just courses to genuine learning and education because the economy has a shortage of IT sector skills, accounting skills and skills in areas such as asset management. Many financial services sector jobs require skills. A scaffolder may need to retrain and should be encouraged

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to go forward to third level education. This would be a real bonus to our economy. As people leave employment with a company they are given opportunities for personal development and upskilling. For some people that might well mean paying for driving lessons and getting a driving licence but for many others with a leaving certificate it could be the beginning of an opportunity to go to college, acquire qualifications and in turn be in a position to compete for a skilled job. We keep hearing that employers are having to bring in foreign workers. We could be facing into the worst of all worlds where the foreign workers made redundant in Ireland from sectors such as construction, are highly mobile, as suggested by the Taoiseach this morning. They can go abroad whereas our people are not that mobile because they have family and other commitments in Ireland. We need to provide them with the maximum amount of learning and educational opportunity.

I do not wish to seem churlish in not thanking the Minister for the amendment which I am delighted he has tabled. I commend the amendment but I ask him to be a little more flexible and open it wider to education and learning.

**Deputy Brian Cowen:** With the permission of the Ceann Comhairle, amendments Nos. 14 and 20 are being discussed together.

The Deputy's amendment as tabled on Committee Stage highlighted the issue of whether the cost of retraining provided by an employer as part of a redundancy package was taxable. I indicated to the Select Committee on Finance and the Public Service that I would consider the issue before Report Stage.

The current situation is that statutory redundancy payments are exempt from tax. In addition, redundancy payments in excess of the statutory redundancy, including provision of retraining, are also currently free from tax up to certain statutory limits. The number of educational schemes and tax reliefs already in operation to assist individuals who have found themselves unemployed should also be noted. It was on that basis we devised the proposal.

Educational schemes are currently available. I refer to the back to education allowance scheme with immediate access for persons made redundant, the cost of education allowance, general education training and development courses, the back to education initiative including post-leaving certificate courses as well as vocational training opportunities scheme and local authority grants. All those schemes are available. Tax reliefs are in existence in this area to assist individuals finding themselves unemployed to retrain and to re-enter the workforce. There is relief for fees paid for third level education, relief for fees paid for training courses, relief for long-term unemployed which applies to both employers and employees, double deduction in respect of certain emoluments to help the long-term unemployed to return to employment and relief for training of local staff before commencement of trading. Many of those circumstances are covered by existing arrangements.

Having considered the matter, I have decided to introduce a new subsection into section 201 of the Taxes Consolidation Act 1997 which provides an additional new exemption of up to €5,000 for each eligible employee where an employer bears the cost of retraining workers as part of a redundancy package. An eligible employee is a person who has more than two years of continuous service. The retraining must be part of a redundancy package and be designed to improve skills or knowledge used in obtaining employment or setting up a business. To encourage people to avail of the training offered and be in a position to return to the workforce, there is a requirement that the course be completed within six months of the employee being made redundant.

As I indicated earlier, there are other supports and tax reliefs available for long-term courses. There are two measures in the section designed to counter tax avoidance. First, the exemption

will not apply to spouses or dependants of the employer and second, employees will have to avail of retraining as they will not be able to receive cash instead, as the Deputy said.

I commend the amendment to the House on the basis that there is a large range of other initiatives, schemes and allowances to cover a situation where a person has immediate access to the back to education allowance scheme, for example. This was provided in budget 2007 to persons made redundant so long as they were entitled to statutory redundancy and qualified for a social welfare payment. Budget 2008 provides for an annual allowance towards the cost of recipients' studies as well as their weekly payment. This allowance is paid at the start of each academic year and was increased from €400 to €500 in budget 2008. I think the point is covered.

**Deputy Joan Burton:** The flexibility offered by the amendment would greatly be improved if the Minister changed the period from six months to 12. However, I do not believe it is possible to amend it on the floor of the House. This issue was drawn to my attention by some of the workers and union officials associated with Drogheda Concentrates, the plant of Coca-Cola, which, unfortunately, is closing down. Because multinationals provide these schemes, it seems arbitrary to confine training to be completed within six months. Could the Tánaiste even extend the period to 12 months which would allow for a full-year course, as it would allow flexibility to someone considering going back to education in a particular way? That is all that is at issue.

**Deputy Brian Cowen:** I tabled the amendment in response to the issue raised. I am not in a position to change it now on Report Stage — I have just introduced it and would like to see it enacted. There is a requirement to encourage those who avail of the training offer to be in a position to return to the workforce. The course is required to be completed within six months of the employee being made redundant, which avoids having a six-month period after which the person could do the six-month course. The idea is to try to get people straight into a training regime as part of their redundancy package. It is part of the redundancy package, not supplementary to it. It is far better to encourage people into a training course immediately rather than providing a length of time within which a course could be taken, as they might step back for a while.

We are facilitating a training fee of up to €5,000 as part of a redundancy package. A person might well decide to take the €5,000 in addition to the €20,000, or whatever sum he or she is getting, and do whatever he or she wants to do, including some of the points the Deputy is making. It is not restricted. It is part of a bigger lump sum allowing people to decide where they want to go to change their career thereafter. If it is to be part of that redundancy package, the logic behind the proposal is that we need to see an immediate movement into training places. There are many other additional schemes people would be able to take up, which would meet many of the circumstances about which the Deputy is talking. I ask that my amendment be accepted and we will see how it works out. It should genuinely cover the cases about which people are concerned.

**Deputy Joan Burton:** I am delighted the Tánaiste has tabled the amendment in response to the issues I raised, for which I thank him. Paragraph (iii) requires that the training must be “completed within 6 months of the termination of employment”. It would be better if it could be completed within 12 months, to provide extra flexibility. Many workers, particularly those being made redundant by multinationals, do not have much choice regarding such packages which are given on a take it or leave it basis. However, many of the packages have much to recommend them. There should be a focus on educational opportunity that, in turn, might facilitate people to go on and get a degree, seriously upskill and be able to compete for some



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of the jobs which employers are telling us they cannot fill owing to shortages. I accept the Tánaiste's amendment in spirit in which it was tabled. I am just making the point because it was made to me by shop stewards from the particular company in question.

**Deputy Kieran O'Donnell:** I welcome the amendment. How can we deal with a situation where the relevant course is not available? Someone could be made redundant and want to move into a particular area.

**Deputy Brian Cowen:** They should take the €5,000 and use it later when the course becomes available.

**Deputy Kieran O'Donnell:** The amendment requires that the course must be completed within six months. The relevant course might not be available.

**Deputy Brian Cowen:** The person does not take the €5,000 training fee. He or she takes it as part of his or her redundancy package. Within the redundancy packages one person might receive €25,000 and another, €20,000 plus €5,000.

**Deputy Kieran O'Donnell:** I accept that.

**Deputy Brian Cowen:** They would all receive the same amount.

**Deputy Kieran O'Donnell:** The thrust of the amendment is to encourage people to retrain. I take the Tánaiste's point that a person can do this. However, by way of a practical measure, if it were to be extended by a small period, it could facilitate people. This is about retraining, not necessarily about the money.

**Deputy Brian Cowen:** Let us enact the provision, as I believe it will meet the need identified. Other situations are being raised which are legitimate. Other avenues can be pursued in enabling people to get on those courses. They will not just be dependent on this sum of €5,000. Some may take that opportunity because they see something that is available immediately and they can go after it. If they do not do so, they could take the €5,000 in cash and wait until April or whenever the course comes up. These are practical measures.

**Deputy Kieran O'Donnell:** Will the Tánaiste review the matter?

**Deputy Brian Cowen:** Everything is under review all the time. I review issues regularly.

**Deputy Kieran O'Donnell:** It is nice to hear that.

Amendment, by leave, withdrawn.

**Deputy Richard Bruton:** I move amendment No. 15:

In page 17, between lines 29 and 30, to insert the following:

14.—The Principal Act is amended in Section 779 by inserting the following new subsection:

“(3) A person, none of whose taxable income is chargeable at the higher rate, who makes a pension contribution within the limit set out in this section, shall be entitled to receive a tax credit contributed to the pension scheme equivalent to relief at the higher rate.”.

This amendment was discussed on Committee Stage. Its purpose is to provide that people on low incomes who are either paying no tax or paying tax at the 20% rate would be able to avail of pension tax relief on an equitable basis in order that they would be able to obtain the same relief as would be available to someone paying at the top rate. It is eminently reasonable and commands the support of all parties in the House, including Fianna Fáil. The Minister, Deputy Séamus Brennan, had suggested a more generous 50-50 scheme extending without limit.

**Deputy Brian Cowen:** I have made the point about Ministers for Social and Family Affairs and Ministers for Finance.

**Deputy Richard Bruton:** Mine is a much more conservative, measured and limited scheme that would only apply up to the relevant ceilings of the income tax code for those whose income is not taxed at the 41% rate. While we had a thorough airing of the matter, we ought to do this. As I said in our discussion on the annuity reform, it is important to start the process of reform. The Tánaiste seems to be of the opinion that we need to have all the ducks in a line before even doing things that are crying out to be done in the interests of fairness. I acknowledge that there is considerable complexity in this proposal. However, some things are, as they say colloquially, no brainers. Ensuring someone on a low income gets the same tax relief as someone on a high income is a no brainer as far as pension relief is concerned.

I know the Tánaiste will rightly say many in that category cannot afford to set aside money. However, if they do, it is totally unfair for the State to decide that one person will receive far less support towards his or her pension contribution than someone who is much better off. As I said on Committee Stage, according to the last Revenue figure I saw, the total cost of tax concessions to pension contributions was €3 billion, largely shared by a small group and inequitably spread, according to the evidence of the ESRI. If we needed to find revenue to fund this measure, it could be found by restricting some of the reliefs at the upper end in order that we would be able to have something more equitable and fair for people at the bottom end.

This proposal stands alone as a measure that can proceed. I do not believe any of the social partners or any other persons with whom the Tánaiste might wish to consult could possibly object. It has been crying out to be done for years. When we start to see the reality of what the ESRI has done on the basis of estimates, that the benefits of this €3 billion relief are concentrated among such a small number of individuals and the cost is equivalent to what we are paying out in social welfare pensions to thousands of individuals, there will be a hue and cry about how we have dealt with this issue for many years. I, therefore, ask the Minister to accept this worthwhile amendment.

**Acting Chairman:** As it is now 7 p.m., I must ask the Deputy to move the adjournment of the debate.

**Deputy Richard Bruton:** Does the Minister agree to my excellent amendment?

**Acting Chairman:** Does the Minister want to nod quickly?

**Deputy Richard Bruton:** He could nod it quickly through.

**Deputy Brian Cowen:** Fair enough but the Deputy will know that the succinctness of my reply is not disrespectful to the weight of the issues he has raised. We intend to respond by developing longer term policies to deal with these challenges in the wake of the consultation process to which he referred. However, I cannot accept the Deputy's amendment on its own.

Debate adjourned.

**Private Members' Business.****Anti-Social Behaviour: Motion (Resumed).**

The following motion was moved by Deputy Charles Flanagan on Tuesday, 4 March 2008:

“That Dáil Éireann notes with grave concern,

the ongoing deterioration of law and order under successive Fianna Fáil led Governments, particularly:

- the increase in incidents of anti-social behaviour;
- the prevalence of drug and alcohol abuse in communities;
- the proliferation of knife crime, including the recent tragic death of two Polish men in Dublin; and

the consequent fear and anxiety that the Government's failure to tackle effectively such developments are causing within society; and

calls on the Minister for Justice, Equality and Law Reform to:

- complete, as a matter of urgency, a comprehensive review of the availability of knives and offensive weapons;
- resource An Garda Síochána to mount a six month targeted operation to tackle the proliferation of knives and similar offensive weapons throughout the country; and
- bring forward measures and incentives to facilitate a significant increase in the number of community Gardaí.”

Amendment No. 1 was moved by the Minister for Justice, Equality and Law Reform:

To delete all words after “Dáil Éireann” and substitute the following:

- expresses its abhorrence of all unlawful killings and the callous disregard for human life shown by such killings and expresses its sympathy to the families of all who have had loved ones killed in this way;
- in particular deplores the brutal killing of Pawel Kalite and Mariusz Sz wajkos and expresses its condolences to their families and friends, the Polish community in Ireland and the people of Poland;
- condemns anti-social behaviour no matter by whom perpetrated and its effects on communities and particularly on the most vulnerable;
- welcomes the policing priorities determined by the Minister for Justice, Equality and Law Reform for 2008, as provided for in the Garda Síochána Act 2005, and the Garda policing plan for 2008 which is based on these priorities;
- welcomes in particular the initiatives to target the use of knives and similar offensive weapons for violent attacks;
- notes that, while heavy penalties already exist for offences involving weapons, the Garda Commissioner is finalising a review of the law in this area;
- welcomes the priority being given by the Minister for Justice, Equality and Law Reform to examining key aspects of the law regarding the sale and consumption of alcohol and

his determination to tackle the public order aspects of such sale and consumption, including, as necessary, through the introduction of legislative proposals;

- notes that the Garda policing plan for 2008 includes actions to proactively target groups and individuals involved in anti-social behaviour and identify and target local public order and anti-social behaviour hot spots;
- endorses continuing implementation of the national drugs strategy and notes that a new strategy is in the course of preparation;
- welcomes the continuing success of targeted Garda operations, including Operation Anvil;
- notes the unprecedented level of resources made available to An Garda Síochána by the Government, totalling €1.616 billion in 2008, compared to just over €0.9 billion five years ago;
- acknowledges the commitment in the programme for Government to increases in Garda strength, including a strength of 15,000 with a target date of 2010;
- notes the far-reaching changes in criminal law introduced by the Government and enacted by the Oireachtas, including the Criminal Justice Acts 2006 and 2007;
- acknowledges the efforts of the Government to bring about a more effective youth justice system, particularly through full commencement of the Children Act 2001 and the establishment of the Irish youth justice service;
- notes the additional resources being provided to other agencies of the criminal justice system, including the Irish Prison Service;
- looks forward to the roll-out to all local authority areas of joint policing committees in the course of this year; and
- supports the work of An Garda Síochána and other agencies of the criminal justice system in dealing with those who threaten the rights of the community by their criminal and anti-social activities.

Debate resumed on amendment No. 1 to amendment No. 1:

To delete paragraphs 4 to 15 and substitute the following:

- “— believes that Government failures have resulted in serious drug, gun and knife crime becoming a growing concern in all parts of the state;
- believes central Government, an Garda Síochána, local authorities and all relevant statutory bodies must prioritise serious drug, gun and knife crime, anti-social or anti-community behaviour and domestic and sexual violence;
- is of the view that an Garda Síochána must work in full partnership with communities if crime is to be tackled effectively and community safety enhanced;
- calls on the Minister for Justice, Equality and Law Reform to complete, in consultation with communities and as a matter of urgency, a comprehensive review of the availability of knives and offensive weapons;
- demands the Government resource An Garda Síochána to mount a six month targeted operation to tackle the proliferation of knives and similar offensive weapons in co-operation with the PSNI;
- demands the number of Gardaí employed full-time on community policing be increased and measures brought forward to address the difficulties involved in filling

such positions with the right candidates and reversing the high turnover in this post by changing Garda perceptions of the post and its status through, for example, alterations to the current norms governing promotions and career development in an Garda Síochána;

— mandates:

- greater civilianisation of the force to free up fully-trained Gardaí;
- a more visible presence of Gardaí in the community;
- that the resources of local Garda drugs units be at least doubled; and
- greater investment in prevention, treatment, rehabilitation and reducing the supply of illegal drugs.”

—(Deputy Aengus Ó Snodaigh).

**Deputy Pat Rabbitte:** Anti-social behaviour is a major issue that ought to attract more attention in this House than it does. I regret that we only seem to focus on it following the kind of horrific event that occurred recently in Drimnagh. Anti-social behaviour is a malaise in our society, which mainly afflicts communities in the lower socioeconomic area. Some of the worst affected neighbourhoods attract little attention from this House because the voter turnout is low. Many residents feel alienated from society and these law-abiding citizens bear the brunt of anti-social behaviour in such estates. The effect is debilitating and corrosive, and undermines the quality of life. People trapped in these areas have concluded that nobody in authority cares. It is certainly true that most people in authority do not understand the phenomenon of anti-social behaviour, which is a modern-day sickness.

The problem is not confined to Dublin as it is to be found in every urban area. Taking this city, however, the two Dublins rarely interact. They do not work or play together and, as a result, the policy makers do not focus on the problem and do not understand it. One can see that from the traditional solutions that are trotted out. I do not have any argument with most of the provisions in the Minister’s amendment. It is all very well to trot out statistics on the millions being spent and the progress being made, but it is not addressing the root cause of this malaise that is now so endemic in our society. The people affected feel trapped and alienated. They feel there is nowhere to turn.

It seems to me that the anti-social behaviour is spreading into more settled neighbourhoods. The phenomenon of youths congregating, loitering with intent and intimidating local people is routine in parts of urban Ireland. Recent events demonstrate the outcome of anti-social behaviour at its most extreme. The casual and brutal murder of two young Polish men ought to horrify all right-thinking people. The impact of anti-social behaviour is rarely so extreme as we saw recently in Drimnagh. It is regrettable that it takes a case of this gravity, involving an act of such horrific brutality, to get the attention of those in positions of authority. The more routine acts of everyday anti-social behaviour that torture the communities affected, rarely come to public attention. They include the harassment and persecution of vulnerable people, damage to property, intimidation of old people, so-called joy riding and destruction of the local environment. These are everyday experiences in certain urban areas.

Every week I deal routinely with people who are at their wits’ end because of anti-social behaviour. Their lives are made a misery by a small number of out-of-control youths. I know of people who have been driven out of their homes or whose cars have been repeatedly damaged by anti-social behaviour. Some people’s homes have been broken into for no purpose other than to damage their belongings. I know people who are fearful for their personal safety while walking to or from the bus-stop after dark. I know parents whose children have been beaten up because they are different.



People despair when they hear the Minister say, as he told me yesterday, that “the gardaí are exceptionally visible on the ground”. Nothing could be further from the truth and it is dispiriting that the Minister could allow himself to trot out such cavalier assertions. I accept it is not possible to post a garda at every crossroads. No Minister could do that but the fact is that the very areas that most require Garda patrols are those where it is most difficult to find a member of the Garda Síochána.

Community policing is a cosmetic façade as far as the Minister and the Department are concerned. I regret that also seems to be the conclusion of the most senior gardaí. They do not believe in it and have no philosophical conviction behind it. On Question Time yesterday, the Minister said that every garda is a community garda interacting with the community. It is a semantical argument, however, because that is not community policing. Community policing is where gardaí are policing people they know in estates they are familiar with. Community policing is where there is a visible Garda presence that knows the miscreants, has local intelligence, interacts with community leaders and is involved in community organisations. That is the definition of community policing, yet there is no commitment at any senior level to providing it. Without that sort of policing we will have gangs of youths who are out of control, making the local off-licence their focal point and intimidating innocent passers-by.

I do not want to comment on any particular case, but if we have reached the stage where teenagers wantonly attack innocent passers-by to inflict serious injury or death then we have a deep sickness in this society. That malaise is spreading and it will not be addressed by traditional means. In his amendment the Minister faithfully trots out all the traditional responses. I do not take issue with most of them but the point is that they are not working. The Minister can talk about additional resources and the fact that we do not need any more laws. If that is the case, then it is a matter of enforcement. It is a matter of putting more resources into the Garda diversion projects, which have been almost an unmitigated success. It is a question of making a serious commitment to community policing and seeking to deal with the misuse of drugs, the abuse of alcohol and the school drop-out rates in some areas.

Above all, however, people are entitled to protection. These are people who are singled out for persecution and targeted for harassment in their own communities purely because they are different, vulnerable or somehow exposed. I instanced the case some time ago in this House of the night worker whose house is regularly broken into after he leaves for work. The perpetrators know his movements and do unmentionable things in his house. If he stays home to protect his property, his job is at risk. The ultimate solution may be that he must leave the area. That is happening typically in many urban areas. I am glad Fine Gael has put forward this motion. I sincerely hope the present Minister takes this issue more seriously than it has been taken until now.

**Deputy Timmy Dooley:** I propose to share time with Deputies O'Connor, Conlon, Nolan, Thomas Byrne and Cuffe.

**Acting Chairman (Deputy Brian O'Shea):** That is agreed.

**Deputy Timmy Dooley:** I thank Fine Gael for putting forward this motion and I welcome the opportunity to contribute to the debate. I am somewhat disappointed by the partisan approach being taken although that is perhaps only natural. To apportion blame to the Government for the ills of society with reference to this particular issue is short-sighted. We must look at society in general.

**Deputy Charles Flanagan:** Blame the people.

**Deputy Timmy Dooley:** As Deputy Rabbitte said, it is clearly a cultural and societal issue.

Perhaps I too am being partisan in saying I am not overly impressed with the Fine Gael proposal that the solution is to demand a comprehensive review of the availability of knives and offensive weapons and to look to a Garda campaign to tackle the proliferation of same throughout the State. With respect, there is something bankrupt about this as a policy. It conjures up notions of gardaí sifting through cutlery drawers, dishwashers and tool boxes to find offensive weapons. I take Fine Gael's point that this is not the intention but in terms of putting forward a solution, which we are all required to do——

**Deputy Charles Flanagan:** Deputy Dooley is not taking our point, he is belittling it.

**Deputy Timmy Dooley:** That is what the motion proposes. However, the only feasible approach is to work together to find a solution to this.

We must take our focus away from the implements themselves because practically anything can be turned into an offensive weapon. Deputy Rabbitte went through a list of crimes perpetrated against people in his constituency and elsewhere. Each of us could do the same and could, moreover, identify various items used to inflict puncture wounds, whether a broken bottle or glass, a screwdriver or another domestic implement. Almost anything can be used in an offensive way. I am sure most Members agree that we must focus on the mindset that utilises the weapon rather than trying to look at ways of taking the weapon out of the equation. Ultimately, one will never be able to remove the types of weapons used on a daily basis to cause death and mayhem in such a careless and callous way. Instead, we must seek to understand what creates the intent to take life in this manner.

We must examine why there has been such a change in our culture. To some extent, we are witnessing the ills of the Celtic tiger, which include a growth in individualism, greater self-promotion, disregard for authority and increased disposable incomes allowing for greater access to drugs and alcohol. Any analysis of this problem will show that the combination of drugs and alcohol is creating far more aggressive behaviour, which leads to this lack of respect for basic dignity or even the right to life. There were always fights and fracas in school yards. Any contest between two local villages, regardless of the sport in question, always offered an opportunity for young men to vent their anger and frustration. This manifested itself in rows and battles and there was a degree of regard for the fellow who could take his beating and move on, biding his time until the next opportunity.

Now, however, there seems to be a desire to return home to get a knife and attack the other person before he has made his way home. This is where there has been a significant change in culture. Despite the undeniable implication of drugs and alcohol in such crimes, some of the violence is taking place in daylight when no alcohol or drugs have been taken. We must examine why the culture has changed and how we will find a way around it. That will necessitate the involvement of the education system. The amendment sets out a range of issues that are being dealt with by the Government. These are welcome but they do not provide the complete answer.

We must consider some of the television programmes and computer games that are contributing to such violent outbursts, often times in weak men and children, people who would not heretofore have had an opportunity to stand their ground in a battle. They are introduced at an early stage to a culture where offensive weapons are suggested as the way to settle old scores.

**Deputy Charlie O'Connor:** I welcome the opportunity to contribute to this important debate. I thank Deputy Charles Flanagan for affording us this opportunity and compliment him on his work in this area. I speak as a child of Crumlin, which is a sister community of Drimnagh. I do

not get as many opportunities to speak on radio as some of my colleagues, but some weeks ago I was interviewed on radio and spoke about the unfair reputation assigned to communities such as Crumlin and Drimnagh. In the wake of all the controversy about gangland activity, I singled out Drimnagh and observed that it was unfair to tarnish whole communities. I stand over my statement that in all these communities, including those in our constituency to which Deputy Rabbitte made reference, the majority of people are decent and law-abiding. It is unfair that they are bracketed in the way they are. It is important that this should be said in light of recent events.

Like other Members, I was horrified at what happened on Benbulbin Road two weeks ago. It was absolutely horrific and I deeply sympathise not only with the families concerned but with the community generally. I was upset when I heard the statement by the Polish association that there may have been a racist motive. That is even more regrettable and will upset people even more. It will be interesting to see how that situation develops.

Deputy Rabbitte and I will not disagree on this issue because we live and work in a community that has had its difficulties in this regard and where there have been challenges in terms of anti-social behaviour. I am never afraid to condemn those who engage in such behaviour. I often observe that I come from a bygone Dublin era where, as we played football on the street, we knew precisely what time the local garda would pass on his bicycle. There should be a return to such visible policing. I will not disagree with the Minister other than to say that all communities want to see local gardaí on the beat. This is not just about what happened in Drimnagh in recent weeks. Local people like to see friendly faces. If a garda does a good job in a community, he or she is more likely to be promoted and therefore lost to that community. I do not suggest that good gardaí should not be promoted because it is fair enough that they are promoted. Garda headquarters and the Minister should be promoting an ethos whereby the men and women of the Garda walk the streets of our communities and are visible to young people. Young people should not just see gardaí when they are in trouble.

I was glad the Minister made a distinction between what is going on and the need for facilities. While none of us will ever excuse public disorder — I will certainly never do so — the Minister and the Government need to understand that communities need additional facilities and other forms of assistance. Deputy Rabbitte has spoken about the Garda diversion projects, which are strongly supported in Tallaght. Resources should continue to be made available to projects like those in Brookfield, Tymon North and west Tallaght. I hope the Minister will do that. He should understand that there is a great deal of cross-party concern about this issue. I wish him well as he tackles it.

**Deputy Margaret Conlon:** I am delighted to have an opportunity to address the House on this issue. I extend my deepest sympathy to the families and friends of the two lads who were brutally murdered in Drimnagh. It is abhorrent that such attacks, which reflect awfully on all of us, can take place in the Ireland of 2008. I condemn this brutal killing. Such crimes highlight major flaws in society, which appears to have broken down in a serious way. Parental responsibility is a fundamental issue that seems to have been forgotten in this debate. It is alleged that this crime was committed by minors. If people under the age of 18 are not at home, I respectfully suggest that their parents should know where they are, who they are with and what they are doing. Parenting is the only job I know of for which one is given little or no training. Perhaps it is time to consider giving parents the skills they need to cope with difficulties like challenging behaviour as their children progress into adolescence. We could talk all evening about legislating for this and for that, but legislation curbing the availability of weapons will have no impact on cases such as the murder that inspired this debate, in which a screwdriver was used. Many household implements can be used to inflict injury or death.

[Deputy Margaret Conlon.]

It is regrettable that certain people now have a cavalier attitude to life. At a time when minor disputes are being solved with stabbings and shootings, what type of society are we allowing to develop? Goggle-eyed children are used to films, shows and computer games which suggest that one can hurt, harm and kill to any extent before one switches one's PlayStation off. When one switches it back on the following day, one's opponents are back on their feet without a mark on them. It is no wonder that children who are exposed to such activities each day do not put a price on life. When I was young, my family attended religious services every weekend, at which we were taught right from wrong. That does not happen any more in some communities, sadly. Many families continue to attend religious services, at which respect for human beings, authorities and society is instilled in young people, but for some people, there is a loss of respect for, and belief in, the church. They disregard the vital role the church played and continues to play in our society. Our societal structure is totally unrecognisable from that of 15 or 20 years ago. Many young gang members consider shopping centres, off-licences, gaming arcades and similar venues to be the cathedrals of the 21st century. Such vacuous, hollow and weak influences are shoddy foundations for our young people.

While I recognise that the building blocks in the lives of our young people must be put in place by the State, to a certain extent, I believe that the role of parents is far more important. We cannot overlook some parents' abdication of their responsibilities and the dwindling effect of the church when we assess how to tackle this problem in the medium and long terms. In the short term, we must recognise that the Government is committed to providing the necessary personnel and equipment to the Garda Síochána to enable it to deal with these difficulties. A budget of €1.6 billion — an unprecedented level of investment — has been approved for the force this year. The community-based CCTV scheme is designed to provide financial assistance to local organisations which are trying to meet the capital costs associated with establishing local CCTV systems. Such a system has been approved in Monaghan. These systems represent a practical way of giving communities greater peace of mind as they attempt to tackle anti-social behaviour. They are a strong tool in the fight against crime. I urge the Minister to expand the national CCTV scheme.

I welcome the establishment of a joint policing committee in Cavan, involving all the major stakeholders who will work together to ensure that communities remain safe places. I am aware that authorisation of a similar committee in Monaghan is awaited. I ask the Minister to expedite that process so the committee can be established. Young people under the age of 18 who commit so-called "adult crimes" seem to be in a type of limbo because they are not punished for the crimes they commit. We must be tough on crime and the causes on crime. We should not be afraid to use the term "punishment". We should and must punish the young thugs who intimidate, scare and assault people but are allowed to get away with such cowardly acts because of their age. I hope the perpetrators of the heinous crime in Drimnagh can be brought to justice in a swift and speedy manner. That is needed if we are to ensure that no other family endures the pain and suffering experienced by the families of those whose loved ones were killed while visiting this country.

**Deputy M. J. Nolan:** I join other Members of the House in outlining my abhorrence at the recent double murder in Drimnagh, which was especially shameful because the two individuals who were killed were not Irish. This is an appropriate time for the House to be discussing anti-social behaviour. The number of complaints I receive from the public about such behaviour has increased significantly over the past six months, particularly since Christmas. While some of the behaviour in question is taking place in local authority estates, it is not confined to such areas. It is now common in every housing estate and street in every town. One of the most

sinister aspects of anti-social behaviour is that those who are involved in it, who are mainly young men, tend to target the most vulnerable people in our society, such as old people and single girls who are living with young children. There was a time when such things happened only around Hallowe'en when, for example, crackers were put in the letterboxes of old people and other vulnerable householders. Such incidents are now reported every week of the year. Anti-social behaviour does not just happen at weekends — it is going on all the time.

While I accept that communities have some responsibilities, I want to focus on the role of the parents of the youths who are involved in sinister criminality of this nature. We cannot simply lay the blame at the door of the Garda Síochána or the local authorities. We must point the finger of blame at those who are raising these young people and do not know what they are up to at any given time. We are sometimes asked to move families out of local authority houses when there is a significant increase in anti-social behaviour in the area. Moving one family out and putting another family in does not solve the problem, however, as the new family has to contend with the same difficulties. Cars are damaged and their windows broken, particularly late at night when estates are relatively quiet. It is not acceptable, in this day and age, that some people are afraid to walk around estates at night for fear of being attacked and abused.

The Minister for Justice, Equality and Law Reform is required under the Garda Síochána Acts to set out his policing priorities for each year. I am glad he has identified the need to tackle anti-social behaviour as one of his 2008 priorities. There has been an increase in Garda activity throughout most of our towns. Although some may think it a little bit of a laugh to see gardaí going around on bicycles, I know places where community policing is being practised by gardaí — there are foot patrols and gardaí on bikes — and it has reduced the incidence of anti-social behaviour. I would like to see that expanded.

We have a responsibility to protect our old and most vulnerable people, whether it is with a combination of more Garda resources or more power for our local authorities. More importantly, we must empower our communities in tackling this problem. I would like to see that happen.

**Deputy Thomas Byrne:** I convey our deepest sympathies and regrets to the families and friends of Pawel Kalite and Mariusz Szwałkos. Any event such as their murder is tragic but it is particularly hard for people in view of the very good relationship Irish people have in general with Poles, both within this country and with the nation of Poland. It is terrible.

The old adage of Franklin Roosevelt that “we have nothing to fear but fear itself” also holds sway in this debate. There is a danger we will become afraid and this fear will be engendered. There may not always be a proper reason for it, although the fear is justifiable in the case I have mentioned.

In general, there is no question that there is much good news on the justice and Garda front. We have a record number of gardaí in the country, which is an unquestionable achievement. Closed circuit television systems are being rolled out and it is about to be introduced to Drogheda very shortly, as the planning notices are up. That is a very positive step and we would like to see much more of it. I know the Minister is committed to it.

Joint policing committees will become more streamlined, particularly the committee in my county of Meath when it is up and running, with the changing of the divisional boundaries. That is a positive step, particularly in the commuter belt. Garda youth diversion projects were mentioned by Deputy O'Connor, who also stated that gardaí are moved on when they do a good job. I know a sergeant working in such a project and his main complaint was that people doing very well in that job were moved to other areas, causing the project to slip back a bit.



[Deputy Thomas Byrne.]

That is a problem of success. In addition, I expect the advisory group on alcohol to make some fairly stringent recommendations. There is much good news on the justice front.

As the Minister knows, in my constituency we have serious issues relating to the numbers of gardaí assigned to the area. Only today the Minister met some residents from the area of Stamullen. I received a letter from Duleek community alert group today as well, which is very concerned about the lack of gardaí in the area.

We are speaking about community policing and in these areas within my constituency, we generally have very effective sergeants with a small complement of gardaí. The fact that the sergeants in Duleek, Laytown, Slane and Nobber are very well known in the community is a significant advantage. These are genuine community police officers but they are stymied in the work they want to do in the communities by lack of numbers.

In the area of Laytown, Bettystown and Mornington, the population is 8,978 and the Garda station covers a population of 18,916. However, there are only 13 gardaí in the station. Stamullen has a population of 2,487 and has no gardaí. As the Minister knows this is a difficult issue and although the Garda has made efforts recently, the people will only have full confidence when the commuter belt gets an appropriate number of gardaí. I know the Minister has done much work on the matter and has spoken to senior Garda officers on it.

There are many positive aspects to the issue. We cannot be led by fear all the time and we must move forward to get the existing policies right. The Dáil's condemnation tonight of what has happened recently sends out a very strong message and we are united in indicating we do not put up with such actions. We welcome Poles to this country and thank them for their contribution to society.

**Deputy Ciarán Cuffe:** I welcome the more reflective interest in crime coming from Fine Gael in this session. There was a time when Fine Gael obsessed over drunk tanks and boot camps and I am glad to see a maturity entering into the debate from the Fine Gael benches.

It is clearly a sad but timely occasion on which to discuss crime and some good ideas have emerged in this debate. Crime does not happen in splendid isolation to other events in society and the events of recent days remind us of two issues. These are the need to look at the cycle of socio-economic isolation that can occur in lower income areas and the requirement to consider urgently the provision of integration for new communities in Ireland.

I read this afternoon an excellent report by the Migrant Rights Centre Ireland published only six months ago entitled *Realising Integration: Migrant Workers Undertaking Essential Low Paid Work in Dublin City*. I remind the House that migrants comprise approximately 10% of the population and between 10% and 11% of the workforce. Many migrants are here to stay and we must have more positive measures in place to assist integration. Many of these workers are living on the margins and are very vulnerable to social exclusion. They are in danger of becoming a subdivision of the labour force and much of their time and effort is spent simply trying to survive. A fifth of migrants only have time for work and three quarters of migrants do not mix or socialise with Irish people outside work. Two thirds of migrants live in houses and apartment blocks where no Irish people live. All these statistics reinforce the need to put in place strong integration measures. It is easy to hope that workers, particularly from Catholic countries, are integrating in a church at the weekend but the reality is that so many migrants simply do not have the time to go to church or find some other way to integrate with Irish people.

We must consider the cycle of socio-economic isolation in lower income areas, particularly for parts of Dublin where there are high rates of unemployment and there is still a significant

need for the State to invest. This involves more than just community policing. The State should invest in education by providing more assistance to problem pupils and it must provide more recreational facilities.

In a city like Berlin, there seems to be an indoor heated swimming pool within five minutes of where everybody lives. We need these kinds of facilities in the heart of working class communities. We need proper planning and we should look again at the trend towards gated communities, where so many migrant workers live. We should consider opening those gates and having new developments more closely integrated physically with the existing communities. If we build strong gates, we do not have the possibility of better integration of new groups in our society.

It would be easy to blame the fall in church attendance or the rise of video games and other new media for the ills of society but we should not excuse this House of its responsibilities in tackling these two issues. We need a more concerted approach from the Garda in addressing the matter but that is only the tip of the iceberg. Crime is part of the many other issues that need to be tackled in society, such as sports facilities, education, proper housing and better planning.

It is only when we tackle all these issues together that we can provide a meaningful approach to particular types of crime that society currently focuses on. Violent crime has always been part of Irish society but there is greater coverage in the media of the brutal and violent incidents that have occurred in recent years. The appalling deaths we have seen over the past week really show us that more action is required. However, rather than a knee-jerk reaction of shoving more gardaí on the street or having more restrictive measures, we need to look at those other factors. Only then will we be able truly to tackle the ills of society. It is about integration and assisting lower income communities.

**Deputy Terence Flanagan:** I wish to share time with Deputies Ring, Reilly, Barrett, Doyle and Kehoe.

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

**Deputy Terence Flanagan:** I thank my colleague, Deputy Charles Flanagan, for bringing this very important motion before the House. I welcome the opportunity to contribute to this debate on the ongoing deterioration of law and order under successive Fianna Fáil-led Governments. What the Government needs to do urgently is to increase the number of gardaí on our streets by at least 2,000. We need more gardaí on the beat and the necessary reforms to our justice legislation if we are to get a grip on crime. For too long criminals have been sticking up two fingers at the justice system and the gardaí. They are running riot in this city and are afraid of no one. Gun crime and organised crime are certainly out of control.

The stabbing to death last week of two Polish men with a screwdriver is very serious and the Minister for Justice, Equality and Law Reform needs to act to ensure this never happens again. I take this opportunity to sympathise with the families of the victims and the local community on this terrible tragedy. My party is calling for a six-month targeted operation by the Garda Síochána to take out of circulation all knives, swords and other offensive weapons.

The shooting of Garda Paul Sherlock last year shows how low organised gangs operating in this city will stoop. We need our gardaí to put these gangs out of business and make our streets safe again. After all one crime is one crime too many.

We have a major issue with illicit drugs, particularly the use of cocaine in society. Not too long ago a major shipment was retrieved off the south coast but how many shipments come through our country on a daily or weekly basis undetected?

[Deputy Terence Flanagan.]

We have much to learn from the likes of New York and other cities, particularly in terms of their attitude to zero tolerance and crime. New York city has dealt effectively with gun crime and knife crime and we need to learn from its experience.

To tackle crime, we need a more visible Garda presence on our streets and a larger Garda force. We need our force to be properly equipped. It is not good enough that gardaí must use their own mobile telephones or their own cars while on duty. The Government has a responsibility to gardaí to provide them with the necessary tools in order that they can do their job properly.

We need more CCTV cameras on our streets. CCTV is certainly a major deterrent in fighting crime and anti-social behaviour and more CCTV is particularly needed in black spots. In my constituency of Dublin North-East, I welcome the fact there are now two shifts of community gardaí with six new gardaí for Coolock station patrolling the Donaghmede area. These extra gardaí have certainly been of great benefit to my area and provide more cover for existing gardaí. However, more community gardaí and patrols are certainly needed in parts of my constituency, particularly with the increase in the population and the expected increase of 40,000 more people over the next eight years.

There are parts of my constituency which are black spots for anti-social behaviour and where there is a strong prevalence of drug and alcohol abuse. These areas should receive the most funding. In Kilbarrack, a voluntary youth body is looking for a youth cafe which I support. Youngsters should be encouraged to use their time more positively spending it surfing the Internet or playing pool in a warm encouraging environment rather than walking the streets. More work needs to be done educating our young people about the dangers of drink and drug addiction.

Alcohol and drug abuse cost the Exchequer billions of euro each year. Our accident and emergency departments are clogged up with drunks, especially at weekends. We need to change our attitude to alcohol and its link to crime.

Mandatory sentences should be enforced by judges, particularly in the areas of knife and gun crime. All criminals should be made to make a contribution to society for the sins they have committed. I hope the Minister will take these points on board and help make our streets safe again.

**Deputy Michael Ring:** I sympathise with the Polish families but I also sympathise with the 84 families of murder victims last year. Some 84 people were murdered last year, which is a disgrace. This Government has been in office for ten years and all we hear from it are more announcements and public relations by its programme managers and officials.

When will the home protection Bill be introduced? I am glad the Minister is here because I want him to listen to me. There are people who went to bed this evening when it started to get dark and they will not get up until tomorrow morning when it is bright. They will pray through the night that they will not be attacked by some thug filled with drugs and drink. If the thug is caught, people will say the poor fellow was on drugs. The time has come for people in their homes to use whatever force is necessary. To hell with the do-gooders. If somebody comes into one's home, one should be able to use whatever force is necessary and not what the law states, that is, "reasonable force". If a thug comes into one's house at 2 a.m. or 3 a.m., he is not coming in for tea. If one or any of one's family gets in his way, he will use whatever amount of violence he chooses. I want to see this Bill introduced in the House before the year is out so people who must protect themselves or their families will not find themselves in court

where the free legal aid system will work against them because the State will pay for the criminal to bring them to court.

It is time we brought justice back to the people. If people need to protect their homes or families, the law should protect them and not always the criminal. If someone goes out tonight, kills somebody and appears before the court tomorrow morning, the judge will say he or she must be assessed. Who pays for that? He or she will then get the top lawyer in the country through the free legal aid system. Who pays for that? It pays to commit crime in this country. If people have to defend their homes, they will have to put their home, their family and everything they have ever worked for on the line to go to the court to fight their case. It is time the law was brought back to the people.

We all talk about anti-social behaviour. Last Monday someone came into my clinic who went to court and gave evidence in a case about anti-social behaviour. That anti-social behaviour is still going on because the local authority did not have the guts to deal with the problem. The local authority told the people living in the estate that if they came forward and if a prosecution was secured, it would deal with the problem. It did not do so and now 19 families in one housing estate have left because of one problem with anti-social behaviour which the State did not deal with it.

As is the case in England, it is time for people in this country to get life if they commit murder. If somebody is caught with drugs, he or she should get a mandatory sentence of ten years. If someone wants to dabble with drugs and destroy young people's lives, he or she must know he or she will spend ten years behind bars and not enter one door and exist through another.

**Acting Chairman:** The Deputy has one minute remaining.

**Deputy Michael Ring:** That is a pity because I have much more to say. We will have to come back to it on another day.

The home protection Bill is vital. If the Minister listened to Gerry Ryan's radio programme last week and to Joe Duffy's show, he would have heard about elderly people beaten up in their homes and about people who have worked and served this State who cannot leave their homes. It is sad that people are afraid in their own homes. It shows the type of society we have. The law must be brought back to the people and the gardaí must be put on the street and given powers.

**Deputy James Reilly:** I thank my colleague, Deputy Charles Flanagan, for raising this timely issue. It is time to get tough on criminality and anti-social behaviour. We have reached a crisis point in respect of law and order. The figures suggest that the reporting of crime is down. However, this does not mean that crime levels have fallen. The figures to which I refer do not take account of the fact that many people have given up reporting crime. At a meeting in Lusk last night, several people stated that they had reported incidents to the Garda and waited to be contacted. However, the latter never happened. I do not intend to criticise the Garda, *per se*, because its resources are stretched. However, I wish to discover whether these requests for assistance are noted or recorded. Is it the case that because they are not pursued, they are never recorded and hence do not appear in the figures?

There are part-time Garda stations in the Dublin North constituency at Lusk, Skerries and Rush. There is no station in Donabate. The population of these four villages is 40,000, which is the same as that of the city of Waterford. How are individuals expected to feel safe when there are only three part-time stations for the entire area? People are extremely concerned.

[Deputy James Reilly.]

Deputy Ring referred to the right of people to defend themselves and their families in their own homes. Like other people, I would not be prepared to stand idly if my family was in danger in our home.

**Deputy Brian Lenihan:** The courts fully acknowledge that one has a right to defend oneself.

**Deputy James Reilly:** What about people such as Pádraig Nally and others who were tormented?

**Deputy Brian Lenihan:** One is not obliged to retreat within one's own home.

**Acting Chairman:** Deputy Reilly, without interruption.

**Deputy James Reilly:** I am not suggesting that what happened in these cases is right but it is a reflection of the frustration and vulnerability that people, particularly those who live in isolated areas, feel. There was a rash of crimes of this nature 20 years ago. They stopped when an elderly farmer fired a shotgun out of an upstairs window. We do not want to see such situations arise again. We want community policing. Unreported crimes are skewing the picture and providing figures that are artificially low.

The next issue to which I wish to refer is prevention, to which there are a few aspects. Prevention must be considered in the context of the social services and outlets we provide for young people. Some of the other aspects that arise in this context are the availability of drugs, particularly among members of the middle class; the toleration of such drugs by the Government; the availability of alcohol to under age drinkers; and the disastrous combination of drugs and alcohol and the effect it can have on people's behaviour.

We need to use the education system to reinforce socially acceptable behaviour. There is also the issue of parental responsibility. Parents should know the whereabouts of their 14, 15 and 16 year olds between 8 p.m. and 10 p.m. Lack of parental supervision lies at the heart of a great deal of anti-social behaviour. I refer, in particular, to that perpetrated by large gangs of young people engaged in illegal drinking on large open spaces in our cities, towns and villages.

Another aspect of prevention is the need to have policemen on the beat. In that context, I refer to community gardaí who know everybody, whom everybody knows and, more important, who know everyone's parents. I am talking about the sort of gardaí to whom people used to go when they were in trouble. Such officers were not perceived as a threat, people saw them as friends.

The level of resources in place in respect of crime detection is insufficient. Recent statistics illustrate that the incidence of serious crimes such as homicide, rape and armed robbery has risen but that the detection rates relating to them has fallen. The Minister needs to address this issue. He should not do what the HSE and the Ministers for Health and Children and Education and Science do, namely, try to state that all is well when that is clearly not the case. We should be mature and tackle the issue head on.

On rehabilitation, the custodial care system must afford to people more opportunities to change and to be educated or re-educated. There are other areas in respect of which I wish to comment but I do not have time to do so. However, I wish to offer my deepest sympathies to the families of Pawel Kalite and Marius Szwajkos. We owe it to their memory and to their families to ensure that their deaths, in much the same way that Veronica Guerin's did, act as a watershed. We must put in place systems that will reduce the likelihood of crimes of this nature occurring in the future.



I commend the motion to the House.

**Deputy Paul Kehoe:** I thank Deputy Flanagan for introducing this important motion. It is appropriate that we are discussing this matter, particularly when one considers what happened at the weekend. Crimes such as shootings and killings are regular occurrences. When I was a teenager, the stabbing or shooting of a person was major news on every radio station and in every newspaper. That is no longer the case. In some instances, such incidents are a daily occurrence. In others, they happen on a weekly basis. I accept that the Minister inherited his portfolio. However, I ask that he take action in respect of the number of killings taking place and the anti-social behaviour in which people are engaging.

I have strong views on the sale of alcohol, a matter in respect of which the Minister commented on either Newstalk 106 or RTE Radio 1 on Friday evening last. I welcome the fact that he has put in place an expert group to examine the issue of the sale of alcohol. Serious action must be taken in respect of this matter. At one stage, it was only possible to purchase alcohol in a pub or an off-licence. Now, however, one can buy it in petrol stations. I estimate that between 80% and 85% of petrol stations sell some form of alcohol. That is not good. I ask the Minister to take urgent action in respect of this matter.

When certain people buy alcohol, they usually become involved in anti-social behaviour. There are two supermarkets — Lidl and Aldi — in my home town, Enniscorthy, which are competing with each other in respect of the sale of alcohol. These stores charge scandalously low prices in respect of alcohol. One regularly sees people leaving them on Fridays, Saturdays and Sundays carrying bags full of alcohol. This leads to a great deal of anti-social behaviour.

During the lifetime of the previous Dáil, I carried out a crime survey among my constituents in County Wexford. Some of the replies I received, particularly from people living in rural areas, were shocking and frightening. Deputy Ring referred to the home protection Bill, which should be brought before the House as soon as possible. Many elderly people who live alone in rural areas are afraid to open their doors at night. No one should be afraid in his or her own home.

I wish to raise a parochial issue. Everyone refers to rural Garda stations. There is one such station, at Glynn, County Wexford, from which a full-time sergeant operates. This man is obliged to use his own car in order to patrol the area. I do not think the Minister for Justice, Equality and Law Reform should accept the position in this regard and I ask that he pursue the matter. Visibility is a key factor. When a patrol car is visible in an area, people are discouraged from committing crimes. It is completely unacceptable that the Garda sergeant to whom I refer is obliged to use his own vehicle to patrol the locality.

I have been contacted by 80% of the residents' associations in Enniscorthy in respect of anti-social behaviour involving people badgering others and tormenting the elderly. If we are serious about tackling this matter, we must put a stop to such behaviour. There has been a great deal of discussion with regard to gardaí on the beat. It is rare that one might see an officer on the beat. There is no doubt that gardaí are doing a great job. Some members of my family are officers on the force. I accept that gardaí operate in difficult circumstances and they do not know what they will face when they go out on patrol. The Minister should take a proactive approach to anti-social behaviour and try to help people, especially elderly people.

**Deputy Andrew Doyle:** I, too, welcome the opportunity to speak to the motion and compliment our justice spokesman, Deputy Flanagan, on tabling it. The three simple points made in it are a concise to do list, unlike the Government's amendment. The third point deals with community policing, an issue on which I spoke briefly yesterday when the Minister agreed that

[Deputy Andrew Doyle.]

one of the first things to do was to establish a clearer definition of the role of community gardaí to distinguish them from gardaí in any other part of the force. Recognition is a key aspect of the community garda's productive and meaningful role in society. We must first find a definition, then give longer assignments in order that such gardaí have stability in their job. To achieve this, the role of community gardaí must be recognised as worthwhile to their career paths. Some see them as second rate, or like the reserve force. Those who have a vocation for this role, as people do for medicine or teaching, should believe their career can progress through being community gardaí.

There has been a problem for community gardaí in rural society which we in County Wicklow have tried to address by entitling them to receive planning permission or to live in a community. It is important that they live in a community and people know the face of the person they need to approach, as they know politicians. The community garda's role is one of prevention rather than intervention. They are seen to be actively involved in communities, some of the social improvement programmes and youth clubs.

I welcome the development of joint policing committees in the past 18 months because that principle establishes a link between public representatives, community representatives and the Garda. It is the duty of community gardaí to carry out whatever priorities the local authority joint policing force lays down and produce some form of tangible report on their progress.

We all have a vision of what we would like for our communities but if we do not act now, we can predict where we will go. There used to be bumper stickers in rural communities stating "crime doesn't pay — neither does farming". I do not know about either but ten or 12 years ago when the Criminal Assets Bureau was established, following the tragic murder of Veronica Guerin, it was considered criminals would not get away. We have seen Paul Williams's recent television programmes on the subject. Unfortunately, it seems crime does pay again. People go through the revolving door; they are in prison, come out and commit crime while on remand. They have no respect for the law.

In County Wicklow we have an opportunity as a pilot scheme area because our division is being reformed. It was one of four divisions but now we will have one of our own and a blank page on which to work.

The Fine Gael motion is focused on three points. The Government amendment opens with an expression of horror which we all share and sympathy for the victims of recent murders but goes on to "welcome", "note", "endorse", "acknowledge", "look forward to" and "support" the work done. This is aspirational waffle. The Government should support the focused motion.

**Deputy Seán Barrett:** This morning I heard a journalist from Northern Ireland being interviewed about why Ian Paisley suddenly changed his mind and entered into a coalition with Sinn Féin. The story goes that his wife said their children had never been able to walk the streets in Belfast safely but that their grandchildren should be able to do so. We need to ensure people can walk our streets safely. That is the responsibility of the Government.

We fail to recognise that in the past five to ten years the population has increased by 600,000, yet our police force has only 1,000 or 2,000 more members than it had seven or nine years ago. When I was growing up in Dalkey, we knew the local gardaí because there was no such thing as shift work or representative associations. They were on duty whenever they were needed. Nobody expects that today and even if they did, they would not get it because nowadays people are represented by various associations. It is time the Government sat down with the associations to talk about the problem.

The Government amendment states an aspiration to have 15,000 gardaí but, effectively, there will be only 3,000 on duty at any given time for the 26 counties of the Republic. There are three shifts with one unit resting, making four, and account must be taken of illness, special duties, court appearances and so on. We do not have 15,000 gardaí to patrol our streets. We must make up our mind to pay for this. There is no point in introducing more legislation or giving more power to the Garda if it does not have the numbers to implement the changes.

I was my party's spokesman on justice in 1988. The Intoxicating Liquor Act provided power to confiscate alcohol from youths, yet we talk about anti-social behaviour, youths drinking in open spaces and causing havoc. Twenty years ago we passed a law which provided that a garda could walk up and confiscate alcohol being drunk in public places. We also provided in that Act that it would be illegal to not sell alcohol over a counter in order that the seller would know who was paying for the drink. The problem was that the Minister of the day had to make an order to bring that provision into being but it was never made because of supermarket lobbying. The Government can have all the powers it likes but if it is not prepared to pay for personnel, the laws will not be implemented.

We do not have a sufficient number of gardaí to carry out the duties we expect them to perform. There is no point in criticising them if they do not have the numbers. We can give them more powers if they need them but let us not live in a society such that we cannot walk safely down a street and our every step is recorded on camera. I do not want to live in such a society. I want to return to my house in the evening, close the door and feel safe and know that my kids and grandchildren can walk the streets without fear.

As political organisations, we must also consider the type of society we want. Earlier today I spoke on the Finance Bill. The reality is that individualisation brought about an enormous change in this country under the taxation system. We ignored the good being done by a parent at home — 95% of the time by mothers. A mother absent from the home when children come in from school is a disaster in this society. All of us here recognise the benefit of having had a mother there when one came home, who kept one out of trouble and encouraged participation in organisations such as scouts, etc. All of that has changed. People are driving many miles to and from work and are tired when they come home in the evening. Then we wonder why the children are running riot. Let us get back to basics and realise we have made mistakes and should correct them.

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy Seán Power):** No doubt many people will be keen to hear Deputy Barrett elaborate on what he is proposing. While he might consider it back to basics, many others might have a different view.

**Deputy Seán Barrett:** Maybe so, but that is politics.

**Deputy Seán Power:** We have had a very useful debate on this very important topic, last night and tonight. It has given us an opportunity on every side of the House to condemn all unlawful killings and to express sympathy with the families of those killed in this way, particularly with the two Polish families of Pawel Kalite and Mariusz Swajkos who were tragically killed 11 days ago.

The Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, answered questions in the House yesterday. He also contributed to the debate here last night. A number of Members referred to alcohol and the damage it is causing, including the increase in anti-social behaviour right across the country. It is not that long ago since the House held a debate on extending the hours during which alcohol could be made available. At that stage, there seemed to be a consensus on all sides for longer drinking hours. Experience over a number of years,

[Deputy Seán Power.]

however, has persuaded many of us that a change is needed in that regard and we will have to restrict the outlets and opening hours currently available.

Deputy Flanagan made a wide-ranging contribution last night. He demanded more robust measures across a range of areas. There are already strong provisions in place to deal with the areas he listed. The Public Order Acts 1994 and 2003 and the Criminal Justice Acts 2006 and 2007 address loitering and intimidation. The Non-fatal Offences against the Persons Act 1997 provides for offences such as assault and syringe attacks. It also deals with offences such as harassment that are relevant to loitering and intimidation. The 2006 Criminal Justice Act makes it an offence to assault or threaten to assault medical personnel in a hospital as well as fire brigade and ambulance staff.

The Public Order Acts allow the District Court to prohibit a person from entering or being near a licensed or catering premises if he or she has been convicted of a public order offence. Furthermore, the Criminal Justice Act 2006 allows a court to impose a restriction on movement order on a person convicted of any of a range of public order offences or an offence such as assault or harassment. The courts have considerable flexibility regarding the nature of these orders. While the Minister, Deputy Brian Lenihan, considers that these legislative provisions do not require further strengthening, the operation of the legislation is kept under review.

The Criminal Justice Act 2006 provides for the issue of a fixed charge penalty notice by the gardaí if a person has been intoxicated or engaged in disorderly conduct in a public place. An Garda Síochána is engaged in adapting its IT systems to enable this provision to be implemented, and implementation will take place this year.

As regards meaningful and real fines, the Government has introduced the Fines Bill 2007, which is currently before the House. When enacted, it will raise the level of all fines for summary offences imposed in the District Court to the value they had when the offences were first created. The Bill includes provision for payment of fines by instalment. Members on all sides referred to anti-social behaviour and the role CCTV can play in combating it. CCTV has the potential to play an important role in supporting the gardaí in fighting criminal and anti-social behaviour and helping to make communities safer. The Government is fully committed to the further expansion of CCTV in towns nationwide. There are currently 12 Garda operated CCTV systems in operation in towns around the country. Three new systems — Tullamore, Ballyfermot and Clondalkin — were brought into operation last year and work is under way on a further 15 systems.

In addition, the community-based CCTV scheme is being rolled out around the country and more than €7 million has been awarded in grants under the scheme so far. Local CCTV is already in operation in nine areas and systems are being put into operation in many others.

I thank Members for their contributions. In general, they have been very positive.

**Deputy Billy Timmins:** I am sharing the 15-minute slot with Deputies Dan Neville and Charles Flanagan, with the agreement of the House.

I want to sympathise with the victims of crime, those who suffer in silence and those who suffer publicly. I am slowly realising why this Government is paralysed in the fight against crime. I heard some of Deputy Cuffe's contribution and he called for no knee-jerk reaction such as more gardaí or bringing in hard measures. What next — a cup of cocoa for everybody before they go to bed at night? No wonder the Government cannot bring in any policies. He went on to say he would like to see heated swimming pools within five minutes of everyone who lives in a working class area. Is he for real? With people like him propping up the Government, it is no wonder we are in a shambles. If he spent less time climbing the trees in the Glen

of the Downs, causing trouble down in Shannon and occupying the time of the Garda, we might have more gardaí on the beat.

When I walk into a classroom in my constituency I can tell who is going to end up in jail. Most of us in this House can do so. We have heard about “zero tolerance” which has evolved into a term of vulgarity. Its main proponent used it to such a degree that he could not say anything about crime for five years. He was replaced by someone who could not stop saying something about it, but neither of them actually did anything about it. We are failing to address the small things.

People live in fear and are afraid walking down the street. Statistics show that many people who suffer in knife attacks actually own the offending weapon. They take the knife along for protection, which is a terrible indictment of our society, and indeed the Government. We need more gardaí — punishment works only in a small percentage of cases — and innovation. On this side of the House we have come up with innovative proposals over the last few years such as rehabilitation centres, which are not boot camps although they were referred to as such by some Members on the Government side who were seeking popularity. I advise the Minister and his staff to go to Thorn Cross in Warrington and see how it actually works as opposed to Mountjoy, where the educational centre, completed in April 2003, remained unused up to April 2004. There youngsters sit around smoking, watching DVDs and whatever, with no attempts at rehabilitation to give them back a sense of self-worth. We must put the emphasis on educational reform and early intervention to stop juvenile delinquency.

Most people who go on to commit crime suffer some educational disadvantage, be it literacy or numeracy. We have done nothing to address it in this country. Many teachers cannot even identify children suffering from dyslexia, but those who feel excluded from society strike back at it. That is simply what is happening. I noticed an e-mail today from the former Taoiseach, Mr. John Bruton. He recounted the statistics per head of population of people in prison around the globe. It is interesting and I advise the Minister to look at that and examine the policies other countries have. He should stop burying his head in the sand, get out and look at the systems that work. The importance of putting funding into early educational disadvantage cannot be over-emphasised. I am weary from saying this.

**Deputy Dan Neville:** I welcome the opportunity to speak on this motion and congratulate Deputy Charles Flanagan on tabling it.

Anti-social behaviour must be tackled as a matter of urgency. It is destroying many communities and this is very evident in many towns and villages. I am regularly approached about it in my constituency. People in Newcastle West almost feel under siege at certain times of the weekend. Extra resources must be provided to ensure anti-social behaviour is tackled. In too many communities, decent people are being harassed and bullied. Anti-social behaviour is spoiling our sense of community and degrading our environment. It reduces our quality of life and chips away at our sense of security, civic pride and peace of mind.

Let me elaborate on the comments of Deputy Timmins. Early intervention in respect of many children in difficulty is very important in ensuring their behaviour is controlled and that their mental illness dealt with. According to the governor of Mountjoy Prison, some 40% of prisoners suffer from attention deficit disorder, which is not being dealt with properly. Many prisoners are suffering from psychiatric illnesses, especially those who have committed minor offences and petty crimes, and they are not being treated in prison. If their problems were addressed, much anti-social behaviour would be tackled.

The problems that lead to anti-social behaviour should be addressed when those concerned are children. A particular difficulty arises when dealing with children who engage in anti-social



[Deputy Dan Neville.]

behaviour. There is a perception that nothing can be done but I do not accept this. Where a child offends, a system of family conferences should be introduced that incorporates restorative justice provisions within its parameters. The child should be present at each conference and the focus should be on accountability for wrongdoing. The conference should be convened by the gardaí and should formulate an action plan for the child. The action plan should or may include the making of an apology or financial or other reparation to the victim. It should make provision relating to the child's lifestyle, such as attendance at school or participation in appropriate sports or recreational activities.

Action plans should also provide that children or young people should stay away from certain places or people in order to avoid involvement in anti-social activity. They may also include a curfew, especially at night. This should be done in respect of children who engage in anti-social behaviour.

**Deputy Charles Flanagan:** I thank the Deputies for their contributions and the Minister and Minister of State for attending. I thank the Labour Party for its support.

It is absolutely essential that Members not only recognise but also comprehensively address anti-social behaviour, and that we do so without delay. We must bring an end to the mindless knife culture. It is totally unacceptable to have gangs of youths hanging around street corners carrying an array of offensive weapons. This is already a criminal offence and I, for one, would like to see those who carry such weapons prosecuted and dealt with by the courts. Why is it not happening?

Anyone caught with a blade, sharpened screwdriver or similar dangerous weapon who cannot justify why he requires it should be brought before the courts and prosecuted. The Minister needs to ensure that this will happen if he is sincere about tackling knife crime.

All of us in this House must acknowledge the role that drug and alcohol abuse plays in fuelling anti-social behaviour. We must find solutions to existing problems and put in place preventative measures to ensure future generations of young people do not fall into a pattern of anti-social behaviour. I am disappointed, however, that Fianna Fáil chose to "spin" the Fine Gael motion as an attempt to ban kitchen knives and search dishwashers. On no occasion was such a proposition put forward by Fine Gael. Fianna Fáil is simplifying the serious debate in a cynical and manipulative way.

We introduced this motion in good faith, hoping to engage meaningfully with the Government on these important issues. Rather than choosing to engage with us, Fianna Fáil chose to spin. This petulant approach does the Government no credit and is an insult to the 36 people who lost their lives as a result of stabbings last year, and to the communities in this city and beyond ravaged by anti-social behaviour.

Last night, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, promised increased enforcement of the Misuse of Drugs Act. Given what we know about the abysmal resources with which customs officers are trying to stem the drugs tide, I feel the Minister is placing An Garda Síochána in an impossible position. On the one hand, the Government is unwilling to allocate the resources necessary to intercept drugs at the point of entry while, on the other, gardaí are being told to work harder to detect more drugs once they reach the streets. This penny-pinching has resulted in a lone X-ray scanner and a lone patrol boat, and this makes no sense given the scale of the drugs problem.

Starving customs officers of resources and expecting the Garda to pick up the pieces constitutes utterly dysfunctional government in my view. Similarly, expecting the Garda to deal with the consequences of violent disorder outside nightclubs and bars while extending nightclub

hours and allowing 650 new off-licences in 2007 is utterly inconsistent. There are now a staggering 4,300 off-licence outlets across the country. We do not know how many extensions to bar opening hours were granted last year. I asked a parliamentary question on the matter but it was ruled out of order. The matter was referred to the Courts Service, which stated it could not tell me the answer. We therefore do not know what is happening.

Although the HSE has closed facilities designed to deal with anti-social behaviour, it is a professed aim of the Government to eradicate anti-social behaviour. It is as if the right hand does not know or even care what the left hand does in Government and in the Department of Justice, Equality and Law Reform.

On the question of alcohol, Fianna Fáil has wholeheartedly embraced the Progressive Democrats' ideology of putting the market ahead of the common good. According to this viewpoint, as long as business is booming, nothing else matters, even if that business involves below-cost selling, a dial-a-can service or an offer of two cans for the price of one or 24 for 12. Once alcohol is being sold to a willing purchaser, the Government will allow it. At the same time, the Government seems somewhat baffled that binge drinking, particularly by minors, is becoming endemic. Hence, we have a proliferation of off-licences while the Minister feels the need to set up a task group to figure out where it all went wrong.

There is a pressing need to restrict the availability of alcohol and to ensure that those who break the law are prosecuted. That only 14 premises were prosecuted for supplying alcohol to minors in 2007 raises serious questions. Two responses are absolutely vital. The first is to embed a sufficient number of gardaí directly in communities. Last night, Fine Gael provided a range of suggestions in respect of how this might be done. The second response is to ensure that the Government is consistent in its approach.

On the matter of consistency, it is a total waste of time and resources to allow drugs through our ports and small airports while expecting gardaí to take them off the streets. It is a complete waste of time to allow a proliferation of alcohol outlets to open and then to feign concern about under age and binge drinking. It is a complete waste of time to train gardaí in Templemore if they are to sit behind desks in stations throughout the country. It is a complete waste of time to introduce laws prohibiting blades and other offensive weapons and general anti-social behaviour without ensuring that they are enforced daily and consistently.

Before Christmas, Archbishop Diarmuid Martin called for a national forum on crime. The Government response was to pooh-pooh and ignore it. The President called for a national conversation on crime and experts speak about parental and personal responsibility. This is all very fine and laudable but the first responsibility must be to ensure a security response in the form of criminal justice action. I hope this will focus the Government's mind on anti-social behaviour. Those in Government who have the privilege of holding power do so at a price — they are charged with ensuring the safety and security of every person living in this State. The Government is happy to hold power but reluctant to pay the price.

I commend the motion to the House. The Minister's amendment does no more than clap him on the back for what he has done and ignores a real and dangerous threat to society. I will press the motion and ask for the support of every Member to send a wake-up call to the Government.

**Acting Chairman:** I am required to put the following question on the amendment moved by Deputy Aengus Ó Snodaigh to amendment No. 1 in the name of the Minister for the Justice, Equality and Law Reform: "That the words proposed to be deleted stand part of the main question."

Question put.

## The Dáil divided: Tá, 73; Níl, 62.

## Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Aylward, Bobby.  
 Behan, Joe.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gogarty, Paul.  
 Gormley, John.  
 Hanafin, Mary.  
 Harney, Mary.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Kelleher, Billy.  
 Kelly, Peter.

Kenneally, Brendan.  
 Kennedy, Michael.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 Lowry, Michael.  
 Mansergh, Martin.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Flynn, Noel.  
 O'Keeffe, Batt.  
 O'Keeffe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.

## Níl

Bannon, James.  
 Barrett, Seán.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.

Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Hogan, Phil.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.

Níl—*continued*

Penrose, Willie.  
 Perry, John.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Sheahan, Tom.  
 Sheehan, P.J.

Sherlock, Seán.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Aengus Ó Snodaigh and Paul Kehoe.

Question declared carried.

Amendment to amendment declared lost.

Amendment put.

The Dáil divided: Tá, 73; Níl, 62.

## Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Aylward, Bobby.  
 Behan, Joe.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gogarty, Paul.  
 Gormley, John.  
 Hanafin, Mary.  
 Harney, Mary.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Kelleher, Billy.  
 Kelly, Peter.

Kenneally, Brendan.  
 Kennedy, Michael.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 Lowry, Michael.  
 Mansergh, Martin.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Flynn, Noel.  
 O'Keefe, Batt.  
 O'Keefe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.

## Níl

Bannon, James.  
 Barrett, Seán.  
 Breen, Pat.

Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.

Níl—*continued*

Carey, Joe.	McEntee, Shane.
Clune, Deirdre.	McHugh, Joe.
Connaughton, Paul.	McManus, Liz.
Coonan, Noel J.	Mitchell, Olivia.
Costello, Joe.	Naughten, Denis.
Coveney, Simon.	Neville, Dan.
Crawford, Seymour.	Noonan, Michael.
Creed, Michael.	Ó Caoláin, Caoimhghín.
D'Arcy, Michael.	Ó Snodaigh, Aengus.
Deasy, John.	O'Donnell, Kieran.
Deenihan, Jimmy.	O'Dowd, Fergus.
Doyle, Andrew.	O'Keefe, Jim.
Durkan, Bernard J.	O'Shea, Brian.
English, Damien.	O'Sullivan, Jan.
Enright, Olwyn.	Penrose, Willie.
Feighan, Frank.	Perry, John.
Ferris, Martin.	Rabbitte, Pat.
Flanagan, Charles.	Reilly, James.
Flanagan, Terence.	Ring, Michael.
Gilmore, Eamon.	Sheahan, Tom.
Hayes, Brian.	Sheehan, P. J.
Hayes, Tom.	Sherlock, Seán.
Hogan, Phil.	Stagg, Emmet.
Kehoe, Paul.	Stanton, David.
Kenny, Enda.	Timmins, Billy.
Lynch, Ciarán.	Tuffy, Joanna.
Lynch, Kathleen.	Upton, Mary.
McCormack, Pádraic.	Varadkar, Leo.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 73; Níl, 61.

## Tá

Ahern, Dermot.	Fitzpatrick, Michael.
Ahern, Michael.	Fleming, Seán.
Ahern, Noel.	Flynn, Beverley.
Andrews, Barry.	Gallagher, Pat The Cope.
Andrews, Chris.	Gogarty, Paul.
Aylward, Bobby.	Gormley, John.
Behan, Joe.	Hanafin, Mary.
Blaney, Niall.	Harney, Mary.
Brady, Áine.	Healy-Rae, Jackie.
Brady, Cyprian.	Hoctor, Máire.
Brady, Johnny.	Kelleher, Billy.
Byrne, Thomas.	Kelly, Peter.
Calleary, Dara.	Kenneally, Brendan.
Carey, Pat.	Kennedy, Michael.
Collins, Niall.	Kirk, Seamus.
Conlon, Margaret.	Kitt, Michael P.
Connick, Seán.	Kitt, Tom.
Coughlan, Mary.	Lenihan, Brian.
Cregan, John.	Lenihan, Conor.
Cuffe, Ciarán.	Lowry, Michael.
Cullen, Martin.	Mansergh, Martin.
Curran, John.	McEllistram, Thomas.
Devins, Jimmy.	McGrath, Mattie.
Dooley, Timmy.	McGrath, Michael.
Finneran, Michael.	McGuinness, John.



Tá—*continued*

Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghail, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Flynn, Noel.  
 O'Keeffe, Batt.  
 O'Keeffe, Edward.  
 O'Rourke, Mary.

O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.

## Níl

Bannon, James.  
 Barrett, Seán.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Hogan, Phil.  
 Kehoe, Paul.  
 Kenny, Enda.

Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Perry, John.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Sheahan, Tom.  
 Sheehan, P. J.  
 Sherlock, Seán.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared carried.

**Deputy Paul Kehoe:** I thank everyone for contributing to the debate.

**Deputies:** Hear, hear.

### Adjournment Debate.

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#### Health Services.

**Deputy James Bannon:** I thank the Ceann Comhairle for affording me time to raise this important matter, namely, the need for the Minister for Health and Children to provide an

[Deputy James Bannon.]

urgent update on her plans for a realistic transport service for cancer patients in rural areas who are not being adequately provided for in terms of travelling to Dublin or other centres of excellence for treatment, despite the Minister's assurance that such provision would be made. These patients are falling between health clinics and the HSE and failing to get funding or compensation for such expenses, not to mention the exhaustion caused by inadequate transport provision.

I am sure the Minister of State will agree that nothing illustrates a point better than example. I have had recent correspondence from the Society of St. Vincent de Paul outlining an appalling situation regarding an extremely ill lady who has to travel to the Mater Hospital weekly and sometimes twice weekly.

Travel difficulties have forced this lady to miss urgent hospital appointments because of exhaustion, ill-health and lack of funding. Her travel costs are €89 per day and she has no idea how the frequently required journeys will be financed or how she will be able to withstand the long hours spent travelling.

On one occasion this constituent managed to get an ambulance bus from the Mater which took from noon until she arrived in Longford at 7 p.m. and then had to take a taxi to her home, arriving at 9.10 p.m. This would be a gruelling journey for an able-bodied person but it was a nightmare for an extremely ill cancer victim.

Although the woman had an important appointment at the hospital the next morning, she was unable to undertake such an arduous journey again due to the toll on her health. For anyone in the whole of their health to undertake such stressful travelling on a regular basis would be daunting but for a person already weakened by a debilitating illness, it is totally untenable and a shameful indictment of the Minister's lack of concern for individual patients who are falling victim to cost-cutting measures which have seen essential services centralised without adequate transport measures being put in place.

This patient has fallen between the local health clinic and the HSE with regard to funding. The end result of the system of passing the buck which extends across all Departments, is that she feels abandoned by the health services and has no idea from one visit to the next how she is going to be able to afford to get to the hospital. Because of travel expenses  
*9 o'clock* this lady has allowed her rent, her electricity bill and other pressing accounts go into arrears. She is the real casualty of the cutbacks with which the Minister and her colleagues have rewarded those who put them back into Government.

This is not a stealth tax or a rise in the cost of luxury cars. This is a matter of life and death and no Government has the right to jeopardise people's health or impose unduly harsh and inhumane measures on them when they pursue treatment. This is the situation for a large number of patients in the midlands.

The bottom line is that people in the midlands are not getting the service they deserve. Expecting extremely ill people to undertake marathon journeys to access treatment is scandalous. We could point the finger and say that the Government simply does not care, because it does not.

We heard this morning that the HSE is to introduce new health service cutbacks to the tune of €300 million in the weeks ahead. These are cutbacks which the Minister will be forced to admit are needed to cover the financial mismanagement of her Department for which she has the nerve to expect the chronically ill to bear the brunt of and to forego essential treatment and services. It is not an exaggeration to say that very soon this Government will expect the seriously ill to cycle to so-called centres of excellence because there will be no money for

ambulance buses or taxis as it will all have been used up by scandalous waste on one fiasco after another.

I ask the Minister of State to outline how long more this lady and others can be expected to endure such hardships. It is bad enough to be a victim of cancer and to have to undertake treatment. However, to endure constant worry about transport and the added stress of financial difficulties in doing so, is unbearable for many patients in the midlands. Even Dickens could not have envisaged such misery. I ask the Minister of State to take action and provide a good and reliable transport service for victims of cancer in the midlands. I have spoken to several officials in the HSE and they say the transport system for patients in the midlands is nothing short of a disgrace and a shambles. It is up to the Minister to ensure that proper transport services are put in place for people from the midlands. The way this Government has behaved towards cancer victims in the midlands over the last number of years is a shame and a disgrace.

**Minister of State at the Department of Health and Children (Deputy Máire Hctor):** I am taking the Adjournment on behalf of my colleague, Deputy Mary Harney, Minister for Health and Children. I welcome the opportunity to address the issues raised by the Deputy and to set out the current position regarding the national cancer control programme and the provision of transport services for cancer patients.

Professor Tom Keane took up his post as national cancer control director on 19 November last. The decisions of the Health Service Executive to designate four managed cancer control networks and eight cancer centres will be implemented on a managed and phased basis.

The designation of cancer centres aims to ensure that patients receive the highest quality care while at the same time allowing local access to services where appropriate. Where diagnosis and treatment planning is directed and managed by multidisciplinary teams based at the cancer centres, then much of the treatment, other than surgery, can be delivered in local hospitals.

A detailed transitional plan is being put in place to facilitate the progressive, gradual and carefully managed transfer of services over the next two years or so. The HSE plans to complete 50% of the transition of services to cancer centres by the end of this year and 80% to 90% by the end of 2009. The HSE is putting in place a structured programme of quality assurance, support and information services to underpin the re-organisation of services to ensure that cancer patients will receive quality services as close to home as possible.

Professor Keane and the HSE have emphasised the importance of mobilising existing resources and redirecting them to achieve the national cancer control programme objectives. Arrangements are in hand to enable Professor Keane to take control of all new cancer developments and, progressively, all existing cancer services and related funding and staffing. Additional funding of €35 million has been allocated for cancer control in 2008, representing a 71% increase over the equivalent funding for last year which was €20.5 million. This includes funding of €15 million for the implementation of the national cancer control programme. Further investment in cancer control will be based on the reform programme now being implemented by the HSE.

The HSE currently provides transport for cancer patients in a range of circumstances. In many cases this is managed locally at the hospital or at community level. The HSE has advised that it makes every effort to assist patients who require transport and patients are encouraged to make direct contact with the treating hospital to determine suitable arrangements. Where difficulties are brought to the notice of any staff member, options are explored and the most suitable arrangements put in place for patients.

Following completion of the current HSE review on transport services, the national cancer control programme expects to be in a position to administer current expenditure on cancer

[Deputy Máire Hóctor.]

transport. The programme has also allocated €750,000 to the Irish Cancer Society which will administer a grants programme based on agreed criteria to enable patients to be transported to designated cancer centres for necessary treatment. This will be in addition to the existing hardship-related programme which the Irish Cancer Society administers.

The Government is committed to making the full range of cancer services available and accessible to cancer patients throughout Ireland in accordance with best international standards. The developments which I have outlined to the House will ensure that comprehensive quality-assured treatment and support services are available to all cancer patients nationally.

### **Marine Rescue Service.**

**Deputy Joe McHugh:** I look forward to the reply with the specific data I seek as I am only working on anecdotal information at this stage. From my information, between 2001 and 2007 more than 111 rescue missions in Lough Foyle were carried out by Malin Head rescue centre. Within that figure there were a number of joint operations between the rescue centres in Clyde in Scotland, Belfast and Malin Head. These joint operations used each other's intelligence in a collaborative way and have been going on for many years. I have singled out Lough Foyle because it is unique on the island as we have a joint jurisdiction under the auspices of the Loughs Agency. The two jurisdictions have worked together to manage the fishing operations in Lough Foyle.

The issue I wish to raise is of the utmost importance. Before North-South joint operations and connectivity, and cross-Border co-operation, when the Rev. Dr. Ian Paisley was leading the charge against working in a collaborative way, we had unique relationships regarding marine safety on this island. There were operations involving services based in Scotland, Northern Ireland and Malin Head at a time when such collaboration did not appear to exist. However, there has been a unique understanding, interrelationship and interdependence between services based in three jurisdictions, namely, Malin Head, Clyde and Northern Ireland.

I have a number of questions for the Minister of State though I accept he will not have a reply for me tonight. What consultation has gone on between our Department of Transport, which has responsibility for the marine, and the Northern Administration regarding the proposed closure of the station at Malin Head? What consultation has taken place between the Loughs Agency and the Department of Transport regarding the proposed closure of that station? What consultation has taken place at the North-South Ministerial Council, which proposes that there should be North-South co-operation on aquaculture and marine issues? These are the questions that need to be answered. What consultation has taken place between the Scottish Administration and our Minister regarding the proposed closure of the station at Malin Head? I ask this because there have been ongoing rescue missions involving the Scottish service based in Clyde and the service in Malin Head. Has the British-Irish Interparliamentary Body been consulted by the Minister, Deputy Dempsey, regarding this issue? If it has, why have I not been consulted as a member of that body? If it has not been consulted, the British-Irish Interparliamentary Body must be asked whether the Scottish Administration has been consulted regarding the proposed closure of the station at Malin Head?

Regarding proposed new funding avenues through INTERREG, what consultation regarding the proposed closure of the station at Malin Head has taken place between the Department and the Scottish agencies that were seeking transnational links between Northern Ireland and this jurisdiction? An area of interest to you, a Cheann Comhairle, is Valentia and the southern channel. What consultations have taken place with French authorities regarding the proposed closure of the station at Valentia?

There are so many questions regarding the intrinsic relationships and linkages of the existing infrastructure in Valentia and Malin Head that have not been answered. The rigid tool of the administrative stroke of a pen is being used to close a station at Malin Head, taking away all the good work and capacity building that has gone on over the years between three jurisdictions.

This decision goes against our constitutional rights because we bought into the Good Friday Agreement and into integrated strategies for the marine and aquaculture. We are removing existing infrastructure, interrelationships and interdependence, North and South. We are making a serious mistake. What external consultation has taken place outside the Department of Transport regarding these issues? These are important issues that need to be clarified.

**An Ceann Comhairle:** I call on the Minister of State to respond and she has five minutes. I know there is considerable detail in the response because the Deputy sought details. The statistical information can be handed by the Minister of State to the Editor of Debates for inclusion in the Official Report. There will not be a necessity for the Minister of State to read all the statistics although they may be provided to the Deputy in that way or through a letter. If they must be included on the record, it is possible to do that as well.

**Deputy Joe McHugh:** I would be happy with an overall number rather than needing to go into it in depth.

**An Ceann Comhairle:** For the purposes of the Deputy's submission and for the purposes of the record, it is possible to put the statistical information on the record. That is what I am saying if that is helpful to the Deputy.

**Deputy Máire Hctor:** I will respect the five minutes and I am sure the Deputy will also be happy to receive these statistics. We will see how the script actually goes.

I am pleased to have the opportunity to speak on this subject on behalf of the Minister for Transport, Deputy Dempsey. The organisation responsible for marine emergency management in the Irish search and rescue region is the Irish Coast Guard, which is under the remit of the Department of Transport. Prior to 2001 both Malin Head and Valentia were commercial coast radio stations whose principal responsibility was to carry out ship-to-shore links to shipping, issue weather forecasts and navigational warnings, and log fishing reports. From 2001, the co-ordination of search and rescue services for the north and north-west coast was delegated to Malin Head from the marine rescue co-ordination centre in Dublin. Prior to 2001 emergencies occurring in the north and west regions had been co-ordinated from the marine rescue co-ordination centre in Dublin since the early 1990s, and before that from the marine rescue co-ordination centres in Shannon and Haulbowline.

There may be some confusion between the work done in co-ordination centres and that undertaken by local volunteers. The location of a co-ordination centre and local knowledge are not entirely linked as the principal element of local knowledge comes from the local coast guard coastal units and lifeboat crews strategically positioned around our coast. Their local knowledge of tides, currents, bays and local historical incident locations is invaluable to the watch officers of the Irish Coast Guard. The volunteers in the Lough Foyle area are the RNLI at Portrush and Lough Swilly, and the Irish Coast Guard unit at Greencastle. This unit is both a cliff and boat rescue unit, and is one of the most advanced teams in the country.

I would like to put on record again my appreciation and that of the Minister, Deputy Dempsey, for the selfless voluntary efforts of the Irish Coast Guard, RNLI and community rescue boat crews in rescuing those in trouble off our coasts, cliffs and offshore islands. We are also indebted to a wide range of organisations, both public and private, that make their facilities



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available to the Irish Coast Guard on a 24-hour basis or which have operational or liaison agreements with the coast guard.

Lough Foyle divides the search and rescue regions of the Irish Coast Guard of the Department of Transport and the Northern Ireland Coastguard. Half of the lough lies in the Irish search and rescue region and half in the UK region. It has long been the practice, however, that search and rescue knows no borders, only boundaries. There is close co-operation between the Irish Coast Guard and the Northern Ireland Coastguard across the Lough Foyle boundary. Search and rescue helicopters at both Dublin and Sligo support search and rescue operations in Northern Ireland. This assistance is managed through the Irish Coast Guard co-ordination centres at Dublin and Malin Head. The helicopters are contracted to be airborne within 15 minutes between 7.30 a.m. and 9 p.m. and within 45 minutes between 9 p.m. and 7.30 a.m. Irish Coast Guard search and rescue helicopters add to the ongoing co-operation through the provision of training, and search and rescue assistance to Northern Ireland-based RNLI lifeboats and mountain rescue teams.

Much of the current search and rescue already takes place on an all-Ireland basis. The organisation of mountain and cave rescue, RNLI, Commissioners of Irish Lights and Waterways Ireland are set up on that basis. Irish Coast Guard teams regularly exercise with their Northern Ireland counterparts in the Border area. The Irish and UK coastguard services continue to discuss procedures to harmonise search and rescue techniques north and south of the Border. There is work in progress by Ireland on the extension of the Irish search and rescue region to coincide with the Irish pollution region and European economic zone. Work has begun as part of a UK-Irish memorandum of understanding and this element will require agreement between the Department of Foreign Affairs and the UK Foreign and Commonwealth Office.

The Irish Marine Emergency Service was established and named by a Government decision in 1991. In 2000, it became the Irish Coast Guard which better denotes the service provided. Detailed records have been compiled of all marine incidents following the establishment of the Irish Marine Emergency Service. Records from earlier years are in long-term storage. Records available show a detailed breakdown of incidents by type across the three co-ordination centres at Malin Head, Valentia and Dublin, but they do not provide a breakdown by specific location.

For the purpose of this debate and within the short timeframe available for compiling the information, Malin Head records since it became a search and rescue co-ordination centre in 2001 have been examined and the following information can be made available. It refers to incidents in Lough Foyle and several of these involved joint operations with the Belfast coastguard. The latter has advised the Irish Coast Guard that it had eight incidents in Lough Foyle in 2007.

The number of incidents recorded for the following years are as follows: ten incidents in 2001, 13 in 2002, 23 in 2003, 15 in 2004, four in 2005, nine in 2006 and eight in 2007. As my time has elapsed, I will make the information available to the Deputy in hard copy form if he is prepared to accept it in that format.

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

Details of the incidents that were dealt with by the marine rescue sub-centre at Malin Head are as follows:

- On 1/01/2001 a sighting of an upturned hull off Moville Light was reported.
- On 10/02/2001 a flare report in Lough Foyle.

- On 07/04/2001 three flares were reported off Greencastle.
- On 24/05/2001 a speed boat was reported adrift off Greencastle with four people on board.
- On 07/07/2001 the *FV Day Dream* was reported drifting without power at Redcastle.
- On 15/08/2001 a sick crewman taken ashore from the fishing vessel *Castle Queen*.
- On 17/08/2001 report of a log at mouth of lough with possible danger to navigation for small boats.
- On 07/09/2001 the *Éireann Sea* was reported aground on sandbank off Redcastle.
- On 25/09/2001 a small boat was reported dragging anchor off Greencastle.
- On 09/12/2001 assistance to gardaí in search of a missing person in Moville Bay.
- On 26/01/2002 a report of a dredger causing danger to fishing vessel *Girl Nicola*.
- On 28/01/2002 report of an old fishing vessel *Sans Peur* broke moorings and drifting.
- On 03/02/2002 request for assistance to police in Northern Ireland with search of missing person at the mouth of the River Foyle.
- On 14/05/2002 report of a yacht *Morning Glory* going aground south of Moville.
- On 09/06/2002 report of yacht *Jade* broken from moorings and drifting.
- On 13/06/2002 report of an oil slick off Carrickarory pier.
- On 23/06/2002 report of fishing vessel *Random Harvest* — water in engine room at Greencastle.
- On 08/07/2002 nets in propeller of fishing vessel *Bangor Crest*, towed to Greencastle
- On 15/08/2002 report received of ferry *Greencastle/Magilligan* with a lost forward ramp with danger of taking water.
- On 13/09/2002 fibreglass boat was reported adrift off Greencastle.
- On 14/09/2002 a broken down speed boat was reported requiring a tow.
- On 30/09/2002 a 24 ft. fishing vessel with a rope around propeller required tow.
- On 31/12/2002 assistance requested for UK coastguard with search of Donegal shoreline for missing anglers.
- On 22/02/2003 car reported stuck on beach.
- On 13/04/2003 jet ski adrift and towed ashore.
- On 19/04/2003 an overturned yacht in water was reported and two persons were recovered.
- On 22/04/2003 two large floating objects required towing ashore.
- On 07/05/2003 yacht *Firecracker* was reported broken free, towed to Greencastle.

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- On 11/05/2003 four barrels floating reported as a danger to small craft were taken ashore off Warrenpoint.
- On 11/06/2003 a mussel dredger sank off Ture Light.
- On 15/06/2003 the yacht *Ryvoran* reported aground near Tuns Buoy.σOn 16/06/2003 a small inflatable reported adrift off Greencastle.
- On 18/06/2003 fishing vessel *Seacraft* reported broken down off Warrenpoint Light.
- On 18/06/2003 the cruiser *Fair Maid* broke moorings and reported drifting off Moville.
- On 19/06/2003 fishing vessel *Helen Mary* reported broken down and drifting off Benowen Strand.
- On 06/07/2003 a small fishing vessel reported adrift off Moville.
- On 06/07/2003 the yacht *Niamh* reported aground off Redcastle.
- On 10/07/2003 dinghy reported capsized off Moville.
- On 11/07/2003 the yacht *Streaker* reported adrift off Greencastle.
- On 26/07/2003 a speed boat reported broken down and drifting.
- On 27/07/2003 the *Swiller Warrior* was reported taking water off Moville.
- On 25/08/2003 request to assist gardaí in shoreline search for missing persons.
- On 31/08/2003 the *Foyle Venture* reported aground at Magilligan.
- On 26/10/2003 report of a glider down near Greencastle.
- On 01/11/2003 red flare report in Greencastle area.
- On 09/11/2003 fishing vessel *Spiritual Vessel* reported going on rocks near Moville.
- On 18/01/2004 three persons in difficulty in a rowing boat at Lisahally.
- On 10/02/2004 report of red flares.
- On 28/03/2004 report of a dive boat broken down, requires tow.
- On 04/05/2004 persons reported in the water off Culmore Point.
- On 16/05/2004 report of the yacht *Saratoga* aground on sandbank.
- On 28/05/2004 report of the yacht *Mucmara* aground off Moville.
- On 28/05/2004 *Foyle Venture* ferry reported loss of engine power.
- On 14/06/2004 *MV Topgallant* reported an injured crewman.
- On 10/07/2004 the yacht *Cruisen* reported aground at McKinneys Light.
- On 26/08/2004 the yacht *Astral* reported aground at Saltpans.
- On 26/08/2004 the yacht *lolar na Mara* reported adrift off Moville.

- On 26/08/2004 the fishing vessel *Celtic Dawn* reported taking water alongside Moville pier.
- On 13/09/2004 a 20 ft. yacht reported aground Moville.
- On 30/09/2004 request to assist ambulance control with missing person outside Greencastle.
- On 18/10/2004 report of warhead on Redcastle beach.
- On 02/05/2005 windsurfer reported in difficulty off Magilligan.
- On 10/07/2005 report of boat aground off Redcastle.
- On 21/07/2005 report of *Bayliner* vessel aground Lough Foyle.
- On 21/07/2005 the cruiser *Uptown Girl* reported aground in Lough Foyle.
- On 16/07/2006 yacht *Nokomis* reported aground near Greencastle harbour.
- On 23/07/2006 person in water in River Foyle near Craigavon bridge. UK coastguard requested assistance.
- On 20/10/2006 report of a red flare off Greencastle.
- On 10/08/2006 report of canoe capsized, three persons in water near Greencastle.
- On 16/08/2006 fishing vessel *Eliz Christine* reported engine failure requiring tow off Moville.
- On 22/08/2006 report of a red flare off Magilligan point.
- On 08/09/2006 the fishing vessel *Eliz Christine*, broken down requiring a tow.
- On 05/10/2006 an overturned canoe reported floating off shore.
- On 20/10/2006 report of a red flare off pier Greencastle.
- On 18/01/2007 the fishing vessel *Giolla Na Mara* EPIRB detected.
- On 18/05/2007 the yacht *Aquila* reported aground off Moville.
- On 26/05/2007 *Bay Cruiser* reported broken down off Magilligan point requiring a tow.
- On 01/08/2007 a report of a boat, details unknown, broken down at mouth of Lough Foyle requiring a tow.
- On 25/07/2007 the dinghy *Laura* reported semi submerged off Whitecastle.
- On 02/08/2007 report of three flares in Lough Foyle.
- On 24/08/2007 report of a small punt in the approaches to Lough Foyle.
- On 26/09/2007 report of a sick person on boat in Lough Foyle.

I pay tribute to all the women and men who have worked for and with our marine emergency services on call 24 hours a day. It is truly no mean commitment to give of their time and be brave and selfless enough to carry out sea and coastal rescues.

### **Job Creation.**

**Deputy Charlie O'Connor:** I thank the Ceann Comhairle for allowing me to raise this issue for the second time in a month. Although I am probably not allowed to talk about the Ceann Comhairle, he has shown a great interest in and support for Tallaght over the years, particularly in his previous portfolio.

**Deputy Dan Neville:** So has the Deputy.

**Deputy Charlie O'Connor:** I am happy to put on record the fact that the Ceann Comhairle is spoken of in glowing terms concerning the Shamrock Rovers stadium.

A month ago I spoke in the House about job losses in Jacob's where 230 permanent jobs and 130 seasonal jobs will be phased out over the next year. I took the view then that it was a big blow for Tallaght. Over recent days we heard another bad announcement, this time from Microprint, another good company in Tallaght, which is ceasing production at that facility. Microprint is the computer manual and magazine printing company which, among other publications, produces the *RTE Guide*. I thought everybody read the *RTE Guide* but it is a blow and I do not want to be flippant about it.

Tallaght is the third largest centre of population in the country and, as I have said on many occasions, it cannot afford to lose jobs. We must focus on creating jobs there. As I said with regard to Jacob's a month ago, our first priority is to express our solidarity with the workers in Microprint. Some 130 families will be affected by the job losses there. We hope the company will be generous and not only provide a high level of redundancy payments but also take account of its employees' future needs. I appeal to the company to do precisely that.

I acknowledge the interest of the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Billy Kelleher, who addressed this issue for me a month ago. He is present in the House again now. He certainly has been supportive concerning the issues I have raised. Apart from the need for Jacob's and Microprint to look after their workers, these job losses, which total almost 500, highlight the fact for the Government and State agencies that Tallaght has the same job creation needs as everywhere else. Deputies from Limerick, Kerry, Cork and elsewhere will make the same point about their communities. I believe, however, that I can make a very strong case for Tallaght which is a huge population centre with at least 25,000 school students. If we start haemorrhaging jobs it will put us under even more pressure.

The Tallaght that I moved to almost 40 years ago is a different place today, thank God. Since the Square opened on 23 October 1990, there has been major job creation with significant progress in the town. Tallaght is now a city in all but name. It is a great place. One can drive there on great roads or go on the Luas. One can visit the hospital, the civic centre, the theatre, the Square and the National Basketball Arena, where I was this morning. It is a vibrant and positive place but we are concerned about job losses and account must be taken of these blows to Tallaght.

I want to stress that Tallaght has major needs. While not wishing to compete with anyone else around the country, I expect the Minister to prioritise the job creation requirements of Tallaght which needs special attention. I hope that not only will we see job creation initiatives for Tallaght in the coming months but also help for companies that are in difficulty. I appeal to the Minister of State not only to deliver his reply but also to stress to his senior Minister tomorrow the concerns I have raised in this regard. I thank the Ceann Comhairle for his courtesy in allowing me to raise this matter on the Adjournment.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I thank Deputy O'Connor for raising this matter. I was disappointed to hear about



the further job losses announced last Monday at a company in Tallaght, coupled with the previous announcement of job losses at Jacob's. It is obviously disturbing news for the community. I commend the Deputy on continually highlighting the need for job creation in the Tallaght area generally.

While I am conscious of the effect that job losses have on the workers involved, their families and the local community, I assure the House that State agencies will make every effort they can to develop new employment opportunities for Tallaght. The role of FÁS, the industrial training agency, is especially important in assisting those who lose their jobs. The agency has written already to the company that announced the job losses last Monday advising of the services available to the company and its workforce. The agency is prepared to offer its full range of services to any employees who lose their jobs and wish to avail of its services.

When such job losses are announced, the State development agencies — Enterprise Ireland, IDA Ireland, FÁS, the South Dublin County Enterprise Board and the South Dublin County Development Board — adopt a co-ordinated approach in dealing with the situation and in making the workforce aware of supports available to assist in finding new employment or to start their own businesses.

I am confident that the strategies and policies being pursued by the State development agencies will continue to drive investment, enterprise development and job creation in Tallaght. In terms of job creation, Enterprise Ireland's activity is focused on the creation of new jobs through supporting entrepreneurs in manufacturing and internationally traded service companies that are setting up high potential start-up companies. The agency also supports the provision of incubation space for new start-up companies and works toward enhancing the innovation capability in its client companies through the support of research both in companies and in third level institutions. In addition, the agency also focuses on the retention and creation of new jobs in existing companies.

Since the beginning of 2004, Enterprise Ireland has made payments of more than €8.7 million to companies in south County Dublin to enhance their capacity, capability and performance. Working in partnership with the local community, Enterprise Ireland has approved support for the development of community enterprise centres. These are located in Bawnogue, Neilstown, Whitestown, Main Road — Tallaght, Bolbrook, Avonbeg, Brookfield and Killinarden. The M50 enterprise platform programme is under way in Tallaght's institute of technology, in conjunction with Blanchardstown Institute of Technology and Dublin City University. This is a one-year rapid incubation programme designed for entrepreneurs who wish to start their own business. The agency also works closely with the Institute of Technology, Tallaght in encouraging the commercialisation of research and has approved financial support of more than €2.6 million to the institute for the development and management of a campus-based incubation centre.

At present, IDA Ireland's strategy is to progress the development of a knowledge economy so that we can compete internationally for foreign direct investment. The agency continues to work with its existing clients to develop their businesses further and provide world class property solutions with supporting infrastructure.

Tallaght and south-west Dublin is actively promoted and marketed by IDA Ireland to potential investors and is well equipped to compete with other areas for potential foreign direct investment. The attractions of the area include a third level institute and excellent infrastructural facilities at Citywest and Grangecastle. The further development of the business parks at Citywest and Grangecastle will ensure the area remains an attractive location for investment, particularly foreign direct investment.

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The announcement in November last that Microsoft Corporation had selected Grangecastle as the location for its new European data centre reflects Ireland's standing internationally as a global knowledge based economy. It also demonstrates the commitment of IDA Ireland to growing next generation businesses in south-west Dublin and is evidence of the suitability of the area for world class investments. In addition, the pharmaceutical company, Wyeth Biopharma, has established the world's largest biopharma campus facility in Grangecastle, currently employing more than 1,300 highly skilled people. Wyeth also recently announced its intention to invest an additional €24 million in the creation of dedicated research and design facilities at its Grangecastle campus. It is important that we continue to attract high-end knowledge based jobs, particularly in research and development.

I am confident that the strategies and policies being pursued by the State development agencies in Tallaght will continue to support enterprise development and provide employment opportunities in the area. I reiterate that the State agencies will continue to work closely with each other and with local interests to provide an integrated approach to increasing the flow of potential investors and promoting job creation in Tallaght. Deputy O'Connor outlined some of the fine facilities in Tallaght. I assure him we are conscious of the need to support this area of rapid population growth, with a high proportion of young people and a highly motivated community. I am confident that the supports we are providing and the investment potential that exists will ensure there are plenty of job opportunities for people in Tallaght. I commend Deputy O'Connor on continually highlighting the need not only for job creation but for investment in training, education and the upskilling of the workforce. All this will have a positive impact in the coming years.

### **Schools Building Projects.**

**Deputy Dan Neville:** I thank the Ceann Comhairle for allowing me to raise this issue. There is an urgent need for a new national school in Kilfinane. Various promises were made since 2001 and there is deep concern that the school was not included in the most recent announcement on schools building projects.

The Department of Education and Science commissioned a feasibility study for the school in 1999 which recommended that a new school be built on a greenfield site. The project has advanced to the tender and construction stage and planning permission was granted in 2007. The existing school still has outside toilets and these have always been a significant cause of concern to parents, guardians and school staff. The board of management and staff continually strive to put measures in place to ensure pupils' safety at all times. It is becoming increasingly difficult to guarantee that safety, particularly in the wake of a sinister event that occurred during the summer. This incident highlighted the vulnerability of pupils when they leave the school buildings to use the toilets and has struck fear in the hearts of parents, guardians and staff. Nothing will allay this fear other than the construction of a new school.

The inadequate conditions of the existing buildings have been well documented to the Department. The building was constructed as a church in the 19th century and remodelled as a school in 1887. The last major refurbishment was undertaken in 1909. The classrooms are cramped, with three measuring only 35 sq. m, and there is no room for sinks. The learning support and resource teacher and the secretary work in cubicles partitioned off the classrooms, which is totally unacceptable. There are no indoor physical education facilities and the high windowsills reduce visibility for teachers and pupils. There are continuous ventilation and heating problems despite the remedial measures taken to address this. The glass and timber partitions between class rooms lead to significant noise interference. The staff room serves also as a store room, principal's office, library and music room. There is cramped yard space and play

opportunities are severely restricted for pupils. The high degree of variation within the site results in dangerous drops. There are no parking facilities for staff or parents and no private spaces to make telephone calls, speak to parents privately and so on.

The deputy principal and a member of the board of management had a meeting with the Department in 2004 at which documentation on the proposed housing developments for Kilfinane were presented to officials. Many of these houses have subsequently been built and the first phase of 60 social and affordable houses is under way. The school will not be able to cater for the influx of children these houses will bring.

Despite inadequate working conditions, the staff of the school is totally committed to delivering the revised curriculum in its entirety to pupils. Subjects such as art, science, drama and music, which require modern conveniences and facilities, are not neglected. Physical education activities, however, are limited to outdoors. The constant strain of maintaining a high standard of teaching and learning in inadequate conditions while also being constantly vigilant about children's safety creates a stressful working environment for members of staff and takes its toll on their health.

In November 2007, the Department confirmed that the contractors for the project had been shortlisted. We were informed that the new regulations issued by the Tánaiste and Minister for Finance, Deputy Cowen, regarding bills of quantities will not be applied to the project because it was first advertised under the old criteria and it was the policy of the building unit to get approval for both tender and construction at the same time. The building project is ready for tender and construction and the board of management expected it to be included in the latest announcement. There was no mention of it, however, when the Minister for Education and Science ran around last month telling various Deputies which building projects in their constituencies had been approved.

Will there be a further announcement at Easter and will Kilfinane be included in it? It is a simple question and I hope the Minister of State will answer it.

**Deputy Billy Kelleher:** Deputy Neville knows I like to be the bearer of good news. I thank him for raising this matter and affording me the opportunity of outlining to the House the position in regard to the proposed building project for Kilfinane national school in County Limerick.

Under the lifetime of the national development plan, almost €4.5 billion will be invested in schools. This is an unprecedented level of capital investment which reflects the commitment of the Government to continue its programme of sustained investment in primary and post-primary schools. In the next several years, this investment will facilitate the provision of new schools and extensions in developing areas and the improvement of existing schools through the provision of replacement schools, extensions or large-scale refurbishments.

The Department of Education and Science intends to provide Kilfinane national school with a new six-classroom facility together with a general purpose room and ancillary accommodation on a greenfield site.

**Deputy Dan Neville:** When?

**Deputy Billy Kelleher:** The Department has advanced the project to the stage where it has gone out to tender.

**Deputy Dan Neville:** I know that.

**Deputy Billy Kelleher:** The Deputy will appreciate that the progression of all large-scale building projects from initial design through to construction stage is considered on an ongoing

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basis in the context of the national development plan and the Department's multi-annual school building and modernisation programme. Progress to construction on the proposed project for Kilfinane national school will likewise be considered in this context.

I assure the Deputy that the Minister is committed to providing a new school for Kilfinane national school and that this will be done as quickly as possible.

**Deputy Dan Neville:** Will it be announced at Easter? It was promised last year.

**Deputy Billy Kelleher:** In the context of the overall investment envelope for schools building projects, the Department is committed to providing modern facilities for the pupils of Kilfinane national school.

The Dáil adjourned at 9.40 p.m. until 10.30 a.m. on Thursday, 6 March 2008.

## Written Answers.

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

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*Questions Nos. 1 to 15, inclusive, answered orally.*

*Questions Nos. 16 to 77, inclusive, resubmitted.*

*Questions Nos. 78 to 87, inclusive answered orally.*

### **Departmental Bodies.**

88. **Deputy David Stanton** asked the Minister for Health and Children the budget that has been made available to the Office for Disability and Mental Health in 2008; the number of staff employed in the office; and if she will make a statement on the matter. [9279/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Office for Disability and Mental Health was established by the Taoiseach at the end of January 2008. The Office supports me as the Minister for Disability and Mental Health in exercising my responsibilities in four Government Departments, namely the Departments of Health & Children; Justice, Equality & Law Reform; Education & Science and Enterprise, Trade & Employment.

The new Office brings together responsibility for a range of different policy areas and State services which directly impact on the lives of people with a disability and people with mental health issues. The Office will bring about improvements in the manner in which services respond to the needs of people with disabilities and mental health issues, by continuing the work to develop person-centred services, focusing on the holistic needs of people with a disability and actively involving them in their own care.

The budget for the Office is encompassed in the Vote of the Department of Health and Children. A Director has been appointed to the Office from within the Department's staff complement and 34 whole-time equivalent staff, drawn mainly from the Disability and Mental Health Units of the Department, now form the core of the new Office. Senior managers from each of the three other Departments concerned also have a reporting relationship with the Director of the Office.



### Departmental Reports.

89. **Deputy Dinny McGinley** asked the Minister for Health and Children the reason the publication of the Health Information and Quality Authority report on the misdiagnosis of a person (details supplied) has been delayed again; when this report will be completed and published; and if she will make a statement on the matter. [9401/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Information and Quality Authority (HIQA) is an independent authority and the management of the investigation referred to by the Deputy is a matter for HIQA.

The investigation commenced in June 2007. I understand that HIQA had hoped to publish its report in December but publication had to be deferred to enable further work to be undertaken.

I am advised that the draft report is currently going through the necessary legal verification process which includes consulting those referred to in the report. Once this has been completed and the report has been approved by the HIQA Board, it will be published. I am naturally keen that the report be completed and published as soon as possible.

### Hospital Services.

90. **Deputy Arthur Morgan** asked the Minister for Health and Children the discussions she has had with the Health Service Executive in relation to its plans for cuts in hospital services in the north east region; and if she will make a statement on the matter. [9286/08]

**Minister for Health and Children (Deputy Mary Harney):** The overriding aim of the North East Transformation Programme is to improve safety and achieve better standards of care for patients in that region.

I fully support this objective and I have had many discussions with the HSE about the importance of progressing implementation of this change programme.

The HSE also has an obligation to deliver services within its approved funding allocation each year. Discussions about budget allocations and associated service activity levels have been ongoing in recent weeks throughout the different regions of the HSE. This is an entirely normal and necessary part of the HSE's service planning and financial management process.

The need to get better value — in terms of effective services for patients — from the substantial core resources provided to the health services was one of the key objectives underpinning the health reform programme. We can not continue to simply provide “more of the same”. The progressive reconfiguration of services in the North East within available resources in a way which demonstrably delivers safer and more effective services for people in that region will continue to have my full support.

91. **Deputy Jim O’Keeffe** asked the Minister for Health and Children when the strategic Review of Neurology and Clinical Neurophysiology will be published; and if she will make a statement on the matter. [9417/08]

103. **Deputy Jack Wall** asked the Minister for Health and Children when the Strategic Review of Neurology and Clinical Neurophysiology Services will be published; if it included recommendations for a national rehabilitation strategy and the development of stroke services; and if she will make a statement on the matter. [9324/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 91 and 103 together.

A Strategic Review of Neurology services in Ireland has been undertaken by the Health Service Executive. The Review was overseen by a multidisciplinary Steering Group whose aim was to identify the current level of service provision and future requirements for neurology and neurophysiology services in Ireland. The specific objectives were to:

1. Describe the epidemiology of neurological conditions in Ireland.
2. Evaluate current neurology services, including paediatrics and neurophysiology.
3. Review the evidence in relation to models of service delivery and make a recommendation on the preferred model for the Irish health system.
4. Identify requirements for the development of neurology and neurophysiology services nationally and prioritise service requirements.
5. Report to the Director of the National Hospitals Office.

The HSE has advised my Department that work on the review has recently been completed and that the final draft report has been submitted to the Director of the National Hospitals Office for consideration.

### **Infectious Diseases.**

92. **Deputy Phil Hogan** asked the Minister for Health and Children if, with regard to the Health Protection Surveillance Centre quarterly publication of infection rates in hospitals, these reports will only count the number of MRSA bloodstream infections, or if they will include MRSA wound infections, lung infections, bone infections and other hospital acquired infections such as C difficile; and if she will make a statement on the matter. [9392/08]

**Minister for Health and Children (Deputy Mary Harney):** I would like to assure the Deputy that tackling all Healthcare Associated Infections (HCAIs), including MRSA and C Difficile continues to be a priority for the Government and for the Health Service Executive (HSE).

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 (blood stream infections);
2. Antibiotic consumption;
3. Alcohol gel use;
4. MRSA surveillance in Intensive Care Units.

The data on MRSA surveillance in Intensive Care Units will cover all MRSA infections, including MRSA wound infections, lung infections and bone infections. The HSE intend to publish available data on the above for 2006 and 2007 in April this year and then quarterly thereafter. The data will be listed by individual hospital and in due course, where appropriate, by each Local Health Office. However, as the total data on surveillance in Intensive Care Units is new, the historical information for 2006 and 2007 will not include data under this heading.

In relation to Clostridium difficile (C difficile), my Department, in conjunction with the HSE, is actively considering the addition of a small number of diseases, including C 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 C difficile be included as an organism which is notifiable under the category “acute infectious gastroenteritis”. This will in effect make C

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difficile notifiable in the short term and on that basis I will be asking the HSE now to also provide data on C difficile on a quarterly basis as soon as possible.

### **Departmental Advertising.**

93. **Deputy Ulick Burke** asked the Minister for Health and Children her views on the reported Health Service Executive intention to boycott advertising on a radio station (detail supplied) due to the fact that the station is fulfilling its public service remit by raising health service issues of concern to its listeners and the public at large; her views on whether this is an abuse of public moneys in a democracy, tantamount to censorship; and if she will make a statement on the matter. [9350/08]

166. **Deputy James Reilly** asked the Minister for Health and Children her views on the reported Health Service Executive intention to boycott advertising (details supplied) purely because the station is fulfilling its public service remit by raising health service issues of concern to its listeners and the public at large; her views on whether this is an abuse of public moneys in a democracy, tantamount to censorship; and if she will make a statement on the matter. [9777/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 93 and 166 together.

Decisions taken by the HSE in relation to its communications strategy are matters for the Health Service Executive itself.

However, the issue raised by the Deputy is a matter which should be of much wider concern. The issue is one of standards in broadcasting and specifically whether it is acceptable practice for any individual to be phoned live on air and have their conversation broadcast without their consent.

The health services have always been the subject of a great deal of scrutiny and comment by the media and this is as it should be. However, in the past number of weeks, in a new departure for Irish broadcasting, it has been the policy of one radio station to telephone officials in my Department, the HSE and other Government Departments and broadcast officials live on air without prior warning or the consent of the individuals involved. I am aware that the Government Press Secretary met with management of the station involved and asked them to stop this practice, which staff feel amounts to intimidation. The radio station would not give any assurances that it intended to change its policy. I do not regard this practice as acceptable and it is now the subject of a number of complaints by officials of my Department and other Government Departments to the Broadcasting Complaints Commission. Complaints have also been made in the matter to the Broadcasting Commission of Ireland.

### **Departmental Reports.**

94. **Deputy Richard Bruton** asked the Minister for Health and Children the reason for the delay in the publication of two reports (details supplied) on the Portlaoise cancer situation which have been passed to her by the Health Service Executive; the reason these reports have not been published; and if she will make a statement on the matter. [9347/08]

**Minister for Health and Children (Deputy Mary Harney):** I refer the Deputy to the response which I gave this afternoon to Priority Parliamentary Question No. 2.

### Homeless Persons.

95. **Deputy Simon Coveney** asked the Minister for Health and Children the reason funding for the development of homeless services has not been provided in 2008; and if she will make a statement on the matter. [9362/08]

147. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if she will insist that funding is provided to develop new services for homeless people in 2008 in accordance with Government policy and the fact that people are forced to sleep in the streets due to a shortage of beds; and if she will make a statement on the matter. [9289/08]

165. **Deputy James Reilly** asked the Minister for Health and Children the reason funding for the development of homeless services has not been provided in 2008; and if she will make a statement on the matter. [9776/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 95, 147 and 165 together.

The provision of accommodation to homeless adults is the responsibility of the Department of the Environment, Heritage and Local Government and the individual local authorities. The provision of health services to homeless adults is the responsibility of the HSE. From the publication in 2000 of Homelessness — An Integrated Strategy up to 2007, total funding channelled through local authorities for the provision of accommodation and related services to homeless adults has amounted to some €366m. In the same period expenditure channelled through the HSE for services to homeless adults has amounted to some €171m.

In 2008 the HSE is due to spend €33m on the provision of adult homeless services including grants to the non-governmental/voluntary sector. The Department of the Environment, Heritage & Local Government and local authorities will make available over €53m towards the provision of accommodation for homeless adults.

A new Integrated Homelessness Strategy is being finalised by the Department of the Environment, Heritage and Local Government, with input from my Department and the HSE. Its core objective is the elimination of the long term occupancy of emergency homeless accommodation and the need to sleep rough in Ireland by the end of 2010. This builds upon the commitment made in Towards 2016 regarding emergency accommodation. The intention is to minimise the risk of homelessness occurring through effective preventative policies and services and where homelessness occurs to ensure it is of a short duration and that appropriate housing and other supports are facilitated.

### Health Services.

96. **Deputy Joanna Tuffy** asked the Minister for Health and Children if new budgets have been put in place for home care packages in all Health Service Executive areas; the number of such packages that are estimated to be put in place in 2008; and if she will make a statement on the matter. [9319/08]

**Minister for Health and Children (Deputy Mary Harney):** Government policy in relation to older people is to support people to live in dignity and independence in their own homes and communities for as long as possible. Where this is not feasible, the health service supports access to quality long-term residential care where this is appropriate. This policy approach is renewed and developed in the latest partnership agreement “Towards 2016”.

The Government’s objective of continued development of community-based services for older persons is reflected in the funding given to the system in recent times. In Budgets 2006

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and 2007, over €400 million was provided to enhance service developments across the sector, of which €110m was for Home Care Packages over these two years.

Arising from Budget 2008, a full year package of €22m was allocated for a range of new community based services for older people. This included a further €10m to expand the Home Care Package initiative. This will result in a total of just over 4,700 packages being available this year, benefiting an estimated 11,500 people.

### **Hospital Services.**

97. **Deputy Joe McHugh** asked the Minister for Health and Children if she has had further negotiations with the Northern Health Minister in relation to bringing a radiotherapy centre to the north-west; and if she will make a statement on the matter. [8906/08]

**Minister for Health and Children (Deputy Mary Harney):** The Government decided in July 2005 that the best option for improving geographic access for patients in the North West to radiation oncology services is to (i) facilitate access to Belfast City Hospital and (ii) progress consideration of a joint venture for the provision of oncology services in the medium term to patients in the North West from a satellite centre in the North West linked to Belfast City Hospital.

I met with Minister Michael McGimpsey of the Department of Health, Social Services and Public Safety, Northern Ireland on 28 November last. We discussed the potential for further cross-border collaboration in relation to cancer care, and specifically, provision of a satellite centre for radiation oncology in the North West, linked to Belfast City Hospital. We agreed that this issue would be progressed by both of our Departments in the context of our ongoing assessment of the feasibility of greater cross-border co-operation in health and social care.

Cancer patients in the North West requiring radiation oncology treatment are referred to either St. Luke's Hospital Dublin or to University College Hospital Galway. A Service Level Agreement has also been in place since last year between the Health Service Executive, Belfast City Hospital Trust and Altnagelvin Area Hospital for the referral of radiation oncology patients from Donegal to Belfast City Hospital.

### **Pharmacy Services.**

98. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she will direct the Health Service Executive to engage in meaningful dialogue with pharmacist representatives with a view to ensuring the uninterrupted and ongoing availability of the quality and scale of services heretofore available to the public throughout the country; and if she will make a statement on the matter. [9233/08]

123. **Deputy Martin Ferris** asked the Minister for Health and Children if she will report on her role in the critical impasse regarding community pharmacy; and if she will make a statement on the matter. [9288/08]

195. **Deputy Charlie O'Connor** asked the Minister for Health and Children the action she has taken to assure the public in respect of the ongoing dealings between the Health Service Executive and Irish Pharmaceutical Union; if her attention has been drawn to the concern of communities in respect of their local pharmacies; and if she will make a statement on the matter. [9485/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 98, 123 and 195 together.



The Government is firm in its view that the wholesale mark-up paid on the price of drugs should be reduced to a level that is fair to both taxpayers and wholesalers. The existing mark-up in the range of 15% to 17.6% is neither reasonable nor sustainable. The Government also supports the HSE's decision to pay an 8% mark-up from 1 March, and 7% from 1 January 2009.

However, I am concerned, in particular, to support pharmacies which have a high proportion of medical card patients, where a dispensing fee of €3.27 applies for most transactions. Many of these pharmacies are in rural or inner city areas and provide an important social and health service.

With my support, the HSE has indicated it is prepared to offer a higher fee, of no less than €5 per item dispensed, to community pharmacists, on the basis of an interim contract which would be essentially the same as the existing contract. This contract is being offered on a voluntary basis and community pharmacists can opt to remain on their existing contract if they so wish.

I met with the Irish Pharmaceutical Union recently and heard their point that there should be an independent assessment of the fees offered. I have now established an Independent Body to begin work immediately to assess an interim, fair community pharmacy dispensing fee of at least €5 to be paid for the medical card scheme, the DPS and other community drug schemes.

This Body is being chaired by Seán Dorgan, former Head of IDA Ireland. It has been asked to make its recommendations by the end of May 2008. Its recommended fee level, subject to Government approval, will be backdated to 1 March 2008.

The Independent Body held its first meeting on 25th February 2008 and has invited submissions. Both the HSE as the contracting body and the IPU as the representative organisation for community pharmacists, along with other stakeholders, will be entitled to make submissions to the Independent Body, on issues of concern to them. The Independent Body will also be entitled to engage whatever outside expertise it requires to assist it with its task.

The HSE has put a comprehensive contingency plan in place at local level in the event of the withdrawal of service by community pharmacists, including information notices in newspapers and an information helpline, open from 8am to 8pm Monday to Friday. In response to a written request to all 1600 community pharmacy contractors from the HSE, to date one community pharmacy has confirmed its intention to withdraw services under the present pharmacy contract. A second pharmacy has signalled an intention to withdraw services, but this remains unconfirmed. There are no changes planned to the operation of the GMS and community drugs schemes and all patients continue to receive their entitlements in the usual way.

### **Health Services.**

99. **Deputy Ruairí Quinn** asked the Minister for Health and Children if she plans to make new policy proposals for dental services following her visit to the US; and if she will make a statement on the matter. [9309/08]

**Minister for Health and Children (Deputy Mary Harney):** The purpose of my recent official visit to the United States was to visit a number of health care facilities with a view to seeing, at first hand, how services are planned, organised and delivered. These included the Mayo Clinic, Phoenix, Arizona, the Arizona School of Dentistry and Oral Health, MD Anderson Cancer Centre, Houston, Texas and the Veterans Administration (V.A.) Medical Centre in Washington DC.

The facilities visited are internationally recognised centres of excellence with proven track records for innovation and results. These meetings will be of particular benefit to me and my

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officials in a number of policy areas including the preparation of the National Oral Health Policy, which I plan to publish this year.

In developing the National Oral Health Policy, it is intended to examine some of the following areas:

- A revised regulatory regime for the dental sector in Ireland culminating in a new Dentists Act.
- The integration of oral health in the wider health care delivery system to include enhanced synergies with health promotion, children's health, primary care partnerships, disability services, long stay care and services for older people.
- Competition issues as raised by the Competition Authority in its report/s on the dental profession in Ireland.
- Manpower planning, specialization and skills-mix including the recognition and future expansion of role of auxiliary dental professions and the identification of appropriate training needs.
- Examining the possibility of stream-lining the existing State-funded dental schemes.
- Service delivery issues such as orthodontic services, and special needs dentistry.

My discussions with the Arizona School of Dentistry and Oral Health will be of particular relevance in the context of manpower planning.

### **Food Safety.**

100. **Deputy Seán Sherlock** asked the Minister for Health and Children if her attention has been drawn to the hazard analysis and critical control points legislation emanating from the EU Commission; if she has liaised with food industry representatives here; if her attention has further been drawn to their concerns; when this updated legislation will be transposed into Irish law; and if she will make a statement on the matter. [7109/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** I believe that the Deputy is referring to the proposal to amend Regulation (EC) No. 852/2004 of the European Parliament and the Council on the hygiene of foodstuffs. This Regulation was introduced in January 2006 and its main aim is to ensure a high level of protection for the food consumer. The Regulation requires, inter alia, that food business operators put in place, implement and maintain a permanent procedure based on Hazard Analysis and Critical Control Point (HACCP) principles. This involves analyzing all potential hazards, identifying critical control points, establishing a critical limit for each point together with the monitoring, correcting, verifying and maintenance of records.

The current Regulation allows for flexibility in relation to compliance with the HACCP requirement by permitting low-risk operators to control food safety without the need to develop a full HACCP-based system. Additionally, the Regulation allows businesses to follow recognised guides to good practice where typical hazards and controls have been identified.

As part of its 2006 Strategic Review of Better Regulation in the European Union the Commission proposed to exempt “micro enterprises” from the requirement to put in place, implement and maintain a permanent procedure or procedures based on the hazard analysis and critical control points (“HACCP”) principles. “Micro-enterprises” were defined in the

proposal as having less than ten employees and an annual turnover or annual balance sheet total that does not exceed €2 million.

Ireland, together with most other Member States, opposed the proposed changes on the grounds that the system proposed would not be risk-based and that the existing flexibility arrangements were sufficient. Also, it was pointed out that many Irish retail and food service establishments would fall into the “micro-enterprise” category.

The Presidency proposed a range of amendments, none of which was acceptable to the majority of Member States. Finally, at a meeting of Attaches on 29th October 2007, the proposal was rejected. An amended version of this proposal was, however, adopted by the EnvironmentNVI Committee of the European Parliament in January of this year. However, Ireland retains its concerns, as outlined above, to this proposal.

### **Services for People with Disabilities.**

101. **Deputy Damien English** asked the Minister for Health and Children the measures she will take to address the queue for assessment and diagnosis of children suspected of having autism which stands at up to two years, noting that this loss of time for early intervention in such cases where a positive diagnosis for autism is critical as the first three years of a child’s life presents the best chance of a positive outcome of such children; and if she will make a statement on the matter. [9377/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** I refer the Deputy to the response which I gave this afternoon to Priority Parliamentary Question No. 1.

In addition, waiting lists for health services 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.

### **Organ Donation.**

102. **Deputy Róisín Shortall** asked the Minister for Health and Children her views on an opt out system of organ donation in order to increase the number of organs available to those who need transplants; and if she will make a statement on the matter. [9317/08]

**Minister for Health and Children (Deputy Mary Harney):** Two systems that can be used to ascertain an individual’s wishes on organ donation are the opt-in system and the opt-out system. The former system (which operates in this country) requires the specific consent of the donor or, where he or she is deceased, their relatives, before organs or tissues are removed. The opt-out system presumes that all deceased persons consent to donation unless they have specifically expressed a wish to the contrary. My Department is advised that even where opt-out/presumed consent systems are in operation the relatives of the deceased may be approached as part of the donor screening process to seek a medical history of any high-risk behaviour. In these circumstances the relatives can register an objection to the donation.

The practice in this country is that, even when a deceased person had indicated his or her willingness to donate organs, the consent of the next-of-kin is always sought. There are differing views as to the appropriateness and effectiveness of a change to the existing arrangements covering the question of consent.

My Department is formulating proposals on human tissue legislation to meet the key recommendation of the Madden Report on Post Mortem Practice and Procedures. The scope of the

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Bill will cover the removal, retention, storage, use and disposal of human tissue from deceased persons, and related matters.

A Consultative Forum on the development of the legislative proposals was held in June 2007 followed by a public invitation for written submissions. One of the matters that has been raised in this context is the issue of consent for the donation of tissue and organs for transplantation. Discussions are ongoing with the major stakeholders on issues identified from the submissions. It is expected that proposals will be submitted to Government this Spring seeking approval to draft Heads of a Bill.

*Question No. 103 answered with Question No. 91.*

### **Proposed Legislation.**

104. **Deputy P. J. Sheehan** asked the Minister for Health and Children when the Nursing Home Support Scheme Bill will be published; the reason the Fair Deal for nursing home care was not introduced as planned on 1 January 2008; and if she will make a statement on the matter. [9430/08]

**Minister of State at the Department of Health and Children (Deputy Máire Hochtör):** The Fair Deal scheme could not be introduced on 1 January 2008 because the legislation to underpin the scheme was not in place. The Bill providing for the scheme is being finalised by the Office of the Attorney General at present. It is intended to publish the Bill as soon as possible following Government approval.

The subsequent presentation and passage of the legislation through the Houses of the Oireachtas will be a matter of priority for me and my colleague, the Minister of Health and Children, Mary Harney, T.D.

### **Hospital Staff.**

105. **Deputy Joanna Tuffy** asked the Minister for Health and Children the action she will take to address the shortage of cardiac technicians which has resulted in unfilled posts and delays for patients; her views on the concern of patients and staff at waiting times such as a six to eight month wait for a routine outpatient echocardiogram at Beaumont Hospital; and if she will make a statement on the matter. [9320/08]

**Minister for Health and Children (Deputy Mary Harney):** Over 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 healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the 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.

### Health Services.

106. **Deputy Michael Ring** asked the Minister for Health and Children the steps she is taking to expand detoxification facilities for drug-addicted people within both public and private healthcare in view of the fact that there are only 23 hospital detoxification beds available here; and if she will make a statement on the matter. [5522/08]

**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.

### Irish Blood Transfusion Service.

107. **Deputy Michael D. Higgins** asked the Minister for Health and Children if she has received a report from the Irish Blood Transfusion Service on the reason it allowed data on donors to be sent out of Ireland without the permission of those donors; and if she will make a statement on the matter. [9298/08]

141. **Deputy Ciarán Lynch** asked the Minister for Health and Children the information she has on the number of donors whose data was sent to the US and subsequently stolen; the part of Ireland these donors were from; and if she will make a statement on the matter. [9299/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 107 and 141 together.

My officials have been in regular contact with the Irish Blood Transfusion Service (IBTS) on this matter and I have been briefed accordingly. The IBTS entered into an Agreement with the New York Blood Centre Inc (NYBC) for the provision of a data query tool on 23 October 2007. The purpose of the data warehousing and reporting tool is to improve the existing IBTS blood banking system computer system, Progesa in order to provide a better service to its donors and clients. Under the terms of that agreement, the IBTS exported data on CD from its Progesa system. The data was encrypted using a 256 bit key encryption, prior to export on a CD.

The IBTS is very conscious of its obligations under the Data Protection Acts to take appropriate security measures against unauthorised access to, or unauthorised alteration, disclosure or destruction of data. In this instance, the IBTS is confident that it has complied with these obligations by virtue of the robust security measures which have been taken by the IBTS and NYBC and consider that the risk of any person being in a position to bypass password controls and decrypt the data is extremely remote. The IBTS informed the Data Protection Commissioner as quickly as possible of the details of the case and the Commissioner has been in regular contact with the IBTS on the matter. The Commissioner has noted publicly that the IBTS had a legitimate reason to send the data out of the country, that it had taken its responsibilities to donors and clients seriously and that the information had been securely encrypted.

The Data Protection Acts specifically exclude disclosure to employees or agents. It was agreed between the parties that the NYBC would act as an agent of the IBTS for the purposes of the agreement. Therefore as an agent of the IBTS, the disclosure of personal data to the NYBC does not constitute disclosure within the meaning of the Acts. At no time were these records ever unencrypted and the IBTS will continue to take every measure to protect the personal records of donors.



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The IBTS has contacted all 171,324 donors affected directly to assure them that the data was protected by state of the art encryption. They have provided an information line to donors who were concerned about the data loss and since this matter became public, the IBTS has dealt with over 3,000 calls as well as many letters and emails from concerned donors. These donors were from all over the country.

### **Mental Health Services.**

108. **Deputy Liz McManus** asked the Minister for Health and Children the measures in place to ensure that money specifically allocated to implement A Vision for Change since 2006 is spent for that purpose; and if she will make a statement on the matter. [9303/08]

128. **Deputy Liz McManus** asked the Minister for Health and Children if she will insist that funding promised over a five year period to implement A Vision for Change is allocated and spent for that purpose; and if she will make a statement on the matter. [9304/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** I propose to take Questions Nos. 108 and 128 together.

The estimated additional cost of the implementation of 'A Vision for Change' is €150m over 7-10 years. A total of €51.2 million has been allocated since 2006 which represents over a third of the overall requirement.

There are substantial resources already invested in mental health. In 2007, it is estimated that €1 billion was spent on these services. In addition to the extra funding required, existing resources need to be remodelled and reallocated. Indeed, implementation of 'A Vision for Change' is dependent to a much greater extent on the remodelling of existing resources than on new funding. Both aspects, the additional investment and the reorganisation of existing mental health services and resources, must be managed in parallel. In view of the significant additional investment in 2006 and 2007, it is appropriate, in 2008, to pause and review the situation to ensure consolidation of the investment to date. The Minister for Health and Children, Mary Harney has made it clear to the Health Service Executive in the context of their Service Plan for 2008 that there can be no question of diverting capital or development funds to meet expenditure pressures arising in relation to core services. I will be meeting with the HSE shortly to pursue this issue.

### **Health Services.**

109. **Deputy Kathleen Lynch** asked the Minister for Health and Children the action she will take to address the early diagnosis and treatment of type two diabetes having opened a conference on the issue on 22 February 2008 and in the context of the rapid growth of the incidence of this disease; and if she will make a statement on the matter. [9301/08]

125. **Deputy Ciarán Lynch** asked the Minister for Health and Children if deficiencies identified in a report (detail supplied) on services for children with diabetes will be addressed, particularly the shortage of diabetes nurse specialists and the difficulties arising when patients are transferring from the paediatric to the adult service; and if she will make a statement on the matter. [9300/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** I propose to take Questions Nos. 109 and 125 together.

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.

### **Eating Disorders.**

110. **Deputy Róisín Shortall** asked the Minister for Health and Children when there will be an increase in dedicated in-patient beds for people with eating disorders; and if she will make a statement on the matter. [9315/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The Report of the Expert Group on Mental Health Policy, entitled "A Vision for Change", which was launched in January 2006, provides a framework for action to develop a modern, high quality mental health service over a 7 to 10 year period. "A Vision for Change" acknowledges gaps in the current provision of services for people with eating disorders and makes several recommendations for the further improvement of these services.

€750,000 was allocated in 2007 for the development of designated eating disorder services. This includes €500,000 to enhance the service in the Elm Mount Unit at St. Vincent's Hospital, Dublin. The balance of €250,000 was allocated to HSE South to commence the development of an eating disorder service.

St Vincent's Hospital provides a referral service for public patients with eating disorders and has three dedicated national public beds for the assessment of such patients. Some HSE areas have placed public patients with eating disorders in St Patrick's Hospital and St John of God's private facilities when required. In a limited number of cases, consultants make referrals to other specialised eating disorder private services in Dublin or the UK.

### **Hospitals Building Programme.**

111. **Deputy Brian O'Shea** asked the Minister for Health and Children the assessment that has been carried out on the staffing implications of co-located private hospitals, including consultants and other health professionals; her views on whether this will increase the difficulties encountered in recruiting staff for certain posts in the public health system; and if she will make a statement on the matter. [9305/08]

151. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the details of the deals signed for co-located private hospitals on the grounds of public hospitals, including future commitments on the use of these facilities beyond the lifespan of the current Government; and if she will make a statement on the matter. [9290/08]

222. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the person, persons, groups, bodies or agencies from who she or the Health Service Executive sought or received advice in the matter of co-location; if such individuals, groups, bodies or agencies are expected to become future beneficiaries of this decision; and if she will make a statement on the matter. [9752/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 111, 151 and 222 together.

The Government's co-location initiative aims to make available approximately 1,000 public acute hospital beds for public patients by transferring private activity, with some limited exceptions from public acute hospitals to co-located private hospitals. The co-location initiative is

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designed not only to increase public acute bed capacity into the future but is considered to be the fastest way of doing this. A very important benefit of the initiative is that the beds made available for public patients in public hospitals under the initiative will come fully staffed (in contrast to the position which usually obtains where direct capital investment is used to fund public hospital capital developments). The Health Service Executive has informed my Department that it has received detailed staffing plans for the co-located projects and that it will be the responsibility of the private partner concerned to ensure adequate staffing at the co-located private hospital.

In accordance with the competitive dialogue procurement process which is being used, the Board of the HSE, approved, in July last, successful bidder status for the development of co-located hospitals at the following six hospitals sites:

- Waterford Regional Hospital
- Cork University Hospital
- Limerick Regional Hospital
- Sligo Regional Hospital
- Beaumont Hospital
- St. James's Hospital.

Since then the hospitals and the bidders have been working towards finalising the Project Agreements. It is expected that the Project Agreements for Beaumont, Cork and Limerick Hospitals will be signed very soon. It is also anticipated that the signing of the Project Agreements for the other three sites will be signed in the near future.

Connolly Hospital and Tallaght Hospital, which are also participating in the co-location initiative, are at an earlier stage of the procurement process. A tender in relation to Connolly Hospital is under consideration and it is expected that the invitation to tender (ITT) for Tallaght Hospital will shortly.

It is expected that the co-located private hospitals will open within three years of receiving planning permission. My Department has been advised by the National Development Finance Agency and by the Chief State Solicitor's Office and the Office of the Attorney General on the financial assessment method employed by the Health Service Executive and on legal issues pertaining to the co-location initiative respectively since the Ministerial direction on co-location was issued to the Health Service Executive in July 2005. The issue of these agencies having beneficial ownership of co-located private hospitals does not arise. The Health Service Executive has informed my Department that it has been advised by A& L Goodbody Solicitors, Farrell, Grant Sparks and Teamwork on the co-location initiative. The Executive has stated that none of these firms has a beneficial interest in the ownership of any bidder. I should add that the invitation to tender used in the procurement process for the co-location initiative by the Health Service Executive requires bidders to identify any conflict of interest or any potential conflict of interest. The co-location Project Agreements also set out robust contractual arrangements in relation to conflicts of interest and change in beneficial ownership in order to ensure that the public interest is fully protected.

### **Respiratory Diseases.**

112. **Deputy Michael D. Higgins** asked the Minister for Health and Children if she will

develop a respiratory strategy to address the statistics in the report Ireland Needs Healthier Airways and Lungs — the Evidence published by the Irish Thoracic Society which shows that Ireland has the worst death rate in Europe from respiratory diseases; and if she will make a statement on the matter. [9297/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** The study, to which the Deputy refers, has made an important contribution to our understanding of respiratory disease and the burden it poses on individuals and the healthcare system. The report has identified the contribution that lung cancer, chronic obstructive pulmonary disease and asthma make to the overall burden of respiratory disease.

Lung cancer is the biggest cancer killer in Ireland with over 1,600 deaths in 2004 from cancer of the respiratory system. A number of measures have been put in place with respect to cancer control including the appointment of Professor Tom Keane as National Cancer Control Director to oversee the delivery of cancer services and this year an additional €35 million has been allocated for cancer control including €15 million to support the initial implementation of the cancer control programme and the National Plan for Radiation Oncology.

Tobacco control and reducing both the levels of smoking and the numbers of people taking up smoking continues to be a priority for my Department. The Smoke Free At Work legislation is acknowledged by the Irish Thoracic Society as a successful initiative in reducing the impact of tobacco.

The Irish Thoracic Society has also acknowledged and welcomed steps being taken to tackle respiratory disease including joint hospital/community initiatives such as chronic obstructive pulmonary disease outreach programmes, pulmonary rehabilitation initiatives and the National Tuberculosis Advisory Committee which is working on measures to control tuberculosis.

The initiatives above indicate that a range of measures are being taken to address issues raised by the Report. A national chronic obstructive pulmonary disease strategy is currently being developed by the HSE. The work of the strategy group is well advanced in providing a model of care which should reduce the impact of this condition for individuals, their carers and the health system.

#### **Departmental Reports.**

113. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if the report on breast cancer screening at Barringtons Hospital has been completed; the process and time-frame for its publication; and if she will make a statement on the matter. [9294/08]

**Minister for Health and Children (Deputy Mary Harney):** Following disclosures about the provision of breast cancer services at Barringtons Hospital and Medical Centre, it was agreed to commission an independent review of patients' files in the Hospital during the period 1 September, 2003 to 10 August, 2007.

The Chairperson of the review team is Dr. Henrietta Campbell, Chief Executive Officer of the All-Ireland Cancer Foundation and former Chief Medical Officer for Northern Ireland. Barringtons Hospital is co-operating in full with the process. Dr. Campbell expects to finalise a draft report shortly. Following the completion of the necessary legal formalities, the Report will be submitted to me and to Barringtons Hospital.

#### **Long-Term Illness Scheme.**

114. **Deputy Martin Ferris** asked the Minister for Health and Children if she will classify myasthenia gravis as a long-term illness; and if she will make a statement on the matter. [9287/08]

215. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she will order a review of the Health Service Executive guidelines for qualifying illnesses under the long-term illness scheme; her views on seeking the inclusion of myasthenia gravis in revised guidelines; and if she will make a statement on the matter. [9589/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 114 and 215 together.

Under the 1970 Health Act, the Health Service Executive may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition, through the Long Term Illness Scheme (LTI). The LTI does not cover GP fees or hospital co-payments. The conditions are: mental handicap, mental illness (for people under 16 only), phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia. There are currently no plans to extend the list of eligible conditions.

Products which are necessary for the management of the specified illness are available to LTI patients. Other products are available according to the patient's eligibility.

People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultations.

Non-medical card holders and people whose illness is not covered by the LTI can use the Drug Payment Scheme, which protects against excessive medicines costs. Under this scheme, no individual or family unit pays more than €90 per calendar month towards the cost of approved prescribed medicines. The scheme is easy to use and significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines.

In addition, non-reimbursed medical expenses above a set threshold may be offset against tax.

### **Hospital Services.**

115. **Deputy Denis Naughten** asked the Minister for Health and Children the plans to transfer services from Roscommon County Hospital; and if she will make a statement on the matter. [8952/08]

129. **Deputy Denis Naughten** asked the Minister for Health and Children when the report on the review of services at Roscommon County Hospital will be published; and if she will make a statement on the matter. [8953/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 115 and 129 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 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.



### **Organ Retention.**

116. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will publish the report of Dunne Inquiry into organ retention; and if she will make a statement on the matter. [9282/08]

136. **Deputy Kathleen Lynch** asked the Minister for Health and Children if she will publish the findings of the Dunne Inquiry, edited for legal reasons if necessary; and if she will make a statement on the matter. [9302/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 116 and 136 together.

When Ms Anne Dunne SC presented her report on post mortem practice to me in March 2005, I was advised by the Attorney General that it could not be published for legal and natural justice reasons. Some sections of the Executive Summary were released on 18 July 2006 in response to a request under the Freedom of Information (FOI) Acts from Parents for Justice. Parents for Justice appealed the decision to partially release the Executive Summary. Following internal review a redacted version of the Executive Summary was released on 14th February 2008.

In light of the legal advice available to me, however, I have no plans to publish the full report.

### **Mental Health Services.**

117. **Deputy Pat Rabbitte** asked the Minister for Health and Children if she will address serious deficits in the provision of forensic mental health services outside of the Dublin area; and if she will make a statement on the matter. [9311/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The provisions of the Criminal Law Insanity Act 2006 have made additional demands on the forensic mental health services particularly outside Dublin, however the situation is improving. An enhanced forensic mental health service is now being provided within the prison system. Increased funding has enabled the Central Mental Hospital (CMH) to provide consultant-led clinics in all prisons within reach of Dublin. The provision of this service, whereby mentally ill prisoners are assessed and/or treated within the prison system, reduces the need for admissions to the CMH. It is also worth noting that assessments for the Courts can be undertaken at the CMH Outpatient Clinic at Usher's Island. There may also be situations where it would be appropriate to divert those charged with minor offences from the criminal justice system to their local psychiatric service.

The newly established Office for Disability and Mental Health has a remit to deliver closer co-operation between the Health and Justice Sector in relation to people with mental health issues who come before the courts and it will be considering this matter in that context in the coming months.

### **Care of the Elderly.**

118. **Deputy Michael D'Arcy** asked the Minister for Health and Children when the Standards for Nursing Home Care recently approved by the board of the Health Information and Equality Authority will be published; when the standards will come into force; if the standards will be compulsory; and if she will make a statement on the matter. [9404/08]

**Minister of State at the Department of Health and Children (Deputy Máire Hackett):** The Standards that the Deputy is referring to were recently submitted by the Board of the Health

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Information and Quality Authority for the approval of the Minister for Health and Children, as required under section 10(2) of the Health Act, 2007. The Standards and the Regulations required to underpin them will be subject to a Regulatory Impact Assessment (RIA) before finalisation. The RIA process is expected to commence shortly and both the Standards and Regulations can be expected to be in place later this year. The approved Standards will be published. In the meantime, the Health Service Executive continues to carry out inspections of private nursing homes under the 1993 Care and Welfare Regulations.

I would like to take this opportunity to compliment the Working Group established by HIQA on the commitment, effort and time invested in drafting the Standards.

### **Clinical Indemnity Scheme.**

119. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if her attention has been drawn to the fact that indemnity insurance will be withdrawn from independent midwives on 31 March 2008; if she will ensure that this cover is provided by the State Claims Agency in order that domiciliary births can continue to be available to those who want and are suitable for them; and if she will make a statement on the matter. [9293/08]

212. **Deputy Joanna Tuffy** asked the Minister for Health and Children her views regarding the threat to the choice of home births posed by the withdrawal of indemnity insurance cover for self employed midwives; and if she will make a statement on the matter. [9574/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 119 and 212 together.

Independent or self employed midwives are not employees of the public health service. As the independent midwives are private operators who do not have service level agreements with the public health service it is not possible at present for them to come within the ambit of the Clinical Indemnity Scheme administered by the State Claims Agency. The Irish Nurses Organisation provides a certain level of insurance cover to independent midwives who are members of the organisation. The INO had indicated that they would not be providing insurance cover after 31st March, however, I understand that it has been in touch with its insurer about extending this cover until the end of September.

I support choice for women in childbirth. The option of domiciliary births must only be provided in a safe and secure manner. My officials are working with the HSE to put in place a robust clinical governance framework in order to ensure that the practice of independent midwives is brought into close working relationships with maternity services currently delivered by the HSE and the voluntary maternity hospitals. Subject to this being achieved it would then be the intention to bring the independent midwives within the scope of the Clinical Indemnity Scheme by means of an extension of the cover under the scheme to the HSE.

### **Health Services.**

120. **Deputy Mary Upton** asked the Minister for Health and Children when the personal health check promised in the Programme for Government will be rolled out. [9322/08]

**Minister for Health and Children (Deputy Mary Harney):** The Programme for Government contains a commitment to the development of a freely available and personalised national programme to provide for the prevention and early detection of illnesses for both men and women.

The Programme intends that guidelines should be developed for the Personal Health Check based on best available national and international evidence of what works well, with structured call and recall arrangements during a person's life and provision for appropriate clinical follow-up where required.

My Department is at present examining a range of issues which need to be addressed in order to decide how best to proceed in relation to this commitment, in the context of international best practice, our own national health policy and the many competing priorities for health service development. Among the issues to be considered for a Personal Health Check Programme are: Whether whole age cohorts of the population should be offered, or encouraged to have, a periodic health check or whether a more targeted approach is preferable; The appropriate clinical content of a personal check and the interval between checks, according to individuals' age, gender and relevant risk factors; The appropriate degree of State involvement in any programme and the organisational issues which would arise; Direct and indirect cost issues.

### **Healthy Eating Guidelines.**

121. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will undertake a review of the food pyramid which leading nutritionists have found to be in need of a major overhaul; and if she will make a statement on the matter. [7105/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** The Food Pyramid was introduced in Ireland by my Department, supported by the Irish Nutrition and Dietetic Institute, as a nutrition education tool and has since been the cornerstone in all national healthy eating and obesity campaigns. It is a graphic way of communicating balance of food choices for a healthy diet and allows flexibility of choice on each shelf. It is easily understood by all population groups, as demonstrated at annual focus testing from 1993-2005.

In the light of the rapid increase in overweight and obesity and its potential to escalate other health problems, in June 2006, my Department asked the Food Safety Authority of Ireland (FSAI) to review the Healthy Eating Guidelines and, as part of this process, to update the Food Pyramid. A Working Group has been established by the FSAI and is expected to report to my Department with recommendations before the end of the year.

While the Food Pyramid is being updated as part of this review, my Department and the Irish Nutrition and Dietetic Institute remain committed to using the Food Pyramid as an educational tool. My Department expects that the review will include some changes to the Food Pyramid and some changes to the Healthy Eating Guidelines; however the basic healthy eating messages which have stayed consistent for more than a decade (e.g. low fat, high fibre, low salt) are not expected to change.

### **Departmental Agencies.**

122. **Deputy John Perry** asked the Minister for Health and Children the reason the National Office for Suicide Prevention will not receive extra funding in 2008; and if she will make a statement on the matter. [9421/08]

**Minister for Health and Children (Deputy Mary Harney):** Since the establishment of the HSE's National Office for Suicide Prevention in 2005, additional funding of €3.55 million has been provided for the implementation of "Reach Out" — the National Strategy for Action on Suicide Prevention, 2005-2014. This brought the total funding available to support suicide prevention initiatives to €8 million and this level of funding continues into 2008.

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It should also be emphasised that a range of services such as mental health and primary care services are important in helping to prevent suicide. These services play a vital role in the drive to reduce the incidence of suicide, and should be taken into account when considering the level of expenditure devoted to suicide prevention.

*Question No. 123 answered with Question No. 98.*

### **Health Service Staff.**

124. **Deputy Joan Burton** asked the Minister for Health and Children the assessments carried out on the number of extra general practitioners that will be needed to address population growth and other demands; if it is intended to increase the number of places in the GP training scheme; and if she will make a statement on the matter. [9292/08]

127. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the measures she proposes to increase the number of general practitioners in practice in the State; and if she will make a statement on the matter. [9283/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 124 and 127 together.

It is recognised that the number of General Practitioners (GPs) being trained at present is not sufficient to meet anticipated manpower need. In 2004, My Department agreed with the Irish College of General Practitioners (ICGP) that the number of GP vocational training places should be increased from 84 to 150 on a phased basis over three years. Since 2005, an additional €6 million has been provided to the Health Service Executive (HSE) to facilitate the creation of additional GP places. I am informed by the HSE that to date, 36 of the additional 66 places have been filled.

There are currently 12 GP vocational training programmes in the State and these programmes are accredited by the ICGP. The HSE has indicated that there have been capacity issues within these training programmes and that this is the principal reason that it has not been possible to increase the number of training places as quickly as had been hoped. I understand that the HSE continues to work with the ICGP with a view to addressing these issues.

In 2007, FÁS agreed to undertake an update to their 2005 Healthcare Skills Monitoring Report. The 2005 Report identified a range of healthcare skills requirements up to 2015. The current research by FÁS, which is expected to be completed in 2008, will analyse the labour market for 11 healthcare grades and professions, and will help to determine future GP training needs.

*Question No. 125 answered with Question No. 109.*

### **Health Service Budget.**

126. **Deputy Joan Burton** asked the Minister for Health and Children the amount of the overall health budget that currently comes from health insurance; and if she will make a statement on the matter. [9291/08]

**Minister for Health and Children (Deputy Mary Harney):** The total health expenditure for a given year is compiled from the health estimates as published in the Revised Estimates Volume for Public Services together with household survey data supplied by the Central Statistics Office (CSO) in relation to household spending and treatment benefits paid from the Social Insurance Fund. The latest year for which a full set of data is available is 2004. The total public

health expenditure, both current and capital, for 2004 amounted to €10.161 billion. An amount of €2.954 billion for private expenditure is then added to give an overall total health expenditure of €12.755 billion. My Department has estimated that €1 billion or 8% was in respect of the private health insurance sector.

*Question No. 127 answered with Question No. 124.*

*Question No. 128 answered with Question No. 108.*

*Question No. 129 answered with Question No. 115.*

### **Constitutional Amendments.**

130. **Deputy Lucinda Creighton** asked the Minister for Health and Children if she has decided on a date for holding the referendum on amending the Constitution to ensure protection of children; and if she will make a statement on the matter. [2472/08]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** As the Deputy is aware, the Twenty-Eighth Amendment of the Constitution Bill, 2007, was published in February 2007 and contained the Government's proposal to amend the Constitution in relation to children. The Programme for Government of June 2007 committed to deepening consensus on the issue and to this end, the Joint Committee on the Constitutional Amendment on Children [JCCAC] was established in November, 2007, to report back within four months, on the proposals set out in the Bill.

The Government awaits the outcome of the deliberations of the Joint Committee on the Constitutional Amendment on Children so that an amendment to the Constitution in relation to children, based on all-party consensus, can be put to the people as soon as possible.

However, it is increasingly unlikely that the Committee will be in a position to conclude its deliberations within this timescale, and accordingly, it is now probable that a Referendum on Children will not take place until 2009.

### **Mental Health Services.**

131. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will make a statement on the decision of the Health Service Executive north east to accept only urgent or emergency child and adolescent psychiatric referrals from general practitioners in Cavan and Monaghan for at least the next four months; and the action she will undertake to reverse this cutback in services. [9281/08]

**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 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.

132. **Deputy Joe Costello** asked the Minister for Health and Children if she will clarify the commitment in the Programme for Government that states that funds will be ringfenced from the sale of existing mental hospitals, estimated to be approximately €800 million, to fund community based services; if, as this statement is under the heading mental health services, the



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money will all be spent on community based mental health services; and if she will make a statement on the matter. [9295/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** “A Vision for Change” the Report of the Expert Group on Mental Health Policy, which was launched in January 2006, has been accepted by Government as the basis for the future development of our mental health services. The Report recommends inter alia that psychiatric hospitals should be closed in order to free up resources to provide community based multi-disciplinary team-delivered mental health care for all. A plan to achieve this should be put in place for each psychiatric hospital.

“A Vision for Change” also recommends that the full economic value of psychiatric hospital buildings and lands should be professionally assessed towards identifying appropriate future use and maximum value and benefit. The value of these assets significantly counter balances the capital cost of the new mental health services infrastructure requirement. The Health Service Executive has primary responsibility for implementing these recommendations.

133. **Deputy Tom Sheahan** asked the Minister for Health and Children if she will provide much needed funding to a centre (details supplied) to keep them afloat and to provide and promote positive mental health in the community due to the fact that this service will close shortly and the burden will then fall back onto the Health Service Executive who are unable to provide this level of early intervention and treatment; and if she will make a statement on the matter. [7472/08]

**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 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.

134. **Deputy Arthur Morgan** asked the Minister for Health and Children if she has received the report of the Irish Psychiatric Association published on 24 January 2008; and if she will make a statement on the matter. [9285/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** I assume the Deputy is referring to “The Lie of the Land” Report recently launched by the Irish Psychiatric Association. The Report gives examples of proceeds of assets allegedly lost to psychiatric services over a 20-25 year period. A small number of assets disposed of in the past two years are identified. “A Vision for Change”, which is the basis for the future development of our mental health services is very clear on this issue. It recommends that resources, both capital and revenue, should be retained in the mental health service, with the reconfigured mental health services having priority in their disposal. It also recommends that the full economic value of psychiatric hospital buildings and lands should be professionally assessed towards identifying appropriate future use and maximum value and benefit. The value of these assets significantly counter balances the capital cost of the new mental health services infrastructure requirement.

#### **Hospitals Building Programme.**

135. **Deputy Mary Upton** asked the Minister for Health and Children the reason it will take

110 months from the awarding of a contract to construct a new national paediatric hospital; and if she will make a statement on the matter. [9321/08]

**Minister for Health and Children (Deputy Mary Harney):** The National Paediatric Hospital Development Board has responsibility for planning, designing, building, furnishing and equipping the new national paediatric hospital. I would like to see the new hospital constructed as soon as possible and I know that this objective is shared by the Development Board, which is working closely with the Health Service Executive in progressing the project.

My Department has asked the HSE to arrange to have a reply issued directly to the Deputy on the specific issue raised.

*Question No. 136 answered with Question No. 116.*

### **Health Services.**

137. **Deputy Emmet Stagg** asked the Minister for Health and Children if she will introduce measures to address the needs of people with myasthenia gravis including the appointment of a specialist neurologist and a specialist nurse, accompanied by an awareness campaign on the condition; and if she will make a statement on the matter. [9316/08]

213. **Deputy Charlie O'Connor** asked the Minister for Health and Children if her attention has been drawn to plans to put in place a neurologist in the health services who would specialise in the diagnosis and treatment of myasthenia gravis; and if she will make a statement on the matter. [9587/08]

214. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she has received correspondences from an association (detail supplied) in relation to the potential of establishing a specialist nurse support on myasthenia gravis in the health services; her views on meeting with the association to further discuss the idea; and if she will make a statement on the matter. [9588/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 137, 213 and 214 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 issues raised by the Deputies. 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 Deputies.

I have received the correspondence from the association concerned regarding the provision of support in this area and the matter is currently under consideration.

### **Health Service Staff.**

138. **Deputy Willie Penrose** asked the Minister for Health and Children if she has had discussions with the Department of Education and Science to address problems in the allocation of staff including speech and language therapists, occupational therapists and psychologists for children with special needs in primary schools which, in one case, has caused the board of management to postpone the opening of a school; and if she will make a statement on the matter. [9308/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** The staffing of primary schools is a matter for the Minister for Education and Science and the provision of health-related services to pupils in such schools is a matter, in the first instance, for the Health Service Executive.

Since the establishment of the Health Service Executive, the number of speech and language therapists has increased by 215 to 712 — an increase of 43%, the number of occupational therapists has increased by 320 to 1,025 — an increase of 45% and the number of psychologists has increased by 184 to 692.5 — an increase of 36%.

As the Deputy is aware, intervention early in life can have a significant impact on the disabling effects of a condition or impairment. In recognition of this, Part 2 of the Disability Act 2005 was commenced for children aged under 5 years with effect from 1 June, 2007. This provides parents of young children with disabilities with an entitlement to an independent assessment of their child's health and education needs and a statement of the services which it is proposed to provide for them. To date over 1,300 applications for assessment of need have been received and are being processed by the HSE.

Representatives of the Department of Health and Children, Department of Education and Science, the Health Service Executive and the National Council for Special Education meet on a monthly basis to address a range of issues including matters arising in relation to the ongoing implementation of the Disability Act 2005. This work includes planning for the roll out of Part 2 of the Disability Act 2005 and the Education for Persons with Special Needs Act 2004 to children between 5 and 18 years and to adults. Issues in relation to the timely and appropriate provision of health and education supports to children with a range of disabilities including autism are being considered in the context of these discussions. Health related support services for children aged 5 to 18 and for adults will continue to be enhanced to enable the Health Service Executive to meet needs identified for this group.

The recently-established Office for Disability and Mental Health will focus in particular on facilitating the delivery of integrated health and education support services for children with special needs, by further developing these existing mechanisms for co-operation and co-ordination between the health and education sectors.

139. **Deputy Emmet Stagg** asked the Minister for Health and Children the progress been made in filling the 183 occupational therapy posts which were unfilled at the end of 2007; if the recruitment embargo has been lifted to allow people on the panel to take up some of these posts; and if she will make a statement on the matter. [9318/08]

**Minister for Health and Children (Deputy Mary Harney):** The recruitment pause put in place in September 2007 was initiated as part of the HSE financial break-even plan to facilitate the delivery of services on budget in accordance with the provisions of the 2007 National Service Plan. The HSE put in place a derogation process to deal with the filling of essential posts to protect front-line services and close to 900 posts were approved under this process.

This temporary pause in recruitment ended on 31st December 2007 and any posts falling vacant from 1st January 2008 can be filled subject to the provisions of a detailed employment control circular issued by the HSE on January 8th.

It is very important that measures are in place in 2008 to avoid a repetition of the problems encountered in 2007. In my letter to the Chairman of the HSE approving the 2008 National Service Plan, I have emphasised that the evident links between the Voted allocation, approved employment levels and service activity — within the HSE itself and in HSE funded agencies such as the major voluntary hospitals — need to be planned and actively managed from the

very start of the year with appropriate action being taken in the event of any divergence from profile.

It is only through this integrated and managed approach that the HSE will be able to ensure that resources for services (including staffing) are directed as intended by Government.

Over 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 healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the 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 issue in relation to the filling of occupational therapy posts 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.**

140. **Deputy Brian O'Shea** asked the Minister for Health and Children the progress in setting up an interim isolation unit for cystic fibrosis patients at St. Vincent's Hospital, Dublin; and if she will make a statement on the matter. [9306/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has made provision within its draft Capital Plan for a new ward block to be built at St. Vincent's University Hospital. The new ward block will include 120 replacement beds for patients, including persons with cystic fibrosis. My Department is advised that planning approval has been received, contract notices were published on the 29th February and that it is proposed to award a contract by the end of 2008. The construction period is estimated at two years.

In the interim, the HSE has been working closely with St. Vincent's to progress interim improvements. This includes fast-tracking the re-development of a ward which is adjacent to the main treatment area for cystic fibrosis patients. The HSE has advised my Department that this interim project is to commence shortly and will provide a minimum of six single rooms.

On completion, additional work will begin to provide a further eight single rooms.

The HSE has previously advised my Department that this is to result in a total of fourteen single rooms for cystic fibrosis patients by the end of the summer.

*Question No. 141 answered with Question No. 107.*

### **Mental Health Services.**

142. **Deputy Pat Rabbitte** asked the Minister for Health and Children the number of people with learning disabilities who have committed criminal offences and are being accommodated outside Ireland for specialised forensic services; the estimated cost of same; and if she will make a statement on the matter. [9312/08]

**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

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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 5s 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 specific 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.

### **Hospital Services.**

143. **Deputy Eamon Gilmore** asked the Minister for Health and Children if she has received a report on the progress made by Professor Tom Keane in developing a cancer strategy; if he has had discussions with health service providers in the north west to address the specific issues there; if services will be retained in Counties Sligo and Mayo; and if she will make a statement on the matter. [9314/08]

**Minister for Health and Children (Deputy Mary Harney):** Prof. Keane reported last month to the Cabinet Committee on Health on the significant progress being made in implementing the HSE National Cancer Control Programme. Developments to date include:

- The appointment on a part-time basis of National Clinical Leaders in Surgical, Medical and Radiation Oncology;
- Cessation of breast cancer surgery in fifteen hospitals with low case volumes;
- Agreement with the surgical leads in the eight designated breast cancer centres (i) on a transparent and evidence based resourcing mechanism, benchmarked to best practice (ii) to move to a common referral process, which will allow urgent patients to be seen within two weeks and (iii) to eliminate unnecessary follow-up of previously treated asymptomatic patients; and
- Agreement with the Irish Cancer Society on the administration of a grants programme to enable patients to be transported to designated cancer centres.

The HSE has designated University College Hospital Galway and Limerick Regional Hospital as the two cancer centres in the Managed Cancer Control Network for the HSE Western Region, which includes Sligo and Mayo. It is fully recognised that there are particular and unique geographical circumstances applying to Donegal. On a sole exception basis, the Managed Cancer Control Network in the West will therefore be permitted to enter into outreach service delivery in Letterkenny as an additional activity. Thus, the current arrangements in relation to breast cancer will continue in Letterkenny. This exception is subject to quality assurance criteria and also to the proviso that the potential to meet the needs of cancer patients in Donegal through North-South initiatives, such as the provision of radiation oncology services to patients from Donegal at Belfast City Hospital, must be optimised and fully facilitated.



The designation of cancer centres aims to ensure that patients receive the highest quality care while at the same time allowing local access to services, where appropriate. Where diagnosis and treatment planning is directed and managed by multi-disciplinary teams based at the cancer centres, then much of the treatment (other than surgery) can be delivered in local hospitals, such as Sligo General Hospital and Mayo General Hospital.

There will be a very thorough and inclusive process of dialogue involving all of the cancer clinicians within the areas covered by each of the Managed Cancer Control Networks. 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, in order to manage the transition.

*Question No. 144 answered with Question No. 83.*

*Question No. 145 answered with Question No. 87.*

### **Hospital Accommodation.**

146. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent and the role she intends public and private hospital beds to play in the delivery of services to the public with particular reference to bed complement requirements in the future; if a diminution in public beds is the objective; the extent to which this is expected to affect the delivery of services; if privatisation services is anticipated in such circumstances; the way this is expected to affect the quality and extent of services available to public patients; and if she will make a statement on the matter. [9234/08]

221. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of public and private hospital beds available in each of the past 10 years; the projected numbers for the next 10 year period; and if she will make a statement on the matter. [9751/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 146 and 221 together.

In 2001, the year of the publication of the Health Strategy, the average number of in-patient beds and day places available in the 53 public acute hospitals was 12,145, based on returns to the Department (11,374 in-patient beds and 771 day places). The provisional number of acute hospital beds recorded by the Health Service Executive for 2006 was 13,771 (12,574 in-patient beds and 1,197 day places) based on a total bed complement. The Programme for Government includes a commitment to provide an additional 1,500 public acute hospital beds. In this context the co-location initiative which was announced in July 2005, aims to make available approximately 1000 additional acute beds for public patients through the transfer of private activity from public hospitals to co-located private hospitals. Additional acute beds, which are at various stages of planning, will be made available through the Health Service Executive's capital plan.

The provision of private care in public acute hospitals is a long standing feature of the Irish healthcare system. Over 2,500 beds in public hospitals are designated as private and semi-private. There is an 80:20 public/private ratio average across the entire acute system. The percentage of beds designated as private varies between individual hospitals; for example, there is a higher ratio of private beds in maternity and paediatric hospitals and a lower ratio in other hospitals.

The Health Service Executive recently published a Review of Acute Bed Capacity carried out by PA Consulting together with a HSE discussion document which proposes an integrated

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approach to health service delivery that seeks to achieve the right balance between in-patient, day case and community based care.

The Review found that with future challenges, such as our ageing population and the increase in chronic diseases, we will need to plan for a 60% increase in demand for health care by 2020. It suggests that if current practices and processes continue the demand for public hospital beds would escalate to nearly 20,000 by 2020. To meet this need we would have to provide the equivalent of twelve new 600-bed hospitals over the next thirteen years. It concludes that such reliance on acute hospitals for service delivery is neither sustainable nor in the best interests of patients.

The Review examined alternative approaches to meeting this demand. It recommends an integrated approach to health service delivery involving substantial change in the way care is provided. Among the measures proposed are significant increases in day beds in hospitals, more long-term care beds, more rehabilitation beds and more services in community-based, non-acute hospital settings.

The Review outlines a number of bed demand scenarios ranging from partial to full delivery of an integrated health service. It makes the point that other developed countries, such as Australia, Canada, Denmark and England have achieved significant results through their reform programmes. It also points out that some of our hospitals are already achieving the required efficiencies, such as shorter lengths of stay, more day surgery and admission on day of surgery. The challenge is to achieve these standards of service across the entire acute system.

Pending the implementation of such reforms, the Review estimates that 1,100 additional acute hospital beds are needed to meet current demand.

The Review also advises that services in acute hospitals should not be altered until viable and appropriate community based alternatives are in place.

I believe that the Review forms a basis for discussion with key stakeholders on how best to plan for the provision of public health care delivery to 2020.

My Department has asked the Health Service Executive to provide the detailed information sought on acute public hospital beds directly to the Deputy.

*Question No. 147 answered with Question No. 95.*

*Question No. 148 answered with Question No. 85.*

#### **Health Service Staff.**

149. **Deputy Joe Costello** asked the Minister for Health and Children the number of Health Service Executive grade VIII and above posts on 31 December 2007; the number of these posts on 29 February 2008; and if she will make a statement on the matter. [9296/08]

**Minister for Health and Children (Deputy Mary Harney):** 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.

### Child Care Services.

150. **Deputy Joe McHugh** asked the Minister for Health and Children if her attention has been drawn to the serious difficulties being caused by the Government's new childcare subvention; and if she will make a statement on the matter. [8907/08]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** As the Deputy will be aware, I have responsibility for the National Childcare Investment Programme 2006-2010 (NCIP) under which the Community Childcare Subvention Scheme (CCSS) is being implemented.

The main supports the Government makes available to parents to assist them with their childcare costs are Child Benefit and the Early Childcare Supplement. The latter payment is the responsibility of my Office, and it alone is expected to amount to expenditure of over €500m in 2008. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of childcare they choose. In addition to these universal supports, Government childcare policy has also recognised the need to target additional supports towards disadvantaged families.

The Community Childcare Subvention Scheme was introduced in January 2008 with an allocation of €154.2 million over 3 years. The Scheme will continue to support community-based childcare services to provide reduced childcare fees for disadvantaged parents, complementing the universal supports in place for all parents. Community childcare services will qualify for grant aid on the basis of the level of service they provide and the profile of the parents benefiting from their service. The parent profile of each service, and the amount of subvention it will receive, are determined on the basis of completed parent declaration forms which they return as part of the application process. The subvention received by services is, in turn, reflected in reduced fees for parents who qualify as disadvantaged under the scheme.

The new scheme provides an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community childcare services generally. The subvention to services is responsive to the level of service provided as well as the degree of parental disadvantage and the ceiling for funding which existed under the previous scheme has been removed. Account is also being taken of all of the operational costs of the service rather than staffing costs alone. Services, including full-time, part-time and sessional ones which, in some cases, were previously inaccessibly priced for disadvantaged parents, will be available to them at more appropriate rates under the new scheme. In addition, transitional arrangements have been introduced to facilitate community services which were funded under the previous scheme to adjust to the new arrangements, including making any adjustments necessary to their fee structures.

When I announced the framework for the new scheme in July of last year, I signalled my intention to undertake a review of the Scheme on the basis of the more detailed and comprehensive data which was to be forwarded to my Office in October 2007 as part of the application process of the new scheme. I am pleased to advise the Deputy that the review was completed and the following adjustments were made to the scheme in December:

- the childcare subvention rates, which form the basis for assessing the level of grant funding payable to community childcare services, have been increased from €80 to €100 per week in the case of Band A parents and from €30 to €70 per week in the case of Band B parents;
- services will also be grant aided to enable them to provide reduced childcare fees for parents in Band C who are marginally above the Family Income Supplement (FIS) thresh-

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hold and low income parents who qualify under this measure will benefit by €45 per week per full-time place;

- where a parent moves to a lower Band (e.g. from social welfare into employment), the subvention paid in respect of them will be withdrawn on a tapered basis with the effect that where a parent would no longer qualify for a Band A payment, he or she will be treated as a Band B parent in the following year;
- special provisions will be provided for in the case of childcare services where, for valid reasons, it is not possible to assess grant funding on the basis of annual parental declarations alone (e.g. women's refuges, special services for children of drug misusers) and, in exceptional cases, where special levels of funding provision may be required;
- in recognition of the on-going input of the community and voluntary sector, and to provide stability for services which would otherwise receive very low levels of grant subvention (e.g. small rural services) a minimum annual grant level of €20,000 has been introduced.
- as a transitional measure during 2008-2010, services which could otherwise face a significant decrease in their existing level of grant support from July 2008, will continue to receive grant aid equal to not less than 90% of their previous grant level during July-December 2008, equal to not less than 85% of that amount in 2009, and equal to not less than 75% of that amount in 2010. The transitional grant funding is conditional on all requirements of the Scheme being complied with, including the return of annual applications together with completed parent declaration forms and the implementation of tiered fees based on the subvention levels for Band A, B and C parents.

The changes which have been introduced will ensure that the most affordable childcare is available to families according to their means. Put simply, the tiered fee structure is the most effective way of ensuring that the considerable and ongoing Government support for the community childcare sector, will be targeted at those who need it most. I am sure that the Deputy will agree that, with an allocation of €154.2 million over a 3 year period for the Community Childcare Subvention Scheme, the Government is continuing to offer very generous support to this important sector of Ireland's childcare infrastructure.

I am also pleased to advise the Deputy that, from last week, services are being notified of their individual grant levels for July-December 2008 and that the total amount of grant assistance under the new Scheme will be significantly higher than was the case under the previous scheme. I am confident that the Community Childcare Subvention Scheme is a fair and equitable way of supporting community childcare operators in the provision of an affordable and high quality service to parents, based on their means.

*Question No. 151 answered with Question No. 111.*

### **Health Services.**

152. **Deputy David Stanton** asked the Minister for Health and Children further to Parliamentary Question No. 6 of 31 January 2008 and the Minister of State's comments regarding the development of formal policy in her Department, the progress that has been made in the provision of a rehabilitation centre in the Cork or Munster region for stroke and acquired brain injury victims; and if she will make a statement on the matter. [9278/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** My Department considers that there should be an over-arching policy framework to set out the broad policy guidelines for development of policy on cardiovascular health, including stroke. A new Cardiovascular Health Policy Group was established in September 2007 to develop this framework. The group, chaired by Professor Hannah McGee of the Royal College of Surgeons in Ireland, is due to complete its work by May 2008. In addition, a national audit of stroke services is currently being undertaken by the Irish Heart Foundation in association with the Health Service Executive. This will provide the evidence base necessary for the development of stroke policy.

My Department is currently considering the development of a formal policy on rehabilitation. A number of issues must be considered including:

- a needs assessment on a population health basis;
- the structure of service provision;
- the location of the facilities; and
- the nature of the facilities, that is, whether they are hospital type, step down, or preparation for independent living.

Plans have been prepared in some areas for regional rehabilitation facilities. My Department and the Health Service Executive are aware of the need to review the potential benefits of a regional network of rehabilitation facilities and services. The development of such a network should be considered in the context of a national strategy for rehabilitation services and the Department is currently considering this issue.

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 the specific matter of the provision of rehabilitation services for the Cork or Munster region investigated and to have a reply issued directly to the Deputy.

#### **Commemorative Events.**

153. **Deputy Joanna Tuffy** asked the Taoiseach if there are proposals for the establishment of an annual memorial day for the Great Famine; and if he will make a statement on the matter. [9600/08]

**The Taoiseach:** The inauguration of an annual memorial day for the Great Famine is under consideration by officials. Their recommendations in the matter are expected shortly.

#### **Tax Code.**

154. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Finance if the farm rental income tax exemption scheme applies to a father-son arrangement even when this lease is stamped and approved of by the Revenue Commissioners; the tax considerations of establishing share farm arrangements where the landowner is the non-active participant; and if the unearned income tax relief applies in this case. [9492/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** Section 664 of the Taxes Consolidation Act 1997, provides for a scheme of relief for certain income from leasing of farmland. Broadly speaking, if a farmer who is aged 40 years or more or who is permanently incapacitated



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tated, leases out farm land for a period of at least 5 years, some or all of the rent received from that land will be exempt from income tax. The amount of exemption varies depending on the length of the lease. The scheme operates by exempting the lower of the rental income received or a specified amount which varies depending on the length of the lease. Currently the specified amounts are €12,000 in the case of a lease for a term of at least 5 years, €15,000 where the lease is for a term of 7 years or more and €20,000 where the lease is for a term of at least 10 years. The scheme applies where there is a lease in writing made on an arm's length basis between unconnected individuals for a definite term of 5 years or more. Thus, a lease of land between a father and son would not be a qualifying lease for the purposes of the scheme.

It is not clear what “share farm arrangements” the Deputy is referring to in the second part of the question. I am also not clear what unearned income tax relief the Deputy has in mind. However, if the Deputy wishes to supply me with further details I will be happy to deal with the matter.

155. **Deputy Jack Wall** asked the Tánaiste and Minister for Finance if a person (detail supplied) in County Kildare has received their full tax credits for 2008; if arrears of tax credits are due for the years 2006 and 2007; and if he will make a statement on the matter. [9494/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I have been advised by the Revenue Commissioners that a certificate of tax credits and standard rate cut-off point issued to the taxpayer on 21 February 2008. This included all credits claimed by the taxpayer. PAYE balancing statements for the years 2006 and 2007 were sent to the taxpayer on 8 October 2007 and 20 February 2008 respectively. All credits claimed by the taxpayer for these years were included in the statements and refunds made accordingly.

156. **Deputy Joan Burton** asked the Tánaiste and Minister for Finance the position where parents or others assist a first time buyer to acquire a house; if this can have implications for first-time buyer's relief; if so, under what conditions; and the checks the Revenue Commissioners carry out to check that FTB rules are adhered to. [9544/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I have been informed by the Revenue Commissioners that the following tax implications arise where a parent or others assist a first time buyer to buy a house.

#### *Stamp Duty*

A child is not precluded from claiming first time buyer relief where a parent acts as co-mortgagor in relation to the purchase by the child of a house. The parent is treated as effectively acting in the role of guarantor for the loan where the following conditions are satisfied:

- the transfer of the house is taken in the name of the child,
- it is the intention of both the child and the parent that the parent is not to take a beneficial interest in the house,
- the parent has been joined into the mortgage solely at the request of the lending institution for the purpose of providing additional security for the monies being advanced for the purchase,
- it is not intended that the parent will be contributing to the repayment of the mortgage.

A similar treatment applies where the co-mortgagor is not a parent of the first time buyer.

Any first time buyer, who receives an unconditional gift of monies which is used to fund the purchase of a house, is not precluded from claiming first time buyer relief on the basis that the donor does not take a beneficial interest in the house.

Provisions have been included in the Finance Bill 2008 which further clarify the position in relation to first time buyer relief including the definition of a purchaser for the purposes of claiming first time buyer relief.

A Purchaser is required to confirm whether he or she is a first time buyer and this is done by inserting a mandatory certificate to that effect in the purchase deed to be submitted for stamping to the relevant Revenue Stamping District.

Revenue uses its risk evaluation procedures to check for potential abuse of first time buyer relief. Revenue databases are interrogated as part of this risk evaluation process including the Tax Relief at Source database (to ascertain whether Mortgage Interest Relief has previously been claimed). In addition, the databases of the Private Residential Tenancies Board and the Property Registration Authority can be accessed on a case by case basis should the need arise. Cases may be referred to Revenue auditors for additional examination and Revenue audit, where appropriate.

#### *Gift Tax*

A liability to gift tax for a first time buyer may arise depending on the amount of the gift and the relationship between the donor and the donee involved.

#### *Tax Relief at Source*

Tax Relief at Source for home mortgage interest (known as TRS) is available on loans for Principal Private Residences. The relief element on the mortgage interest is given, by the lender, either in the form of a reduced mortgage payment or a credit to the borrowers funding account.

A qualifying loan for the purpose of mortgage TRS is a secured loan, used to purchase, repair, develop or improve a sole or main residence, situated in the State. Therefore, if a person not resident in the property borrows to assist in its purchase these borrowings are not eligible for the relief.

However, mortgage interest paid in respect of a mortgage for a dependent relative (including an incapacitated son or daughter) for whom a dependent relative tax credit is claimed is eligible for TRS.

157. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance if he will extend the same tax concessions to a sector (detail supplied) as those granted to the white fish fleet in Budget 2008; and if he will make a statement on the matter. [9567/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The position with regard to the taxation of the Salmon Hardship Fund is that individual payments under the scheme have two identifiable component parts and that one part is taxable while the other is not. The taxable component is that part of the payment which is based on a fisherman's catch and is taxable on recipients in the year of receipt. Accordingly, commercial fishermen should include this part of any payment as a receipt in their accounts. The part of the payment which is based on the 2006 licence fee is not liable to tax. I understand that when making payments, Bord Iascaigh Mhara

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identify the amount of the payment relating to the 2006 licence fee so that this may be excluded from income tax returns.

In addition, in order to facilitate recipients wishing to spread the tax liability on the payments over three years, eligible applicants may opt to receive their payment in one sum or alternatively to have it paid in three equal amounts over a three-year period.

In Finance Bill 2008 I introduced provisions to amend the income and capital gains tax codes to assist the take-up of the decommissioning scheme to support the restructuring of Ireland's fishing fleet in line with the European Communities initiative concerning compensation for decommissioning of fishing vessels.

There is no scope for the extension of these Finance Bill measures to payments made under the Salmon Hardship Fund. Firstly, there is no requirement under the Salmon Hardship Scheme for the permanent withdrawal of fishing vessels from the fishing fleet in order for applicants to qualify for payments under the scheme. Secondly, in the case of the amendment to the capital gains tax code, the part of the Salmon Hardship Fund that is liable for taxation is liable for taxation under the income tax code. As this particular payment is based on the average verifiable catch for each licence holder for the 5 years (2001-2005) it is an income replacement payment and under long-standing principles of taxation such payments are taxable as income. The question, therefore of extending the application of this amendment to the Salmon Hardship Fund cannot arise.

#### **Tax Collection.**

158. **Deputy Jack Wall** asked the Tánaiste and Minister for Finance if a person (details supplied) in County Kildare has been deducted the proper taxation for the tax year 2007; if their application for a tax rebate has been completed; if the payments due to the applicant have been determined; if the determined returns have been forwarded to the applicant; and if he will make a statement on the matter. [9654/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I have been advised by the Revenue Commissioners that a PAYE balancing statement for 2007 issued to the taxpayer on 4 February 2008, together with a refund of €176.18. Following receipt of the information now supplied, contact was made with the taxpayer's former employer who confirmed that incorrect information was shown on form P45 issued on termination of the taxpayer's employment. The correct information has now been obtained from the employer and an amended PAYE balancing statement for 2007 will issue to the taxpayer in the coming days, together with an additional refund of €212.94.

#### **Theatre Licences.**

159. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Finance the number and location of drink theatre licences which have been granted by the custom service of his Department for each of the years 2003 to 2007 and to date in 2008; and if he will make a statement on the matter. [9657/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** I am informed by the Revenue Commissioners that the number and location of Theatre Licences granted, or were in existence, in the years 2003 to 2007 and for 2008 to date are as follows:

Region	District	2003	2004	2005	2006	2007	2008
BMW	Donegal	2	2	3	3	3	4
	Leitrim	0	0	0	1	1	0
	Sligo	1	1	1	1	1	2
	Longford	0	0	0	0	0	0
	Galway	4	4	4	4	4	6
	Roscommon	0	0	0	1	1	2
	Mayo	0	0	0	0	0	0
	Offaly	0	0	0	0	0	0
	Westmeath	4	3	3	3	3	2
	Cavan	0	0	0	0	0	0
	Monaghan	0	0	1	1	1	1
	Louth	0	1	1	1	1	0
Total		11	11	13	15	15	17
ESE	Meath	0	0	0	0	0	1
	Kildare	3	3	3	3	3	2
	Laois	1	1	1	1	1	1
	Tipperary	3	3	3	3	3	2
	Waterford	2	2	2	2	2	2
	Wexford	1	1	1	2	2	2
	Wicklow	1	1	1	1	1	1
	Kilkenny	0	0	0	0	0	0
	Carlow	0	0	0	0	0	0
Total		11	11	11	12	12	11
SW	Cork	6	5	6	6	7	7
	Kerry	0	0	0	1	1	0
	Limerick	3	3	5	5	5	4
	Clare	1	1	1	1	1	2
Total		10	9	12	13	14	13
Dublin	Dublin	35	32	32	36	35	57
Total		35	32	32	36	35	57
Grand Total		67	63	68	76	76	98

(Normally Theatre Licences run from 1 October to the following 30 September). Each Licence application is subjected to individual scrutiny and includes a requirement, where necessary, to produce a “List of Events” to be carried out on the premises, prior to the issuing of the Licence.

While the Revenue Commissioners do not specifically make contact with an Garda Síochána or the District Court, I understand that the Revenue Commissioners have been in touch with the Department of Justice, Equality and Law Reform on matters concerning the law relating to the granting of Theatre Licences.

#### Tax Code.

160. **Deputy Finian McGrath** asked the Tánaiste and Minister for Finance if he will support a proposal (details supplied). [9659/08]

**Tánaiste and Minister for Finance (Deputy Brian Cowen):** The position is 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. In this instance, 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 or voluntary sporting and community groups.

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%.

#### **Nutrition Policy.**

161. **Deputy Enda Kenny** asked the Minister for Health and Children the action taken by her Department, together with the private sector and consumer groups on the marketing and advertising of products that contribute to weight gain, in particular those aimed at children; and if she will make a statement on the matter. [9496/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** The National Task Force on Obesity recommended that multi-sectoral action be taken on the marketing and advertising of products that contribute to weight gain, in particular those aimed at children. In response to this and other recommendations in the Report of the Task Force, my Department is currently developing a national nutrition policy which will provide strategic direction on nutrition for the next ten years. While this policy covers the whole population, the target group for recommendations is young people, 0-18 years, and the priority areas for action are obesity and food poverty. It is expected that this policy will include clear recommendations on the marketing and advertising of foods to children. A national consultation has already taken place and the policy will be published in the coming months.

#### **Food Labelling.**

162. **Deputy Enda Kenny** asked the Minister for Health and Children the guidelines that have been established for food and nutrition labelling to ensure that labelling is accurate, consistent, user-friendly and contains information on portion size and nutrient content; and if she will make a statement on the matter. [9500/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** Currently, EU general labelling requirements for all foodstuffs are set out in Directive 2000/13/EC. This Directive lists the compulsory information to be included on all labels, such as the list of ingredients, the use-by date and any special conditions of use. In addition to the general legislation, there are certain labelling rules for certain food groups (e.g. country of origin labelling for beef), and specific measures including labelling provisions for



certain foods and substances (e.g. beef, fish, chocolate, dietetic foods, food supplements, fortified foods etc).

Nutrition labelling on foods is currently regulated by Directive 90/496/EEC. At the moment, under EU legislation, nutrition labelling is optional, although it becomes compulsory when a nutrition or health claim is made in the labelling, presentation or advertising of a foodstuff or when vitamins or minerals are voluntarily added to foods.

Last January, the European Commission issued a comprehensive proposal on food labelling. This proposal recommended the amalgamation of all labelling legislation, in an attempt to modernise and improve EU food labelling rules, so that consumers have, in a legible and understandable manner, the essential information they need to make informed purchasing choices. In addition, this proposal made recommendations on such issues as front-of pack labelling and allergen labelling.

It is expected that this proposal will be discussed at EU Level over the next two years. My Department, which leads in regard to food labelling, will play an active role in these discussions.

### **Funeral Costs.**

163. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if the cost of repatriation and funerals of tourists or migrant workers who are murdered in this State are paid by her Department or the arrangements in place to help such families recoup the costs of travel in such tragic circumstances. [9533/08]

**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. Therefore the Executive is the appropriate body to consider the particular matter raised by the Deputy.

My Department has requested that the Parliamentary Affairs Division of the Executive investigate the matter and issue a reply directly to the Deputy.

### **Drugs Awareness Campaigns.**

164. **Deputy Michael Ring** asked the Minister for Health and Children the budget allocated to the recently launched anti-drugs campaign *The Party's Over*, with details of the way this budget will be spent; and if she will make a statement on the matter. [9558/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

*Question No. 165 answered with Question No. 95.*

*Question No. 166 answered with Question No. 93.*

### **Hospital Services.**

167. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Wexford for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9457/08]

175. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Tipperary for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9465/08]

179. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Waterford for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9469/08]

180. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Kilkenny for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9470/08]

190. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Carlow for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9480/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 167, 175, 179, 180 and 190 together.

I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Development funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area.

The detailed application of this funding across the various hospital networks is a matter for the Executive and accordingly, my Department has asked the Parliamentary Affairs Division of the Executive to reply directly to the Deputy with regard to the services in Wexford, Tipperary, Waterford, Kilkenny and Carlow.

168. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Donegal for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9458/08]

169. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Leitrim for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9459/08]

170. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Sligo for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9460/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 168 to 170, inclusive, together.

I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Development funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area.

The detailed application of this funding across the various hospital networks is a matter for the Executive and accordingly, my Department has asked the Parliamentary Affairs Division of the Executive to reply directly to the Deputy with regard to the services in the North Western HSE region.

171. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Roscommon for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9461/08]

172. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Mayo for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9462/08]

173. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Galway for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9463/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 171 to 173, inclusive, together.

I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Development funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area.

The detailed application of this funding across the various hospital networks is a matter for the Executive and accordingly, my Department has asked the Parliamentary Affairs Division of the Executive to reply directly to the Deputy with regard to the services in the Western HSE region.

174. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Clare for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9464/08]

176. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Limerick for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9466/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 174 and 176 together.

I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Development funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area.

The detailed application of this funding across the various hospital networks is a matter for the Executive and accordingly, my Department has asked the Parliamentary Affairs Division of the Executive to reply directly to the Deputy with regard to the services in the Mid Western HSE region.

*Question No. 175 answered with Question No. 167.*

*Question No. 176 answered with Question No. 174.*

177. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Kerry for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9467/08]

178. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Cork for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9468/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 177 and 178 together.

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I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Development funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area.

The detailed application of this funding across the various hospital networks is a matter for the Executive and accordingly, my Department has asked the Parliamentary Affairs Division of the Executive to reply directly to the Deputy with regard to the services in Kerry and Cork.

*Questions Nos. 179 and 180 answered with Question No. 167.*

181. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Laois for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9471/08]

**Minister for Health and Children (Deputy Mary Harney):** I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Additional revenue funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area. The detailed application of this funding across the various hospital networks is a matter for the Executive. My Department has asked the HSE to reply directly on the specific operational issues raised in the Deputy's question.

182. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Offaly for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9472/08]

**Minister for Health and Children (Deputy Mary Harney):** I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Additional revenue funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area. The detailed application of this funding across the various hospital networks is a matter for the Executive. My Department has asked the HSE to reply directly on the specific operational issues raised in the Deputy's question.

183. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Westmeath for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9473/08]

**Minister for Health and Children (Deputy Mary Harney):** I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Additional revenue funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area. The detailed application of this funding across the various hospital networks is a matter for the Executive. My Department has asked the HSE to reply directly on the specific operational issues raised in the Deputy's question.

184. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Longford for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9474/08]

**Minister for Health and Children (Deputy Mary Harney):** I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Additional revenue funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area. The detailed application of this funding across

the various hospital networks is a matter for the Executive. My Department has asked the HSE to reply directly on the specific operational issues raised in the Deputy's question.

185. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Cavan for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9475/08]

186. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Monaghan for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9476/08]

187. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Louth for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9477/08]

188. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Meath for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9478/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 185 to 188, inclusive, together.

I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Additional revenue funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area. The detailed application of this funding across the various hospital networks is a matter for the Executive.

My Department has asked the HSE to reply directly on the specific operational issues raised in the Deputy's question.

189. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Kildare for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9479/08]

**Minister for Health and Children (Deputy Mary Harney):** I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Additional revenue funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area. The detailed application of this funding across the various hospital networks is a matter for the Executive.

My Department has asked the HSE to reply directly on the specific operational issues raised in the Deputy's question.

*Question No. 190 answered with Question No. 167.*

191. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Wicklow for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9481/08]

**Minister for Health and Children (Deputy Mary Harney):** I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Additional revenue funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate



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the recruitment of specialist staff in this area. The detailed application of this funding across the various hospital networks is a matter for the Executive.

My Department has asked the HSE to reply directly on the specific operational issues raised in the Deputy's question.

192. **Deputy Paul Kehoe** asked the Minister for Health and Children the services and facilities in place in County Dublin for cystic fibrosis sufferers; the number of cystic fibrosis patients in the county; and if she will make a statement on the matter. [9482/08]

**Minister for Health and Children (Deputy Mary Harney):** I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Additional revenue funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area. The detailed application of this funding across the various hospital networks is a matter for the Executive.

The HSE was asked to place a particular focus on the development of services at the National Adult Tertiary Referral Centre at St. Vincent's Hospital. A number of capital projects have recently been completed at the hospital and have helped to improve facilities. These include a new ambulatory care centre, the refurbishment of St. Camillus Ward, and a new Accident and Emergency Department which includes single room accommodation.

However, it is accepted that these developments do not fully address the immediate needs of patients. The HSE has been working intensively with the Hospital and with representatives of the Cystic Fibrosis Association of Ireland to progress options for further interim improvements.

The HSE advises that it is fast-tracking the re-development of a ward which is adjacent to the main cystic fibrosis treatment area. The project is to commence shortly and will provide a minimum of six single rooms. On completion, additional work will begin to provide a further eight single rooms. The HSE has previously advised that this will result in a total of fourteen single rooms for cystic fibrosis patients by the end of the summer.

In the longer term, a new ward block is to be built and will include 120 replacement beds in single en-suite accommodation. The new facility will accommodate cystic fibrosis patients and will include appropriate isolation facilities. The HSE has advised that planning permission has been obtained, financial provision has been included in the HSE Capital Plan and the contract is to be awarded in 2008. It will be a condition of the contract that the design build period be not more than 24 months from the date of contract award.

Beaumont Hospital operates as a regional centre in providing services to adults with cystic fibrosis. In the 2008 Budget, a special allocation of €2.5m capital funding was provided to enable Beaumont hospital to provide out patient facilities for cystic fibrosis patients.

The HSE advises that patients with cystic fibrosis will also benefit from additional single room capacity in the new Medical Admissions Unit at Beaumont Hospital which is due for completion in December.

My Department has asked the HSE to reply directly on the additional operational issues raised in the Deputy's question.

### **Medicinal Products.**

193. **Deputy Paul Kehoe** asked the Minister for Health and Children if her attention has been drawn to the shortage of a medication drug (details supplied); the reason for same; and if she will make a statement on the matter. [9483/08]

**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. The Executive is also responsible for the supply of drugs and medicines for the GMS and community drugs schemes. Therefore, the Executive is the appropriate body to consider the 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.**

194. **Deputy Paul Kehoe** asked the Minister for Health and Children the hospitals here that have proper facilities to cater for cystic fibrosis patients; the number of these beds in each hospital; and if she will make a statement on the matter. [9484/08]

**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.

*Question No. 195 answered with Question No. 98.*

#### **Health Services.**

196. **Deputy Charlie O'Connor** asked the Minister for Health and Children if her attention has been drawn to the concern being expressed in respect of the reported decision by the Health Service Executive to cut funding to homeless services; if her attention has further been drawn to the particular challenges this will present for an organisation (details supplied) in Dublin 24 and many similar organisations; and if she will make a statement on the matter. [9486/08]

**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.

#### **Cystic Fibrosis Incidence.**

197. **Deputy Paul Kehoe** asked the Minister for Health and Children the number of people who died that were diagnosed with cystic fibrosis in each county in the years 2002 to 2007 and to date in 2008; the average age and gender in each case; and if she will make a statement on the matter. [9489/08]

235. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of children on average born here with cystic fibrosis in each of the past 10 years; the number in each EU country in the same period; the extent of research and support services made available here and in other EU Member States with a view to improving the quality of life and life expectancy; and if she will make a statement on the matter. [9765/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 197 and 235 together.

The information sought by the Deputies is not routinely collected by my Department.

An independent registry for cystic fibrosis, which is funded by the Health Service Executive, has been established. As yet, the data is not available to fully inform analysis relating to persons with cystic fibrosis, including median survival, in this country. When it is available, the data from the Registry will allow for benchmarking against comparable countries around the world to measure the performance of our healthcare system.

My Department has asked the HSE to arrange to have replies issued to the Deputies on the specific issues raised.

### **Hospital Services.**

198. **Deputy Paul Kehoe** asked the Minister for Health and Children the number of heart and lung transplants that have been carried out here; the number currently on the waiting list; the number who have been sent to the UK in the years 2002 to 2007 to have heart and lung transplants carried out; and if she will make a statement on the matter. [9490/08]

**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 issues 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.

### **Tax Code.**

199. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if, pending the outcome of the Government's consideration of a scheme to assist voluntary sporting and community groups acquire defibrillators, she will propose the reduction of VAT on the purchase of defibrillators to 13.5%; and if she will make a statement on the matter. [9491/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** My Department has sought the advice of the Department of Finance on the issue of reducing or removing VAT on Automatic External Defibrillators (AEDs). The Department of Finance has advised that VAT on AEDs cannot be removed or reduced as Irish VAT laws must comply with the requirements of EU VAT law. Under the VAT Directive, member states may only apply the reduced VAT rate to those goods and services which are listed under Annex III of the VAT Directive. Annex III does not include general medical equipment such as AEDs for general use.

### **Hospital Services.**

200. **Deputy Arthur Morgan** asked the Minister for Health and Children when oncology services will transfer from Our Lady of Lourdes Hospital, Drogheda; the part of the service that will be retained at the hospital site; and when staff, including professional, administrative and medical will be advised or consulted on any proposed transfer of services. [9524/08]

**Minister for Health and Children (Deputy Mary Harney):** The decisions of the Health Service Executive (HSE) in relation to the designation of four managed cancer control networks and eight cancer centres will be implemented on a managed and phased basis. The HSE has desig-

nated Beaumont Hospital and the Mater Misericordiae Hospital as the two cancer centres in the Managed Cancer Control Network for HSE Dublin North East, which includes County Louth.

The designation of cancer centres aims to ensure that patients receive the highest quality care while at the same time allowing local access to services, where appropriate. Where diagnosis and treatment planning is directed and managed by multi-disciplinary teams based at the cancer centres, then much of the treatment (other than surgery) can be delivered in local hospitals, such as Our Lady of Lourdes Hospital, Drogheda.

The Deputy's specific question in relation to consultation with staff at Our Lady of Lourdes Hospital relates to the management and delivery of health and personal social services which are the responsibility of the HSE under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in this regard.

201. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (detail supplied) in County Carlow; if they will be treated as a matter of urgency; and if she will make a statement on the matter. [9527/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

202. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (detail supplied) in County Wicklow who is waiting for a hip replacement; if they will have the procedure as a matter of urgency; and if she will make a statement on the matter. [9528/08]

**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.

203. **Deputy Seán Sherlock** asked the Minister for Health and Children if wards at Mallow General Hospital will close either temporarily or permanently during 2008; if so, the reason for this decision; and if she will make a statement on the matter. [9542/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

### Child Care Services.

204. **Deputy Joan Burton** asked the Minister for Health and Children if her attention has been drawn to the important service (details supplied) in Dublin 15 to support families with children under five; her views on whether the maintenance of this service is important for the Dublin 15 area; the past commitments given to support this service with mainstream funding; if her attention has been further drawn to the proposed one-off payment of €10,000 envisioned by the Health Service Executive will not be sufficient to keep the service afloat even until the end of 2008; if she will fulfil commitments to provide mainstream funding to the service on an ongoing basis; and if she will make a statement on the matter. [9547/08]

**Minister of State at the Department of Health and Children (Deputy Brendan Smith):** The Deputy's question relates to the management and delivery of health and social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

### Health Service Staff.

205. **Deputy Margaret Conlon** asked the Minister for Health and Children the reason a medical officer has not been re-appointed for County Monaghan; and if she will make a statement on the matter. [9549/08]

**Minister for Health and Children (Deputy Mary Harney):** Over 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 healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the 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 Staff.

206. **Deputy Margaret Conlon** asked the Minister for Health and Children the reason transfers are not being permitted between hospitals for staff nurses; and if she will make a statement on the matter. [9550/08]

**Minister for Health and Children (Deputy Mary Harney):** Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.



207. **Deputy Margaret Conlon** asked the Minister for Health and Children the terms and conditions for staff nurses who wish to take special leave, or sick leave; if the employment for permanent staff will not be available to them if they take extended leave; and if she will make a statement on the matter. [9551/08]

**Minister for Health and Children (Deputy Mary Harney):** Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy

### **Hospital Services.**

208. **Deputy Richard Bruton** asked the Minister for Health and Children the details of the most recent review of the adequacy of the capacity of the national neurosurgery facility in Beaumont Hospital; the capacity increases planned under the National Health Strategy for this service; the progress made to date in developing additional capacity under this plan; and the expected date when additional increases in capacity will be provided. [9559/08]

**Minister for Health and Children (Deputy Mary Harney):** The Comhairle na nOspidéal Report on Neurosurgery, (2006) recommended that the future development of safe, high quality neurosurgical services in Ireland would be best served by increasing capacity in Dublin and Cork and by improving access to neurosurgical units, including improved transport and telemedicine facilities for referring hospitals. The Report identified a need for additional investment in neurosurgical services and in the planning and commissioning of such services on a national basis.

The Health Service Executive has invested significantly in the expansion of the service at Beaumont Hospital over the past number of years. For example, in 2006 additional revenue funding of €800,000 was allocated to Beaumont Hospital, to address identified service requirements in the area of Paediatric Neurosurgery as well as other neuroscience service priorities. Within this funding a new paediatric neurosurgeon post was approved and the post has since been filled.

In 2007 additional revenue development funding of €4m was allocated to the HSE to progress the further development of neuroscience services nationally. A business case to enhance and restructure the neurosurgery unit was completed by Beaumont during 2007. On foot of this the Executive allocated an additional €1m in service development funding in 2007 to enable the hospital to make further improvements to the Neurosurgical Service. This funding has allowed for additional staff to be put in place including a temporary Consultant Neurosurgeon (8th) and a Specialist Registrar in neurosurgery. The appointment of a Consultant Anaesthetist is awaiting the outcome of discussions on paediatric neurosurgery and anaesthesia services.

In 2008 Beaumont hospital has been allocated an additional €1m within their overall allocation to support (inter alia) the continued development of the neurosurgery programme.

In addition to the revenue investment, capital funding of nearly €5.0m was allocated to Beaumont by the Health Service Executive in 2007. This funding was designed for:

- Replacement equipment for the neurosurgery theatres;

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- Refurbishment of interventional radiology room;
- Investment in intra-operative monitoring equipment; and
- Investment in image linkages and a data base to improve reporting arrangements.

The 2007 capital allocation builds on the investment of €750,000 in 2006 for equipment. The commissioning of the 11th theatre which is currently underway. (This new theatre is capable of being commissioned on a 2.5 day basis with effect from this month subject to recruiting an additional three staff which were approved last year).

To optimise the use of the existing acute neurosurgical beds in Beaumont the Health Service Executive has provided additional home care packages for those patients who have completed the acute phase of their care.

To support the rehabilitation needs of neurosurgical patients in Beaumont a joint project team between the National Rehabilitation Hospital, Beaumont and the Health Service Executive has been set up to progress the establishment of an acute 25 bedded rehabilitation ward in Beaumont. The aim is to improve the outcome for patients with acquired brain injury with the provision of dedicated rehabilitation pending the patient's suitability for transfer to the National Rehabilitation Hospital. This development is identified in the draft HSE Capital Plan 2008-2013.

Paediatric neurosurgery services including trauma services, are currently provided at Beaumont Hospital. As indicated in the Addendum to the Comhairle Neurosurgery report the HSE considers that paediatric neurosurgical services will be provided, in the longer term, at the new National Paediatric Hospital. In advance of this move early discussions are underway to facilitate the optimal configuration of the delivery of paediatric neurosurgery within the existing hospital structures to ensure the appropriate delivery of the service.

#### **HIV Infection.**

209. **Deputy Liz McManus** asked the Minister for Health and Children the number of reported HIV cases from County Wicklow in 2007; and if she will make a statement on the matter. [9564/08]

**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.**

210. **Deputy Michael Ring** asked the Minister for Health and Children when a service (detail supplied) will be provided in an area. [9569/08]

**Minister for Health and Children (Deputy Mary Harney):** There is no statutory obligation on the Health Service Executive (HSE) to provide community physiotherapy services but arrangements have been made in some regions to provide such services. Before the establishment of the HSE, the nature of any arrangements for community physiotherapy services and the level of service provided were a matter for individual health boards. As a result, variation in practice developed over time. I understand that, in some areas, the HSE has made arrange-

ments with private physiotherapists to provide services to medical card holders who have been referred by their General Practitioners. These arrangements will be reviewed in the context of the ongoing development of primary care services and the legislative proposals being prepared by my Department to clarify and update existing legislation on eligibility for health and personal social services, including physiotherapy services.

As the Health Service Executive has the operational and funding responsibility for Primary Care services, including physiotherapy services, it is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### **Hospital Services.**

211. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist persons (detail supplied); and if she will make this a priority case. [9571/08]

**Minister for Health and Children (Deputy Mary Harney):** My Department is advised that the Health Service Executive has recently issued an interim response regarding this case and will be issuing a full response on receipt of additional information requested.

*Question No. 212 answered with Question No. 119.*

*Questions Nos. 213 and 214 answered with Question No. 137.*

*Question No. 215 answered with Question No. 114.*

### **Health Services.**

216. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she will request the Health Service Executive to provide community health services in Fettercairn, Tallaght, Dublin 24; her views on local concerns in the matter; and if she will make a statement on the matter. [9590/08]

**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.

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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.

#### **Health Service Staff.**

217. **Deputy Jack Wall** asked the Minister for Health and Children the discussions her Department has had or is planning to have with the Health Service Executive to investigate and overcome the technical problem that the eastern community works section has within their computer section in view of the fact that it does not allow the section pay the home helps employed by that section on behalf of the HSE, their travel allowances; and if she will make a statement on the matter. [9601/08]

**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, including the payment of travel allowances to eligible personnel, has been provided as part of its overall vote. 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 these matters investigated and to have a reply issued directly to the Deputy.

218. **Deputy Jack Wall** asked the Minister for Health and Children the number of home helps in the Kildare-west Wicklow area of the Health Service Executive that are due arrears in relation to travel expenses; the period of time that each is waiting for such expenses; if the rate of travel is the Civil Service rate; and if she will make a statement on the matter. [9602/08]

**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, including the payment of travel allowances to eligible personnel, has been provided as part of its overall vote. 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 these matters investigated and to have a reply issued directly to the Deputy.

#### **National Treatment Purchase Fund.**

219. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of patients who received treatment through the treatment purchase scheme in each of the past five years; and if she will make a statement on the matter. [9749/08]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question relates to the operation of the National Treatment Purchase Fund, my Department has asked the Chief Executive of the Fund to reply directly to the Deputy in relation to the information requested.

### Health Services.

220. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the reason home help hours have been restricted; and if she will make a statement on the matter. [9750/08]

**Minister for Health and Children (Deputy Mary Harney):** The new funding package of €22m provided in the recent Budget is designed to enhance a range of important community initiatives, including €4.6 million additional expenditure by the HSE for 200,000 extra Home-Help hours this year. The Executive therefore expect to provide a total of around 11.98 million Home-Help hours nationally in 2008, to benefit in excess of 53,000 people. This is over and above the 11.78 million hours provided in 2007.

*Question No. 221 answered with Question No. 146.*

*Question No. 222 answered with Question No. 111.*

### Ambulance Service.

223. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she is satisfied with the strength of the ambulance service; her proposals for increasing staffing levels or vehicles; and if she will make a statement on the matter. [9753/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

### Accident and Emergency Services.

224. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if adequate accident and emergency staff are available at all hospitals; and if she will make a statement on the matter. [9754/08]

**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.

225. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of agency nurses employed in Naas General Hospital, Naas, County Kildare in each of the past five years; and if she will make a statement on the matter. [9755/08]

**Minister for Health and Children (Deputy Mary Harney):** Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service



[Deputy Mary Harney.]

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.

226. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of agency nurses currently employed by the Health Service Executive throughout the country; the extent to which such numbers have fluctuated in the past five years; and if she will make a statement on the matter. [9756/08]

**Minister for Health and Children (Deputy Mary Harney):** Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

227. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the full extent of staff required to operate the full scale of services at Naas Hospital, Naas, County Kildare; the additional staff requirements at present; her proposals to meet these requirements; and if she will make a statement on the matter. [9757/08]

**Minister for Health and Children (Deputy Mary Harney):** Over 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 healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the 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.**

228. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when she expects the delivery of the full scale of services at Naas Hospital, Naas, County Kildare including the utilisation of all facilities there; if there are exceptions; and if she will make a statement on the matter. [9758/08]

**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.

### **Community Care.**

229. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent to which she expects upgraded community health centres to play a role in the delivery of health services in the future; and if she will make a statement on the matter. [9759/08]

**Minister for Health and Children (Deputy Mary Harney):** The Primary Care Strategy aims to develop services in the community to give people direct access to integrated multidisciplinary 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 health services. The HSE received additional funding of €40 million in the period 2006 to 2008 for the establishment of some 200 primary care teams involving some 600 additional front line professionals. The Government has committed under the Towards 2016 agreement to the establishment of 300 Primary Care teams by 2008; 400 by 2009 and 500 by 2011. A review of these targets is due to be undertaken in 2008. The provision of the appropriate infrastructure to facilitate the delivery of primary care services is being considered by the HSE, having regard to a number of factors. These include the type and configuration of the services involved, the mixed public/private nature of our health system, the suitability of existing infrastructure and the capital requirements of the health services generally over the coming years.

### **Medical Cards.**

230. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of full medical card holders in 1998 and at the present time as a proportion of the general population; and if she will make a statement on the matter. [9760/08]

**Minister for Health and Children (Deputy Mary Harney):** Details of the numbers of medical card holders are provided to my Department each month by the Health Service Executive. The most recent figures provided to my Department reflect the position as at the 1 February 2008. The table that follows this reply shows the number of persons with medical cards and the proportion of the national population which this represents, on the dates requested by the Deputy. In interpreting this information, it is necessary to take account of the fact that the HSE — before 2005 the health boards — has undertaken a substantial programme of work in recent years to improve data quality in the General Medical Services client database. For example, in 2003 and 2004, work carried out by the health boards led to a deletion of approximately 104,000 inappropriate entries, where, for example, there were duplicate entries for the same person, the expiry date on the card had passed, the person had moved away or was deceased. This exercise did not involve any reduction in the actual number of persons who held medical cards but rather resulted in a more accurate picture of the number of individuals in receipt of GP services under the GMS Scheme.

[Deputy Mary Harney.]

Year	National Population	No. of Medical card holders	Proportion of National Population with medical cards
31 December 1998	3,703,100 (Official CSO population estimate for 1998)	1,183,554	31.96%
1 February 2008	4,339,000 (Official CSO population estimate for April 2007 announced on 18th December 2007)	1,280,510	29.51%

In addition, as at 1st February, 2008, 76,094 persons held a GP visit card.

#### **School Medical Examinations.**

231. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if all school medical examinations here are carried out at a frequency required by international standards; the areas which are not up to that standard; and if she will make a statement on the matter. [9761/08]

**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.

#### **Health Services.**

232. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of children screened for orthodontic treatment in each of the past five years; the number who failed to receive treatment; the number currently receiving treatment and on waiting lists; and if she will make a statement on the matter. [9762/08]

**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.

#### **Cancer Incidence.**

233. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the level of incidence of the various forms of cancer diagnosed here in each of the past 10 years; the way these levels compare with those in each of the other EU Member States; the extent of research undertaken to identify the cause or causes throughout the European Union; the degree to which best practices diagnosis and treatment is available throughout the Union; and if she will make a statement on the matter. [9763/08]

**Minister for Health and Children (Deputy Mary Harney):** The aim of the National Cancer Control Strategy is to reduce our cancer incidence, morbidity and mortality rates relative to other EU member states. The strategy embraces the concept of cancer control which is emerging internationally and supported by the World Health Organisation. It makes recom-

mendations in terms of organisation, governance and quality assurance across the continuum of cancer control from health promotion and early detection to treatment, supportive and palliative care and research and education. Professor Tom Keane took up his post as National Cancer Control Director in November 2007. The decisions of the HSE on the designation of four managed cancer control networks and eight cancer centres will be implemented on a managed and phased basis. Arrangements are in hand to enable Professor Keane to take control of all new cancer developments and progressively all existing cancer services and related funding and staffing. An additional €35 million has been allocated this year for cancer control, including €15 million to support the implementation of the National Cancer Control Programme. This funding also includes €1 million to support initiatives under the All-Ireland National Cancer Institute Cancer Consortium, including cancer clinical trials. Further investment in cancer control will be based on the reform programme being implemented by the HSE. Statistics on cancer incidence are collated by the National Cancer Registry. My Department has asked the Director of the Registry to examine these matters and to reply directly to the Deputy.

### **Heart Disease Incidence.**

234. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the research that has been undertaken into the cause or causes of high levels of heart disease here with particular reference to comparisons with statistics in other EU Member States; the extent of the research available as regards the contributory cause or causes; and if she will make a statement on the matter. [9764/08]

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):** There is a large measure of agreement internationally on the factors which increase risk of coronary heart disease. The WHO has stated that, “the major determinants of population rates of coronary heart disease had now been identified: an inappropriate national diet aggravated by physical inactivity and overweight (reflected in the mass raising of blood lipids and blood pressure), and widespread cigarette smoking.” Smoking, raised blood pressure and raised blood cholesterol are regarded as the three “classic” risk factors for coronary heart disease. There has also been much research over the years into heart disease funded by the Health Research Board. In recent years heart disease and stroke rates have declined in Ireland. Ireland is no longer the worst place for premature deaths from coronary heart disease in EU-15 as was the case prior to the publication of Building Healthier Hearts in 1999. The pace of improvement for coronary heart disease is faster in Ireland compared with the EU-15 average. For example in the period 1995-2004 the rate of decline in premature mortality due to coronary heart disease was  $2\frac{1}{2}$  times the EU-15 average for men and over 3 times the EU-15 average for women.

Coronary heart disease mortality rates fell by 47% in people aged 25 — 84 between 1985 and 2000. This resulted in 3,760 fewer deaths in 2000. More recent research in Ireland has examined how much of the decline in coronary heart disease mortality can be attributed to “evidence based” medical and surgical treatments and to changes in major cardiovascular risk factors. Approximately half the coronary heart disease mortality decline in Ireland between 1985 and 2000 can be attributed to medical treatments and almost half to reductions in major risk factors, principally high cholesterol and smoking. These beneficial effects were offset by increases in diabetes, obesity and physical inactivity which collectively contributed to approximately 500 more deaths. Available research is being considered by the Cardiovascular Health Policy Group. This group, which was established in September 2007, will set out broad policy guidelines for development of policy on cardiovascular health, including stroke. It is due to complete its work by May 2008.

*Question No. 235 answered with Question No. 197.*

### **Respiratory Diseases.**

236. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of people suffering from respiratory conditions here and in each EU country; the research undertaken to identify the cause or causes of the exceptionally high level here; and if she will make a statement on the matter. [9766/08]

**Minister for Health and Children (Deputy Mary Harney):** Comparable figures on the prevalence of respiratory conditions across the European Union are not available. The reason for this is that these conditions cover a very wide range of diagnoses from minor to acute or chronic disease which are not generally notifiable or covered by specific disease registries. Data are available for hospitalisation for respiratory diseases and for mortality resulting from these diseases. The recent INHALE report noted that Ireland continues to have high overall mortality rates from respiratory disease. However, data from the World Health Organisation shows that rates of decline in mortality from respiratory conditions in Ireland have been very rapid, particularly in the last 10 years, and that the gap with our EU counterparts has closed significantly over this period. When the respiratory category is broken down into more specific conditions, improvements are particularly marked in certain areas. For example, for bronchitis, emphysema and asthma Ireland now has one of the lowest mortality rates in the EU. Death rates from chronic lower respiratory disease have decreased by 40% since 1999 compared with a 20% reduction for the EU as a whole. The reduction in mortality from pneumonia has also been steep although Ireland continues to have double the death rate compared with the EU average. Respiratory conditions remain a very significant cause of chronic illness and of mortality in Ireland, but considerable progress is being made which can be attributed to a variety of causes including improved medical treatment and better environmental and lifestyle factors such as reduction in smoking.

### **Services for People with Disabilities.**

237. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of children born with autism or Asperger's spectrum in each of the past 10 years to date in 2008 in each of the EU countries; the extent of research undertaken in each country arising therefrom; and if she will make a statement on the matter. [9767/08]

238. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the full extent of research undertaken to determine the cause or contributory causes of the high incident of autism here; her proposals in this regard in the future; and if she will make a statement on the matter. [9768/08]

**Minister of State at the Department of Health and Children (Deputy Jimmy Devins):** I propose to take Questions Nos. 237 and 238 together.

The Department of Health and Children does not collect data on the number of children born with autism or Asperger's syndrome in this country. It does not know whether such information is available from each EU member state, or the extent of the research undertaken in each country. There has been an increase in recent years in the number of children being diagnosed with autism in Ireland. Similar increases have been experienced in other European countries and the USA. It is not clear whether the increase is due to greater awareness or whether there is a true increase in the prevalence of autism. It is recognised that the epidemiology of Autistic Spectrum Disorder is undergoing rapid change due in whole or part to better



ascertainment and re-clarification. The diagnosis is a clinical one — it is based on a variety of observations rather than a defined laboratory investigation. Hence the evolving concept of an “autistic spectrum” which stretches from those severely affected to those with only a mild disability.

In December 2004, the Department of Health and Children, through the Health Research Board, approved expenditure of €5 million on autism research to help improve international understanding of the genetic causes of autism. This €5 million is the Irish contribution to a major international research initiative called the Autism Genome Project which will receive a total investment of €12 million from a variety of international organisations over the next three years. The other co-funders in the international consortium include Autism Speaks (US), the British Medical Research Council (MRC), Genome Canada and Partners, Canadian Institutes for Health Research (CIHR), Southwest Autism Research and Resource Center (SARRC), and the Hilibrand Foundation. This unique combination of international, public and private partners funding a consortium of clinicians and scientists is a new and welcome departure in the field of autism research. The Health Research Board has informed my Department that this funding was awarded as follows: €2.8 million to Professor Michael Gill, Department of Psychiatry, Trinity College, Dublin; and €2.2 million to Professor Andrew Green, Director National Centre for Medical Genetics, Our Lady’s Hospital for Sick Children, Crumlin, which is affiliated to UCD. This figure represents the largest tranche of funding to be awarded by any of the four funders within the international consortium. The Irish researchers are at the forefront in unravelling the genetic determinants of autism and related disorders. They are using novel state-of-the-art genetic sequencing technology to analyse DNA samples taken from autistic patients to identify candidate genetic markers for autism. They will collaborate with their international colleagues to then link these genetic markers with clinical outcomes. This unique international research effort will greatly improve not only our understanding of the causes of autism, but its diagnosis and treatment.

### **Infectious Diseases.**

239. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent to which a trend in respect of incidents of MRSA show an increase or decrease on a monthly basis in the past three years; and if she will make a statement on the matter. [9769/08]

240. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the procedures in place to combat MRSA; and if she will make a statement on the matter. [9770/08]

241. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if the prescription of lower strength antibiotics is necessitating repeat treatments and thereby causing susceptibility to superbugs; and if she will make a statement on the matter. [9771/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 239 to 241, inclusive, together.

I assure the Deputy that tackling all Health Care Associated Infections (HCAIs), including MRSA, continues to be a priority for the Government and for the Health Service Executive. The Health Protection Surveillance Centre of the HSE collects data on MRSA which are published on a quarterly basis. In 2007, 43 Irish laboratories serving 64 acute hospitals (public and private) participated in their data collection system representing an estimated 98% coverage of the Irish population. The number of MRSA cases recorded over the last five years was 445 cases in 2002, 480 cases in 2003, 553 cases in 2004, 592 cases in 2005, 588 cases in 2006 and 432 cases by the end of the 3rd Quarter in 2007. The HSE launched a National Infection

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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.

Appropriate antibiotic prescribing is an important element in the effective treatment of all infections. Antibiotic stewardship programmes form a key part of the HSE Infection Control Action Plan. While there has not been any direction about prescribing “lower strength antibiotics”, the HSE advises the use of narrow spectrum rather than broad spectrum antibiotics and this is aided by knowing the bacterial sensitivities in the local community. A National Surveillance System has been established by the HSE to collect data and provide information on a quarterly basis on four key areas and to monitor HCAs in our health system. It is focusing on Staphylococcus bacteraemia; Antibiotic consumption; Alcohol gel use; and MRSA surveillance in Intensive Care Units. The HSE intends to publish available data on the above for 2006 and 2007 in April this year and then quarterly thereafter. The data will be listed by individual hospital and in due course, as appropriate, by each Local Health Office. This will greatly assist in the monitoring of improvements in infection control. It will in particular highlight recent trends in the key areas identified and represent a benchmark against which we can assess progress in the future and particularly when and where that progress is being achieved. 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 13 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 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 are also depends heavily on good leadership and a system of governance. HIQA is 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.

The availability of isolation facilities is another important factor in the overall solution to the issue of reducing incidence of infection. I have instructed the HSE that designated private beds should be used where isolation facilities are required for patients who contract MRSA and this policy has been adopted by the HSE. New environmental building guidelines have been prepared by the HSE to inform infection control policy in all new builds and refurbishments. A process of consultation on the draft guidelines is ongoing. The HSE is committed to ensuring that such facilities are in line with best international practice including the provision of adequate numbers of single units. 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.

### Pharmacy Services.

242. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the group, bodies, agencies or representatives for whom she, her Department or the Health Service Executive sought or received advice in the past six months in relation to the costs of medicines, dispensing fees and ongoing services to the public in relation to the issues which have caused the dispute between the pharmacists and the HSE; and if she will make a statement on the matter. [9772/08]

243. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent to which she, her Department or the Health Service Executive have had discussions with the drug companies, the wholesalers and the pharmacists in regard to the subject matter on the impasse between the Health Service Executive and the pharmacists; the reason the discussions were not held with each body simultaneously; and if she will make a statement on the matter. [9773/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 242 and 243 together.

My Department and the Health Service Executive (HSE) have been reviewing the pharmaceutical supply chain, with a view to seeking value for money in the State's drugs bill, in order to better fund existing and innovative therapies without compromising patient safety or continuity of supply. The HSE has operational responsibility for the management and delivery of health and personal social services under the Health Act 2004, including the arrangements for the supply of drugs and medicines for eligible patients under the GMS and community drugs schemes.

In line with the strategy agreed by the Cabinet Committee on Health for reform of the drugs supply chain, it was decided to address each element of the supply chain sequentially. Accordingly, a HSE-led negotiating team, including officials from my Department, first engaged with the Irish Pharmaceutical Healthcare Association (IPHA) and the Association of Pharmaceutical Manufacturers of Ireland (APMI), representing proprietary and generic supplier representative bodies, and completed new agreements with these bodies in mid-2006. These agreements are in place.

At the commencement of planned negotiations with wholesalers' representatives, legal issues around competition law were raised. Subsequent legal advice to the HSE indicated that a consultation process, accompanied by independent economic analysis, was considered the most appropriate means to allow for the determination of new reimbursement pricing arrangements for wholesale supply. The revised pricing arrangements for wholesale delivery were arrived at following this process, involving direct discussion with wholesaler companies and a call for public submissions, published on 20th December 2006, in response to which a total of 161 submissions (including 143 from community pharmacy contractors) were received.

Following the completion of public consultation, and informed by the independent economic analysis carried out by Indecon Economic Consultants, new reimbursement arrangements for wholesale supply were announced by the HSE on 17th September 2007. The report by Indecon was published by the HSE on 13 November 2007. All aspects of the Indecon report were considered by the HSE in making its determination.

The Government is firm in its view that the wholesale mark-up paid on the price of drugs should be reduced to a level that is fair to both taxpayers and wholesalers. The existing mark-up in the range of 15% to 17.6% is neither reasonable nor sustainable. The decision to pay an 8% mark-up from 1 March, and 7% from 1 January 2009, will go ahead.

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However, I am concerned, in particular, to support pharmacies which have a high proportion of medical card patients and where a dispensing fee of €3.27 applies for most transactions. Many of these pharmacies are in rural or inner city areas and provide an important social and health service. With my support, the HSE has indicated it is prepared to offer a higher fee, of no less than €5 per item dispensed, to community pharmacists, on the basis of an interim contract which would be essentially the same as the existing contract.

I met with the Irish Pharmaceutical Union recently and heard their point that there should be an independent assessment of the fees offered. In the light of this, I have established an Independent Body to begin work immediately to assess an interim, fair community pharmacy dispensing fee of at least €5 to be paid for the medical card scheme, the Drugs Payment Scheme and other community drug schemes.

This Body is being chaired by Seán Dorgan, former Head of IDA Ireland. It will take submissions from all sides and will carry out its own analysis. It has been asked to make its recommendations by the end of May 2008. Its recommended fee level, subject to Government approval, will be backdated to 1 March 2008. The requested date for submission of the Body's report is 31 May 2008. The Independent Body has met twice, on 25th February 2008 and 3rd March, and has invited submissions. Both the HSE as the contracting body and the IPU as the representative organisation for community pharmacists, along with other stakeholders, will be entitled to make submissions to the Independent Body, on issues of concern to them.

Based on its consideration of submissions received and its own independent evaluation, the body will recommend an appropriate dispensing fee that would, in its view, represent a fair and reasonable price to be paid for the pharmaceutical service currently being provided by community pharmacists to the HSE under the GMS and community drug schemes. If approved by Government, it will be backdated to the date from which any individual community pharmacist may choose to avail of the HSE's offer.

The development of a new substantive pharmacy contract will also get underway as soon as possible. This will be done under the auspices of an agreed facilitator and it too will be priced by the Independent Body. I believe the foregoing provides all concerned with a reasonable way to make the transition to a fair and transparent method of payment for present services and, I hope, greatly developed pharmacy services in the near future.

#### **Nursing Homes Repayment Scheme.**

244. **Deputy Paul Connaughton** asked the Minister for Health and Children the position of an application under the health repayment scheme by a person (details supplied); and if she will make a statement on the matter. [9779/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

#### **Road Network.**

245. **Deputy Pat Breen** asked the Minister for Transport the funding allocation from his Department for local improvement scheme road projects in County Clare for the years 2006, 2007 and 2008; and if he will make a statement on the matter. [9511/08]

**Minister for Transport (Deputy Noel Dempsey):** The grants paid to Clare County Council under the Local Improvements Scheme in 2006 and 2007 and the allocation for 2008 are set out in the following table:

Year	€
2006	1,446,161
2007	1,811,772
2008 Allocation	906,000

246. **Deputy Pat Breen** asked the Minister for Transport the funding allocation from his Department for community and regional roads projects in County Clare for the years 2006, 2007 and 2008; and if he will make a statement on the matter. [9512/08]

**Minister for Transport (Deputy Noel Dempsey):** The grants paid to local authorities in county Clare for works on regional and local roads in 2006 and 2007 and the allocation for 2008 are set out in the following table:

Year	Clare County Council	Ennis Town Council	Kilrush Town Council
	€	€	€
2006	20,879,671	587,000	197,000
2007	20,298,101	605,000	204,000
2008 (Allocation)	20,659,750	605,000	204,000

247. **Deputy Enda Kenny** asked the Minister for Transport if a specific percentage of all road budgets are designated to the construction of safe walkways and cycle ways; and if he will make a statement on the matter. [9502/08]

**Minister for Transport (Deputy Noel Dempsey):** The provision and improvement of regional and local roads, including facilities for pedestrians and cyclists, in its area is a matter for each individual road authority to be funded from its own resources supplemented by State road grants. Road grants for regional and local roads are allocated annually under a number of grant categories. These include special block grants paid to Town Councils for carriageway and footpath repairs and grants for the provision or repair of footpaths in towns which were former Town Commissioners.

Discretionary or block grants are also allocated to all road authorities which may, at the discretion of the authority, be used for the provision of cycleways and footpaths. In addition, local authorities have been advised that consideration should be given to the provision of facilities for cyclists where warranted on existing roads in urban areas and in the development of new road schemes.

As Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The implementation of individual national road projects, and decisions as to whether to cater for other forms of transport such as cyclists or to provide for pedestrian traffic, is a matter for the National Roads Authority under the Roads Act, 1993 in conjunction with the relevant local authorities concerned.



### **Transport Action Plan.**

248. **Deputy Enda Kenny** asked the Minister for Transport the specific targets that have been put in place to encourage the reduction of car use; and if he will make a statement on the matter. [9503/08]

**Minister for Transport (Deputy Noel Dempsey):** On 25 February 2008, I commenced a public consultation exercise that will lead, during 2008, to the adoption by Government of a sustainable travel and transport action plan.

Pending completion of the consultation exercise, I am open to suggestions from all quarters in relation to the content of the proposed action plan. Accordingly, at this stage, it would be premature for me to set targets or make decisions, in the context of sustainable travel and transport, on issues such as modal shift.

### **Rural Transport Services.**

249. **Deputy James McDaid** asked the Minister for Transport the status of the application by a group (details supplied) with their rural transport initiative for the north Irishowen area. [9513/08]

250. **Deputy James McDaid** asked the Minister for Transport the number of rural transport initiatives currently operating; and the budget for the scheme and number of rural transport initiatives in County Donegal. [9514/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 249 and 250 together.

Some Euro 9 million was provided by my Department for the Rural Transport Programme (RTP) in 2007 and a further Euro 2 million has been allocated for the Programme this year. Pobal administers the RTP on behalf of my Department. There are two schemes under the Rural Transport Programme in operation in County Donegal — Seirbhis Iompair Tuaithe Teoranta (South West Donegal) and Síob Teo. (An Gaeltacht Lár and the islands of Arranmore and Tory).

### **Public Transport.**

251. **Deputy Joe Carey** asked the Minister for Transport the reason he did not grant a licence to a company (details supplied) in County Clare; and if he will make a statement on the matter. [9536/08]

**Minister for Transport (Deputy Noel Dempsey):** Bus Éireann currently operates a service between Limerick and Shannon Airport, which serves Bunratty and Sixmilebridge. Having regard to the provisions of Section 11 of the 1932 Act, my Department has refused an application from a private bus operator for a service from Sixmilebridge to Shannon Airport via Bunratty, because of the presence of the existing passenger services on the route. The application was refused on 30 July 2007. The operator was given 21 days to lodge an appeal against my Department's decision. As my Department received no appeal, the case was closed.

252. **Deputy Brian Hayes** asked the Minister for Transport if his Department granted permission for Dublin Bus to extend a route without first consulting with a company (details supplied); and if he will make a statement on the matter. [9553/08]

**Minister for Transport (Deputy Noel Dempsey):** I can confirm that my Department received a proposal from Dublin Bus to operate a new 0630 city centre departure and a new 0730

Newcastle departure on the Route 68/X. My Department deemed that the proposed services would not compete with the existing licensed services being operated by the Company referred to by the Deputy and therefore Dublin Bus was advised that it could proceed with the proposal.

The assessment process applicable to the consideration of proposals received from Dublin Bus or of applications received from private bus operators, does not include consultation between my Department and existing operators on the route in question.

#### **State Aid.**

253. **Deputy Brian Hayes** asked the Minister for Transport if Dublin Bus is converting three year 2000, low-floor vehicles to conduct multilingual Dublin City tours; if the commercial division of Dublin Bus has purchased these buses; and if he will make a statement on the matter. [9554/08]

254. **Deputy Brian Hayes** asked the Minister for Transport if infrastructure that has been partially funded by the Government, such as garage and maintenance facilities, are being used to park and maintain the vehicles operating the Dublin Bus City tour; if these facilities are available to the commercial activities at no extra cost; his views on whether this constitutes illegal State aid therefore conferring an unfair advantage; and if he will make a statement on the matter. [9555/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 253 and 254 together.

The management and use of garage and maintenance facilities and the deployment of buses is an operational matter for Dublin Bus. I understand from Dublin Bus that the vehicles used on Dublin City Bus Tours are not Exchequer funded buses but funded from the Company's own resources.

I am informed by Dublin Bus that, as part of the accounting arrangements maintained in accordance with the requirements of EC Regulation 1191/69 which require separate accounts for public service obligation-funded services and commercial services, the costs of garaging and maintaining the City Tour buses are charged to that service and that the service does not benefit from the compensation paid by the Exchequer to Dublin Bus in respect of its public service obligations.

The CIÉ annual accounts also include a statement to the effect that the grants paid to CIÉ are in accordance with the relevant EU regulations governing State Aid to transport undertakings.

#### **Public Service Obligations.**

255. **Deputy Brian Hayes** asked the Minister for Transport if the costs associated with the public service obligation services are being separated from the costs associated with the commercial services, or could there be the possibility of cross subsidisation, that is, could the staff that are being paid from the public service obligation services be used to work on the commercial services that are in competition with a private company; and if he will make a statement on the matter. [9556/08]

**Minister for Transport (Deputy Noel Dempsey):** Under EU Council Regulation (EEC) No. 2408/92 of 23 July 1992, the Government has established Public Service Obligation (PSO) air services between Dublin and the regional airports at Sligo, Donegal, Knock, Kerry, Galway and Derry. Exchequer subvention is paid in respect of these services on the basis that they are considered vital for the economic development of their regions, and that they would not be

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provided by the airlines on a fully commercial basis. Selection of the air carriers providing the PSO air services is by means of an open competitive tendering process.

Payment of the subvention in respect of each service under the PSO contracts is the lesser of the fixed price agreed with the airline for the year in question or the actual losses incurred by the airline in operating the service during that year, taking account, inter alia, of all direct, indirect and allocated costs, as certified by the airline's Auditor. These arrangements are in line with EU rules and regulations governing PSO services. No Public service obligation payment is made to the Railway Procurement Agency (RPA) in respect of Luas services.

The position in relation to Irish Rail, Dublin Bus and Bus Éireann is that the 3 companies include in the notes to their annual Financial Statements a note analysing total revenue and expenditure over social and commercial activities in line with the principles of EU Directive 2000/52/EC. I am informed by both Dublin Bus and Bus Éireann that their commercial services do not benefit from the compensation paid to both companies in respect of their public service obligations. The issue does not arise in the case of Iarnród Éireann, as it is the sole provider of services on the railway network.

#### **Work Permits.**

256. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment when a decision will be made on an application for a work permit on behalf of a person (detail supplied) in County Tipperary. [9560/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Employment Permits Section of my Department informs me that it has no record of a current application in relation to the above case.

#### **Redundancy Payments.**

257. **Deputy Michael Creed** asked the Minister for Enterprise, Trade and Employment if a person (details supplied) in County Cork is entitled to statutory redundancy. [9596/08]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** Payment of statutory redundancy is, in the first instance, a matter for the employer. There is no record in my Department of an application for statutory redundancy on behalf of the person to whom the Deputy has referred. If the Deputy requires further information on the Redundancy Payments Scheme, he may contact my Department at 016313051.

#### **Industrial Development.**

258. **Deputy Eamon Scanlon** asked the Minister for Enterprise, Trade and Employment the number of visits the Industrial Development Authority has made to Donegal, Sligo and Leitrim in the past two years; and if he will make a statement on the matter. [9487/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment (FDI) to Ireland and its regions. The marketing of individual areas for new or expansion FDI investments and jobs is a day-to-day operational matter for the Agency. While I may give general policy directives to the Agency, I am precluded under the Industrial Development Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

The arrangement of visits by potential investors to various locations through out the country is an operational matter for the Agency and not one in which I have a function. Accordingly, I have forwarded your query to the Secretary of IDA Ireland for his attention.

### **Health and Safety Issues.**

259. **Deputy Enda Kenny** asked the Minister for Enterprise, Trade and Employment if there are plans to review health and safety legislation to place a particular emphasis on healthy eating and active living; and if he will make a statement on the matter. [9497/08]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I am responsible under the Safety, Health and Welfare at Work Act 2005, for workplace health and safety policy. The Health and Safety Authority is responsible for the administration and enforcement of occupational health and safety legislation which is concerned with workplace health and safety. The Deputy's question raises a wider public health matter, in which my colleague the Minister for Health and Children would have major responsibilities.

My Department chairs the National Framework Committee for Work Life Balance Policies, which was established under social partnership. While the Committee is tasked with supporting work life balance policies at the level of the enterprise but its remit does not extend to specific measures such as healthy eating and active living which, as I have said, are areas in which my colleague the Minister for Health and Children would have responsibility in the first instance. Accordingly, I have no plans to review health and safety legislation along the lines suggested.

260. **Deputy Enda Kenny** asked the Minister for Enterprise, Trade and Employment if he has had consultations with the electronic leisure industry and consumer groups with a view to revising the design, production and marketing policies surrounding products that impact on healthy eating and active living, particularly in relation to children; and if he will make a statement on the matter. [9498/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** I have not had any consultations regarding the design, production and marketing policies surrounding products that impact on healthy eating and active living, particularly in relation to children. I would advise the Deputy that general policy responsibility for healthy eating and active living, including in relation to children, lies with my colleague, the Minister for Health and Children.

### **Industrial Development.**

261. **Deputy Martin Ferris** asked the Minister for Enterprise, Trade and Employment his views on the fact that only one Industrial Development Authority supported company has set up in County Kerry over the last five years, compared to 30 set up in County Cork during the same period; and if steps are being taken to ensure that Kerry is on a level playing field with other counties in terms of infrastructural development. [9515/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment (FDI) to Ireland and its regions. The marketing of individual areas for new or expansion FDI investments and jobs is a day-to-day operational matter for the Agency. While I may give general policy directives to the Agency, I am precluded under the Industrial Development Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

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At the end of 2007, the latest date for which figures are available, there were 16 IDA Ireland supported companies in Kerry employing approximately 1,838 people. The impact of FDI in Ireland goes much deeper than job creation alone. Foreign owned companies are at the cutting edge of demand for high skills, advanced management training and of business process, which permeates the wider business community. These companies have contributed to the broadening of the economic base in Ireland by fostering entrepreneurial activities and new start-up companies aimed at supporting and selling to foreign owned companies.

In line with the National Spatial Strategy, IDA Ireland is actively promoting the hub towns of Tralee and Killarney as well as the greater Kerry region to prospective investors across the full range of IDA targeted sectors, such as International Financial Services, Information and Communications Technologies (ICT) and Internationally Traded Services. Every effort is being made to secure new advanced knowledge based industry for the area.

Over the last number of years the nature of Foreign Direct Investment has changed and Ireland is now competing for premium mobile investments against the most advanced countries in the world. As Ireland competes for investments at the highest end of the value chain the concept of scale is crucial to our economic destiny. Leading corporations require a significant population of highly qualified talent, effective physical and digital infrastructure and the availability of sophisticated professional support services. If we are to make progress in attracting FDI to the regions we need to continue our investments under the NDP and all economic and social stakeholders will need to commit to the goal of balanced regional development as envisaged in the National Spatial Strategy. Future thinking and action must have a regional rather than a local bias and this requires a significant change in mindset.

IDA Ireland is working closely with educational institutions in the region, in developing the skill sets necessary to attract high value added employment to the county. In addition, the Agency is also working with FÁS to provide guidance in developing the skill-sets needed by those in the workforce who are interested in upskilling.

In the final analysis it is the investor who decides where to locate. I am confident, that the policies being pursued by the development agencies together with the roll out of the National Development Plan will continue to bear fruit in terms of employment and investment for the people of Kerry.

### **FÁS Training Programmes.**

262. **Deputy Simon Coveney** asked the Minister for Enterprise, Trade and Employment if he has instructed FÁS to introduce training courses in green energy technology installation in view of its rising popularity and the lack of current qualified tradesmen in the sector; and if he will make a statement on the matter. [9520/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** FÁS is currently involved in the funding and provision of energy related programmes to meet demand in this area.

At present the Services to Business Central Environmental Training Unit is currently developing a training programme in Energy Efficiency and alternative energy options in respect of industrial and commercial applications. The programme is being developed in conjunction with Sustainable Energy Ireland, the Construction Industry Federation and Waterford County Council. It is expected that the programme will be available from April and will be of six days duration.



At a regional level FÁS is currently funding a Gas Installation Domestic and a Gas Installation Safety programme. The Midwest Region is supporting Limerick Institute of Technology in the completion of a 3-year full time BSc in Renewable and Electrical Energy Systems.

In addition the FÁS Training Services Division has established two training facilities, at the Ballyfermot Training Centre and the Cork Training Centre, which specialise in Sustainable Energy Systems Installation and Maintenance Skills. At present the following three courses are on offer:

- Domestic Biomass Installation
- Domestic Heat Pump Installation
- Domestic Solar Hot Water System Installation

These courses are designed to update the skills of crafts persons and are at FETAC level 6.

### **Decentralisation Programme.**

263. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Employment if he will outline in respect of each unit and agency listed for decentralisation, the property acquisitions that they have made including their location, size and cost, the number of staff that have moved to the proposed location for decentralisation, the number of staff who have been assigned for a move to the new decentralisation location, the number of staff who have been assigned who are new recruits, the number of staff assigned who are moving on promotion and the number of staff who have indicated to the Central Applications Facility that they wish to move with their posts; if he has conducted an assessment of the decentralisation move in terms of the cost savings that will accrue, the improved efficiency that will be achieved, and the loss of the skills; and if he will make a statement on the matter. [9649/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** Officials in my Department are currently compiling the information sought by the Deputy. However, due to the large amount of detail involved it will not be possible to supply the material within the timescale requested. Nonetheless, my Officials are well advanced in bringing the data together and a final response will be forwarded to the Deputy shortly.

### **Science and Technology Groups.**

264. **Deputy Brian Hayes** asked the Minister for Enterprise, Trade and Employment the reason, in view of the Government's commitment to encouraging and promoting sciences throughout all aspects of Irish education, his Department has refused to apply for full membership status of the international organisation CERN; if, in view of the possibilities that membership of this organisation has for Irish students studying a range of sciences in this country and the fact that they are unable to obtain summer programme placements because Ireland is not a member of CERN, in Geneva, Switzerland, in which the world's largest particle physics laboratory is located, he will give a commitment to fully join this organisation as a matter of priority; and if he will make a statement on the matter. [9651/08]

**Minister for Enterprise, Trade and Employment (Deputy Micheál Martin):** The Strategy for Science, Technology and Innovation (2006-2013) recognises the importance for Ireland in building its international collaborative networks in science and highlights the importance of making investments in a way that produces the greatest benefit to Ireland. Ireland is currently involved in various international programmes and initiatives including the European Seventh Framework Programme for Research (FP7), the European Space Agency, the European Molecular

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Biology Laboratory, EUREKA, the network for market orientated research and development and COST, European co-operation in the field of scientific and technical research.

However, I am cognisant of the need to keep under review developments and opportunities at international and European level and to ensure that our investments assist us to build a strong national research capacity that will attract and retain researchers. Consequently, at my request, the Advisory Science Council (ASC) has commenced a study in order to help elaborate a strategy for Ireland's international engagement in science, technology and innovation. The outcome of this study, which is expected to be completed this year, will help to guide decision making on the international research organisations in which Ireland should seek closer involvement. In this regard, it is important to appreciate that decisions about joining international organisations must take into consideration the opportunity costs involved and the capacity of the research community to derive and optimise benefits from such memberships.

### **Swimming Pool Projects.**

265. **Deputy John Curran** asked the Minister for Arts, Sport and Tourism if he plans to reopen the swimming pool programme; and when this might occur. [9597/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** My Department has completed a Value for Money and Policy Review Report of the Local Authority Swimming Pool Programme. The Report examined, among other things, how the Programme has worked to date and what changes, if any, are required to ensure its effective and efficient delivery.

Following consideration of the recommendations in the Report, it is my intention to launch a new round of the Local Authority Swimming Pool Programme.

### **National Museum.**

266. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism if there are proposals to open a famine museum as part of the National Museum to commemorate the millions of Irish people who died in the Great Famine; and if he will make a statement on the matter. [9599/08]

**Minister for Arts, Sport and Tourism (Deputy Séamus Brennan):** Since the National Museum of Ireland became an autonomous statutory body under the National Cultural Institutions Act, 1997 on 3rd May 2005, the Board of the National Museum is statutorily responsible for operational matters concerning exhibitions of the Museum's collections. Any decision, therefore, to commemorate the victims of the Famine within the campus of the National Museum of Ireland is a matter for that organisation.

### **Social Welfare Benefits.**

267. **Deputy Dan Neville** asked the Minister for Social and Family Affairs if a swipe card will be introduced for old age contributory and non-contributory pensions in 2008; and the date of same. [9525/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** 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.

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.

Since September 2007, State Pension Contributory and State Pension Non-Contributory customers have been paid at their nominated Post Office using a Social Service card or at a Financial Institution.

From the end March 2008, some 5,000 State Pension Contributory customers' will be changed from a Personalised Payment Order (PPO) book to payment using Social Services Card. A further group of both State Pension Contributory and Non Contributory customers will be changed to payment using a Social Service Card from the end September 2008.

The replacement of books with Social Service cards will have no impact on customers paid at post offices. Customers will simply present their Social Services Card at all Post Offices and sign for their payment in the normal way. An Post and the Irish Postmaster's Union (IPU) are committed to assisting customers in the use of cards for collecting their payment.

For those customers who cannot collect their payment in person, the Department is putting arrangements in place to allow a nominated person collect their payment using a Social Services card.

268. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the steps he will take to address the situation where employers are not obliged to make payments to employees on maternity leave but make full payments to them when they are on sick leave; and if he will make a statement on the matter. [9538/08]

**Minister for Social and Family Affairs (Deputy Martin Cullen):** Maternity Benefit is an income maintenance payment awarded by this Department to eligible women for a 26-week period on foot of a confinement. Entitlement to this benefit for employees is contingent on entitlement to statutory Maternity Leave.

Under the provisions of social welfare legislation, the 26-week period of core statutory Maternity Leave attracts a payment from my Department — subject to certain social insurance contribution conditions being fulfilled. Maternity Leave legislation also provides an option for a woman to take an additional 16-week period of leave that does not attract a benefit payment.

Some employment contracts may allow for additional periods of leave to be taken or for an additional top-up payment to be made above the normal entitlement to Maternity Benefit. These arrangements are discretionary private contractual arrangements agreed between employers and workers and, as such, are outside the realm of social welfare legislation.

Similarly, an employee has no right under employment law in Ireland to be paid by their employer while on sick leave. Consequently, it is at the discretion of the employer to decide his/her own policy on sick pay and sick leave, subject to the employee's contract or terms of employment. Under Section 3 of the Terms of Employment (Information) Act 1994 and 2001 an employer must provide an employee with a written statement of terms of employment within two months of the commencement of the employment. One of the terms referred to in this Act on which the employer must provide information is the terms or conditions relating to incapacity for work due to sickness or injury.

If an employee has no entitlement in their terms and conditions of employment to pay during sick leave, they may apply for Illness Benefit entitlement to which is based on their PRSI contribution record.

### Community Development.

269. **Deputy Pat Breen** asked the Minister for Community, Rural and Gaeltacht Affairs the funding allocation under the CLÁR programme from his Department for local improvement scheme road projects in County Clare for the years 2006, 2007 and 2008; and if he will make a statement on the matter. [9510/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Co Clare was allocated €604,000 in 2006 under this scheme. In 2007 the county applied for funding of €345,000 which was granted, out of a total available of €500,000. No decision in relation to 2008 has been made as yet.

### National Lottery Funding.

270. **Deputy Enda Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the organisations in the Dublin mid-west area that were granted funds under the current round of national lottery grants; the amount granted in each case; the organisations in this area whose applications were unsuccessful; and if he will make a statement on the matter. [9561/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The Department uses the proceeds of the National Lottery to part fund the following schemes and programmes:

- Programme of Grants for Locally-based Community & Voluntary Organisations;
- Scheme of Community Supports for Older People (CSOP);
- The Community Development Programme (CDP);
- Funding Scheme to Support National Organisations in the Community & Voluntary Sector; and
- Ciste na Gaeilge.

Details of the funding to the successful and unsuccessful organisations in mid-west Dublin and the relevant scheme are set out in the following tables.

Successful Organisations

Name	Area	Amount	Granted Scheme
		€	
Deansrath Women's Group	Clondalkin	8,347	Grants for Locally Based C & V Organisations
Srúleen Women's Group	Clondalkin	4,230	Grants for Locally Based C & V Organisations
Separated Women's Group	Clondalkin	2,587	Grants for Locally Based C & V Organisations
North Clondalkin Community Development Association	Clondalkin	8,100	Grants for Locally Based C & V Organisations
Clondalkin Women's Group	Clondalkin	630	Grants for Locally Based C & V Organisations
Carers Association	Clondalkin	1,800	CSOP
Clondalkin Senior Citizens Social Club	Clondalkin	30,180	CSOP
Bawnogue Women's Development Group	Clondalkin	78,800	CDP

Name	Area	Amount	Granted Scheme
		€	
Clondalkin Travellers Development Group	Clondalkin	121,300	CDP
Dolcain Community Development Project	Clondalkin	125,400	CDP
Quarryvale Community Development Project	Clondalkin	121,400	CDP
Rowlagh Women's Group	Clondalkin	128,300	CDP
Clondalkin Women's Network	Clondalkin	156,000	CDP
North Clondalkin Community Development Project	Clondalkin	117,800	CDP
Ronanstown Community Development Group	Clondalkin	153,100	CDP

#### Unsuccessful Organisations

Name	Area	Granted Scheme
Support after Homicide Limited	Rathcoole	Grants for Locally Based C & V Organisations
Liffey Sound Communications Co-Operative Society	Lucan	Grants for Locally Based C & V Organisations
The Marie Keating Foundation	Lucan	Funding Scheme to Support National Organisations in the C & V Sector
Pieta House	Lucan	Funding Scheme to Support National Organisations in the C & V Sector
Irish Marching Bands	Lucan	Funding Scheme to Support National Organisations in the C & V Sector

#### Community Development.

271. **Deputy Brian O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs when he will be making an announcement in regard to contracts for the provision of support services to projects in 2008; and if he will make a statement on the matter. [9572/08]

273. **Deputy Brian O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs if he will supply the clarification sought by a development project (details supplied) in County Waterford in regard to withdrawal of support to support agencies; and if he will make a statement on the matter. [9660/08]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** I propose to take Questions Nos. 271 and 273 together.

I would refer the Deputy to my reply to question number 433 on 19th February 2008.

#### Caillteanais Postanna.

272. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é líon iomlán na bpost a cailleadh de bharr dúnadh comhlachta [sonraí tugtha] agus méid iomlán na ndeontas a íocadh leo ó lonnigh siad sa Ghaeltacht; agus an ndéanfaidh sé ráiteas ina thaobh. [9585/08]



**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Dírím aird an Teachta ar an bhfreagra a thug mé ar Cheist Dála Uimh. 39 ar 27 Meán Fómhair 2007.

Tuigim ó Údarás na Gaeltachta gur cailleadh 14 post lánaimseartha agus 10 bpost páirtaimseartha nuair a dúnadh an comhlacht atá luaite ag an Teachta. D'íoc an tÚdarás deontas fostaíochta de €145,000 leis an gcomhlacht.

*Question No. 273 answered with Question No. 271.*

#### **Grant Payments.**

274. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the reason a REP scheme farmer must be compulsory purchase ordered in order to provide land to a local authority to improve road safety; her plans to review this policy; and if she will make a statement on the matter. [9495/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** If land which is part of a REPS contract is disposed of on foot of a compulsory purchase order, reimbursement of REPS payments already made on the area is not required. In practice, however, my Department does not normally look for payments to be refunded if it is satisfied that land is disposed of to a local authority for the public good without a compulsory purchase order.

#### **Food Industry.**

275. **Deputy Enda Kenny** asked the Minister for Agriculture, Fisheries and Food the policies introduced by her Department to promote access to healthy food; her views on introducing positive discrimination in the provision of grants and funding to local industry in favour of healthy products; and if she will make a statement on the matter. [9499/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** My Department's primary responsibility is to ensure the sustainable development of a competitive consumer-focused agri-food sector and to contribute to a vibrant rural economy and society and that only food which meets the highest standards of food safety and quality enters the food chain. All of the control systems in place within my Department acting in co-operation with the Food Safety Authority of Ireland are designed to guarantee the production of safe wholesome and traceable food.

Having said that, I am very much aware of the desirability of a good balanced diet for optimum health. Many of our attitudes to health and the influences on our lives are set in childhood and research suggests that food consumption patterns are established early in life. The Scientific Study on Children's Diet, which was co-funded by my Department and the Food Safety Authority of Ireland, was the first study to benchmark dietary intakes of a nationally representative sample of Irish children. The Scientific Study identified inadequate consumption of milk, fresh meat and fruit and vegetables among the young.

The school milk scheme and the Food Dude programme are designed to address this. The school milk scheme was revamped in 2006 and has a broader range of milk products on offer including flavoured milk, low-fat and fortified options to encourage milk consumption. The National Food Dude Programme has among its objectives the increased consumption of fresh fruit & vegetables among school children during school time and at home as well as a change in parental behaviour towards purchase and consumption of fresh fruit & vegetables. This programme, which it is planned to run over a 4-5 year period, commenced last year following a very successful pilot. Some 625 schools and 85,000 children will receive the programme this year.

Positive discrimination in the provision of grants and funding to local industry in favour of healthy products is a form of state aid that is not permissible under EU state-aid rules.

### **Industrial Relations.**

276. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the position in relation to employees of Coillte; if benchmarking has been awarded to the employees; the pay agreements they are subject to; and if she will make a statement on the matter. [9531/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** Coillte was established as a private commercial company under the Forestry Act, 1988 and day-to-day operational matters are the responsibility of the company.

As a commercial State company, Coillte Teoranta is not covered by the Public Service Benchmarking Scheme and consequently there are no direct implications for pay and pensions in the company arising from the report of the Benchmarking Body. Pay and conditions are set by agreement between company management and unions. The application of pay increases is primarily a matter for the company itself.

### **Meat Processing Plants.**

277. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps she is taking to ensure that a fair price is offered to sheep farmers at meat processing plants in view of the fact that the new electronic grading system is not in place; and if she will make a statement on the matter. [9537/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** My Department does not have a role in setting prices at meat processing plants. In the case of the sheep sector, I have noted that introduction of the new pricing system proposed by processing plants has been postponed. Trials on mechanical grading are planned for later this month and are being facilitated by my Department. I would hope that a transparent grid for pricing can be agreed between the processors and suppliers in the near future. Such a development would ultimately help suppliers to tailor their supply to the requirements of the marketplace.

### **Common Agricultural Policy.**

278. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if her Department has been notified by the EU Commission regarding proposals to review disadvantaged areas here in the context of the CAP budget; if so, when this review will take place; and if she will make a statement on the matter. [9592/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The European Commission first tabled proposals in 2004 on a review of the Less Favoured Areas (Disadvantaged Areas), with a view to having changes implemented as part of the Rural Development Framework for 2007-2013. The proposals represented a move away from designation based on socio-economic factors, (declining rural population, low productivity and low farm incomes), to a methodology favouring physical characteristics, (soil type, poor climate, slope and altitude of land). Agreement was not achieved because of the level of opposition from many Member States. Accordingly, the Commission agreed to allow the current criteria stand until 2010, with proposals for new criteria to be brought forward in 2008, for implementation from 2010 onwards.

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An evaluation of the Less Favoured Areas Measure in the Member States was carried out on behalf of the Commission by the Institute for European Environmental Policy and published in November, 2006. Bi-laterals meeting between the Commission and Member States are taking place and following their conclusion, the Commission intend to prepare and finalise a proposal for submission to the Council of Ministers. It is expected that this proposal will be made in May 2008 with a view to having it adopted by the Council prior to the end of this year.

My officials and I will work very closely with the Commission and my colleagues in the Council of Ministers with a view to achieving the optimum outcome for Ireland.

### **Departmental Documentation.**

279. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the way a company (details supplied) has advertising rights in her Department documentation. [9593/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** When a farmer applies to join the Suckler Welfare Scheme (and opts to send back the information on paper as opposed to on-line), the Irish Cattle Breeding Federation (ICBF) sends out a Suckler Pack containing the following:

1. An Animal Events Book
2. Pre-paid return envelopes
3. A copy of the latest Frequently Asked Questions (FAQs)
4. A pocket-sized notebook for the farmer's own use.

The ICBF is the body that operates the Animal Events System for Bovines in Ireland. A key component of The Suckler Welfare Scheme is the use of the Animal Events System to collect cattle breeding information from suckler farmers. The ICBF was asked to collect the animal events data as part of the new scheme. Prior to the introduction of the Suckler Scheme, there were already over 30,000 farmers on the ICBF database.

The notebook does carry a logo from the company named but this notebook is an ICBF document and not a Department document. The Animal Events Book, which is also an ICBF document, does not carry any logo other than that of the ICBF itself.

### **Animal Feedstuffs.**

280. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the meaning of EU Regulation 183 of 2005 as it applies to farmers who operate feed businesses; and if she will make a statement on the matter. [9594/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** EU Regulation 183/2005 lays down general rules on feed hygiene, the conditions and arrangements to ensure traceability of feed, and the conditions and arrangements for the registration and approval of all operators involved in the manufacture, haulage, storage or use of animal feed.

As required under the legislation my Department established a register in 2006 of all feed business operators, including farmers who feed livestock or grow crops which may be used to feed livestock. The legislation requires my Department, as the competent authority, to secure a declaration, two years after registration, from the operators indicating that they are in compliance with the hygiene requirements as set out in the legislation. Last November officials of

my Department sent Guidance Notes and Declaration Forms to the 3,500 commercial feed business operators for completion and return by end December 2007. In January 2008 a Guidance Note was sent to all farmers reminding them of their obligations and informing them that the facility to make their declaration would be contained in the Single Payment Application form being issued in March.

### **EU Regulations.**

281. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the regulations that apply for the storage and disposal of poultry manure; if new regulations must be compiled with before the end of 2008; the way these regulations compare with regulations operated within Northern Ireland against whom producers here compete; and if she will make a statement on the matter. [9595/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** The storage and utilisation of poultry manure are covered by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 (SI no. 378 of 2006), made by the Minister for the Environment, Heritage and Local Government. The Regulations place obligations on farmers regarding the storage of livestock manures, specify periods when the land application of fertilisers is prohibited and place limits on the land application of fertilisers.

The Regulations require that farmers must have 26 weeks' storage capacity for poultry manure. In certain circumstances, as defined in the Regulations, a lesser capacity may apply. In all cases, holdings with poultry must have the required storage in place on 1 January 2009. The application of poultry manure to land must respect the requirements of the Regulations in terms of nutrient requirement, timing and method of application.

In Northern Ireland, the Nitrates Action Programme Regulations (Northern Ireland) 2006 and the Phosphorus (Use in Agriculture) Regulation (Northern Ireland) 2006 place similar requirements on NI farmers in relation to the storage and use of poultry manure. The NI Regulations came into force on 1 January 2007 and require holdings with poultry to have 26 weeks storage capacity by 31 December 2008 at the latest. The prohibited period for application of livestock manure, including poultry manure, is 15 October to 31 January, the same as specified for counties Donegal, Leitrim, Cavan and Monaghan in the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006.

### **Grant Payments.**

282. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if her attention has been drawn to the fact that there are some elderly farmers who do not have bank facilities which would enable them to receive the single farm payment and other such payments direct from her Department into such bank accounts and that such farmers are unable to sign the direct credit authorisation form as a consequence of this; if credit unions can accept such money transferred; if in exceptional circumstances such cheques can be posted out in the traditional manner; and if she will make a statement on the matter. [9778/08]

**Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan):** At present, farmers can choose to have their payments made by cheque or electronic funds transfer directly into their bank account and this situation will continue during the 2008 EU financial year, which ends on 15 October. However, as and from the 2009 EU financial year commencing on 16th October 2008, payment by cheque will no longer be permitted under EU rules.

A new requirement to make all payments under EU funded or co-funded schemes directly into bank accounts must be implemented in accordance with EU Council Regulation 1290/2005

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which lays down the rules on the financing and management of the Common Agricultural Policy for the years 2007 to 2013. The detailed implementing rules for that Regulation, as set out in EU Commission Regulation 885/2006, requires that all EU paying agencies must adopt procedures to ensure that payments are made only to bank accounts with effect from the 2009 financial year.

As the designated paying agency for EU funds, my Department is obliged to adhere to these arrangements. My Department is in contact with farmers to facilitate the smooth switch over of payments to bank accounts. I understand that about 14 Credit Unions are in a position to handle direct payment to customer accounts and it is likely that this number will increase over time. I recently met with An Post which intends to facilitate the electronic transfer of funds through a system of post bank accounts. My officials have also briefed the banks on the new requirement and I will continue to explore all possible solutions to minimise disruption to farmers.

### **Special Educational Needs.**

283. **Deputy Emmet Stagg** asked the Minister for Education and Science if she will re-examine the decision to refuse a special needs assistant for a pupil (details supplied) in County Kildare; and if she will make a statement on the matter. [9488/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I wish to advise the Deputy that the application in question relates to the provision of support to facilitate a three year old child's attendance at a service within the health system. The provision of such support is a matter for the Health Service Executive to address.

### **International Education Services.**

284. **Deputy Finian McGrath** asked the Minister for Education and Science if she will assist in a case (details supplied); and if she will respond to the issues raised. [9508/08]

**Minister for Education and Science (Deputy Mary Hanafin):** Progress is ongoing on the implementation of the recommendations of the Report of the Internationalisation of Irish Education Services, including the establishment of Education Ireland, a new body with responsibility for promoting the development of Ireland as a centre of excellence for international education. The Government is committed to establishing Education Ireland as soon as possible and preparations are now well advanced to establish the body in the coming months. Education Ireland will be established as a company limited by guarantee in the first instance. The association referred to by the Deputy is represented on the Board of the Advisory Council for English Language Schools (ACELS), which also includes representatives of my Department. ACELS will be incorporated into Education Ireland on its establishment and the ACELS Board will be kept fully informed of developments in this regard.

Draft legislation is also being prepared with the intention of establishing the body on a statutory basis. I intend publishing this draft legislation during 2008.

The Government is committed to establishing Education Ireland as soon as possible and preparations are now well advanced to establish the body in the coming months. Education Ireland will be established as a company limited by guarantee in the first instance.

The promotion and development of the English language sector will be a key responsibility for Education Ireland, working in collaboration with the other relevant statutory agencies and providers. Education Ireland will prepare, and submit to me, strategic plans for the development of international education services, including the English language sector. They will also



have the critical responsibility of regulating and quality-assuring international education services, including the English language sector.

### **Schools Building Projects.**

285. **Deputy Joan Burton** asked the Minister for Education and Science when she expects work to commence on the proposed extension to a school (detail supplied) in Dublin 15; if her attention has been drawn to the fact that the board of management has agreed to facilitate higher enrolment numbers on foot of promises made by her and her Department to provide urgently needed classrooms and other facilities; and if she will make a statement on the matter. [9546/08]

**Minister for Education and Science (Deputy Mary Hanafin):** In 2006, the school to which the Deputy refers, agreed to an annual fourth stream intake to cater for additional pupil places in the area. An application for major capital works is being progressed to extend the school to cater for this development.

Appointment of a design team is the first step in the architectural planning of a major capital school building project.

The process to appoint a Design Team for the proposed building project commenced in October 2007 and the Pre Qualification Stage is complete. Issue of Award Stage documentation will take place in the near future. The process to appoint the Project Supervisor at Design Process (PSDP) is completed.

When the Design Team is appointed, the progression of the project through the various stages of architectural planning will be progressed in the context of my Department's multi annual School Building and Modernisation Programme.

286. **Deputy Paul Connaughton** asked the Minister for Education and Science when the promised extension and refurbishment to a school (detail supplied) in County Galway will go to tender; the stage the application is at; if her attention has been drawn to the chronic lack of accommodation in the school, the projected enrolments in the school catchment area for future years and that it is almost nine years since this extension was first applied for; and if she will make a statement on the matter. [9552/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The project to which the Deputy refers is currently at an advanced stage of architectural planning.

The progression of all large scale building projects, including the this project, from initial design stage through to construction phase will be considered on an on-going basis in the context of my Department's multi-annual School Building and Modernisation Programme.

### **Teaching Council.**

287. **Deputy Charlie O'Connor** asked the Minister for Education and Science if her attention has been drawn to the concerns of teachers in respect of the annual subscription paid to the Teaching Council; her views on the problems that this creates; and if she will make a statement on the matter. [9586/08]

**Minister for Education and Science (Deputy Mary Hanafin):** As the Deputy will be aware the Teaching Council Act 2001 provided for the establishment of a Council for the purposes of promoting teaching as a profession, maintaining and improving the standards of teaching, providing for the establishment of standards, policies and procedures for the education and training of teachers, and other matters relating to teachers and the teaching profession.

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To date, the Teaching Council set up under the Act has been funded by my Department. However, from 28 March 2008, the Council will become a self-funding body and an annual registration renewal fee will be payable by all registered teachers. This fee is important as it will underpin the Council's financial independence and is an essential prerequisite to the development of the Council as an autonomous, self-regulating body. I have approved the level of the fee at €90 per annum, which is in line with other professional regulatory bodies.

I can assure the Deputy that my Department has been in close communication with the Teaching Council and with teachers' representative bodies over the course of the last year, to ensure all parties were aware of the implications and methods of fee-collection and to ensure a smooth transition to the Council becoming a self-funding body.

### **Special Educational Needs.**

288. **Deputy Finian McGrath** asked the Minister for Education and Science if she will support the case of a person (details supplied) in County Dublin. [9642/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The Deputy will be aware that the home tuition scheme which provides funding to parents to provide education at home for children who, for a number of reasons such as chronic illness, are unable to attend school was extended in recent years to facilitate tuition for children awaiting a suitable educational placement and also to provide early intervention for pre-school children with autism.

The child in question is attending an early intervention ASD class attached to a mainstream school and therefore is not entitled to home tuition.

### **Schools Building Projects.**

289. **Deputy John Deasy** asked the Minister for Education and Science the funding provided by her Department as devolved grants to schools in Waterford city in each of the years 2006 and 2007; the number of schools in Waterford city that received such grants in those years; the budgeted funding allocated to schools in Waterford city as devolved grants in 2008; and if she will make a statement on the matter. [9643/08]

291. **Deputy John Deasy** asked the Minister for Education and Science the funding provided by her Department as devolved grants to schools in County Waterford in each of the years 2006 and 2007; the number of schools in County Waterford that received such grants in those years; the budgeted funding allocated to schools in County Waterford as devolved grants in 2008 [9645/08]

293. **Deputy John Deasy** asked the Minister for Education and Science the funding provided by her Department nationally as devolved grants in each of the years 2006 and 2007; the number of schools that received such grants in those years; the budgeted funding allocated to schools as devolved grants in 2008; and if she will make a statement on the matter. [9647/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 289, 291 and 293 together.

I assume the Deputy is referring to the devolved Small Schools and Permanent Accommodation Schemes. There were no Waterford City schools listed for funding under the devolved schemes in 2006 and €1.01m was allocated to three schools in Waterford County that year. In 2007 a grant of €360,000 was allocated to one school in Waterford City and €1.784m to four schools in Waterford County.

In 2006, €98.0m was allocated nationally to 205 schools under the devolved Schemes. In 2007, €99.4m was allocated to 255 schools under these Schemes.

The purpose of the Schemes is to devolve funding to individual school authorities to undertake building works which will address schools long term accommodation needs. Under the terms of the Schemes, school authorities are empowered to manage these works with guidance from and minimal interaction with the Department.

With so many small projects having been approved over the past few years, I have decided to focus primarily on delivering as many large scale projects as possible in 2008. Decisions regarding the allocation of funding in 2008 in respect of the devolved schemes referred to by the Deputy will be taken in due course, in the context of my Department's School Building and Modernisation Programme.

### Schools Refurbishment.

290. **Deputy John Deasy** asked the Minister for Education and Science the funding provided by her Department under the summer works scheme to schools in Waterford City in each of the years 2006 and 2007; the number of schools in Waterford City that received such grants in those years; and if she will make a statement on the matter. [9644/08]

292. **Deputy John Deasy** asked the Minister for Education and Science the funding provided by her Department under the summer works scheme to schools in County Waterford in each of the years 2006 and 2007; the number of schools in County Waterford that received such grants in those years; and if she will make a statement on the matter. [9646/08]

294. **Deputy John Deasy** asked the Minister for Education and Science the funding provided by her Department nationally under the summer works scheme in each of the years 2006 and 2007; the number of schools that received such grants in those years; and if she will make a statement on the matter. [9648/08]

**Minister for Education and Science (Deputy Mary Hanafin):** I propose to take Questions Nos. 290, 292 and 294 together.

The details requested by the Deputy are given in the following tabular statement.

#### Summer Works Scheme — 2006

	No. of Schools	Funding Waterford	Funding Nationally	Number of school projects
		€	€m	
Waterford City	12	3.107	84.1	830
Waterford Co.	14	1.264		

#### Summer Works Scheme — 2007

Year	No. of Schools	Funding approved Waterford	Funding nationally	Number of school projects
		€m	€m	
Waterford City	14	3	122	1,139
Waterford Co.	10	1.3		

*Question No. 291 answered with Question No. 289.*

*Question No. 292 answered with Question No. 290.*

*Question No. 293 answered with Question No. 289.*

*Question No. 294 answered with Question No. 290.*

### **Schools Building Projects.**

295. **Deputy Finian McGrath** asked the Minister for Education and Science if she will support a project at a school (details supplied) in Dublin 3. [9652/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The architectural planning of the building project referred to by the Deputy is at an advanced stage. The progression of all major projects to tender and construction, including this project, will be considered on an ongoing basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

### **State Examinations.**

296. **Deputy Finian McGrath** asked the Minister for Education and Science if she will support a person (details supplied) in Dublin 9. [9653/08]

**Minister for Education and Science (Deputy Mary Hanafin):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including organising the holding of examinations and determining procedures in places where examinations are conducted.

In view of this, I have forwarded your query to the State Examinations Commission for direct reply to you.

### **Maternity Leave.**

297. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the steps he will take to address the situation where employers are not obliged to make payment to employees on maternity leave but do make a full payment when on sick leave; and if he will make a statement on the matter. [9539/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The Maternity Protection Acts 1994 and 2004 provide protection for all pregnant employees and employees who have recently given birth. They do this in a number of ways including the provision of maternity leave, both paid and unpaid, and the right to return to work. They also allow a pregnant employee time off from work without loss of pay for the purpose of receiving ante-natal or post-natal care. In addition they provide time off for pregnant employees and expectant fathers to attend ant-natal classes without the loss of pay. They do not address the issue of maternity benefit which is a matter for my colleague, the Minister for Social and Family Affairs.

Employees have no statutory right to remuneration from their employer during the period of maternity leave. However employers may choose to pay employees their full remuneration and in turn recoup any maternity benefits to which the employee is entitled, to offset salary costs.

There is a commitment by Government and the Social Partners in Towards 2016 to review the level of statutory entitlements to maternity and paternity leave before the end of 2008. Work will commence shortly on this review. The commitment in the Agreed Programme for

Government is, over the next five years, to increase paid maternity leave by five weeks to make all leave after the first 26 weeks available to either parent and, to examine the possibility of introducing a statutory entitlement to paternity leave and shared parental leave.

### **Public Order Offences.**

298. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to recent reports that fines issued for drinking in public places have in the majority of cases not been pursued and even in the tiny number of cases where that have been pursued to court, the fine collected was extremely small and would not represent a deterrent; his proposals to take action to improve enforcement as part of a drive to reduce the problem of youth drinking; and if he will make a statement on the matter. [9506/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I wish to inform the Deputy that I share his concern at patterns of drinking in this country and that is the reason why I set up the Government Alcohol Advisory Group at the beginning of this year. One of the Group's functions is to look at the issue of under-age consumption and they are to report to me by the end of this month. Following on from this report, I intend to bring forward urgent proposals for changes in the law. In addition, my Department will continue to work on the drafting of a comprehensive Sale of Alcohol Bill which is already included in the Government Legislation Programme for 2008.

I am informed by the Garda authorities that An Garda Síochána issue fines on behalf of Local Authorities in respect of the offence of “public drinking” contrary to the Local Authority by-laws where they are in place. Any follow up in respect of the fines, i.e. collection of fine or prosecution, is a matter for the relevant Local Authority.

I wish to also inform the Deputy that the Fines Bill, at present before this House, will raise the level of all fines through a method of indexation for summary offences imposed in the District Court to the value they had when the offences were first created.

### **Departmental Staff.**

299. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the number, having regard to the exercise of his statutory authority under Section 71 of An Garda Síochána Act 2005, and the necessity for the Ombudsman Commission to deploy its resources efficiently, of officers at principal officer level or technical equivalent approved by him for appointment to the Ombudsman Commission, with the consent of the Minister of Finance, whether under the Dublin Public Appointments Service list system for offices decentralising or not, together with the number of officers at all grades appointed under the PAS list system; the date of such approval in each case, together with the date of subsequent appointment; the number of such posts suppressed by the commission; if he has been informed of or, statutorily approved any such suppression; the reasons for same; and if he will make a statement on the matter. [9522/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to my response to Parliamentary Question No. 552 of 12 February 2008. I have nothing to add to that reply.

### **Garda Strength.**

300. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the number of Gardaí in County Wicklow; and if he will make a statement on the matter. [9529/08]



301. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the number of Gardaí in each county; and if he will make a statement on the matter. [9530/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I propose to take Questions Nos. 300 and 301 together.

I have been informed by the Garda Commissioner that the personnel strength of each Garda Division on 31 January, 2008 (the latest date for which figures are readily available) was as set out in the table hereunder:

Division	Strength
DMR Northern	757
DMR South Central	769
DMR West	754
DMR South	619
DMR North Central	694
DMR Eastern	618
Louth/Meath	532
Longford/Westmeath	317
Carlow/Kildare	403
Laois/Offaly	312
Wexford/Wicklow	364
Waterford/Kilkenny	425
Tipperary	360
Cork City	655
Cork North	285
Cork West	296
Kerry	318
Limerick	592
Clare	313
Galway West	422
Galway East/Roscommon	281
Mayo	314
Sligo/Leitrim	299
Donegal	473
Cavan/Monaghan	402

The Deputy will appreciate that, as with any large organisation, on any given day, personnel strengths of individual divisions may fluctuate due, for example, to promotions, retirements and transfers.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The next allocation of Probationer Gardaí is due to take place on 13 March next. In that regard, the needs of each Garda Division will be fully considered by the Commissioner within the overall context of the needs of Garda Divisions throughout the country.

The Deputy should be aware that Garda Divisional boundaries and County boundaries are not coterminous. I recently approved the 2008 Garda Annual Policing Plan and laid it before the Houses of the Oireachtas. It sets out the Commissioner's proposals to realign the boundaries of Garda Divisions around the country to make them coterminous with local authority

boundaries. The planned changes will bring about greater efficiencies and effectiveness in facilitating the establishment and functioning of Joint Policing Committees. A detailed programme of work is currently being developed by An Garda Síochána to implement these planned changes for various Garda Divisions. This programme of work will also examine the geographical areas of district and sub-district stations arising from the regional and divisional boundary realignments set out in the plan and will set out a timetable for the establishment of the new divisions.

### **Funeral Costs.**

302. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his Department covers the cost of repatriation and funerals of tourists or migrant workers who are murdered in this State; the arrangements in place to help such families recoup the costs of travel in such tragic circumstances; and his views on setting up a contingency fund, for both public and private contributions which can help on an ongoing basis the families of victims of such murders. [9534/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I can inform the Deputy that the Scheme of Compensation for Personal Injuries Criminally Inflicted provides that a person who suffers injury as a result of a crime of violence, or the dependants of a person who is fatally injured as a result of a crime of violence, may receive compensation. The Scheme applies to criminal injuries inflicted within the State, irrespective of the nationality or country of ordinary residence of the victim or the victim's next of kin. Funeral costs, repatriation of the body, where required, and the travelling expenses of family members who travel to Ireland are covered by the Scheme. Under the Scheme interim awards may be made in appropriate circumstances. The Scheme is administered by the Criminal Injuries Compensation Tribunal. The Tribunal's Office is located at 13, Lower Hatch Street, Dublin 2. (Telephone Number: 01 6610604).

I can also inform the Deputy that Ireland has given effect to the provisions of European Council Directive 2004/80/EC. The Directive was promulgated to assist the victims of crime to claim compensation in cross-border situations. In this regard, an applicant, or dependant, who is normally resident in one participating State and who suffers injury as a result of a crime of violence in another participating State can apply for compensation to the State where the injury occurred by submitting an application through his or her own national compensation authority.

### **Crime Prevention.**

303. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will work with Dublin City Council and Eircom on an anti-social issue (details supplied). [9540/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that the location referred to is in Clontarf Garda Sub-district and is patrolled by foot and mobile patrols from that Garda station.

I am further informed that local Garda management is aware of anti-social activities in the area concerned. Local Garda Management will continue to work closely with the service provider and Dublin City Council concerning this issue and will investigate any complaints made by local residents.

Additional Garda patrols, including patrols by the District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Units, supplemented as required by the

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Divisional Crime Task Force and Traffic Corps personnel, have been directed to pay particular attention to this area, with a view to ensuring a visible Garda presence.

Current policing policy in the area is predicated on the prevention of crime, including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

### **Garda Stations.**

304. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 542 of 12 February 2008, the plans for new Garda stations in Miltown Malbay, Lisdoonvarna, Doonbeg and Carrigaholt to replace existing stations; and if he will make a statement on the matter. [9543/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The detailed allocation of resources, including accommodation, is a matter for the Garda Commissioner to decide in accordance with his identified operational requirements. There is a significant ongoing programme of replacement and refurbishment of Garda stations and other Garda accommodation around the country, including in County Clare. The Garda accommodation programme is based on agreed priorities established by the Garda Síochána and is brought forward in close cooperation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation.

I have been informed by the Office of Public Works that a review of a number of rural stations nationwide is currently taking place in consultation with the Garda Síochána with a view to putting in place a targeted programme of renewal. The results of this review will feed into a broader Garda accommodation strategy which is being developed at present by the Garda Síochána.

### **Child Abuse.**

305. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if in relation to his reply to Parliamentary Question No. 256 of 5 December 2007, there was correspondence from the Garda Commissioner to the Secretary General at the Department of Education and Science, the CEO of the Health Board and the then Director of the Children's Centre, Finglas regarding cooperation in investigations into concerns regarding possible child abuse during the second half of 1996; and if he will make a statement on the matter. [9557/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Garda authorities that the information requested by the Deputy is currently being researched. I will contact the Deputy again when the information is to hand.

### **Citizenship Applications.**

306. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he will take steps to expedite an application for naturalisation by a person (details supplied) in County Westmeath which is over one year with his Department; and if he will make a statement on the matter. [9583/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I refer the Deputy to my reply to Parliamentary Question 1144 of 30 January 2008. The position remains as stated.

### Residency Permits.

307. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform when will a decision be made on the immigration status of a person (detail supplied). [9584/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I have been informed by the Immigration Division of my Department that the individual referred to by the Deputy entered the State on the 27th October 2001 and was granted permission to remain under work permit conditions until the 25th September 2002. He failed to renew his permission to remain after that date until the 23rd January 2008 when he again applied to his local immigration office for permission to remain. He was not granted an extension of his permission to remain by his local immigration office as he had been unlawfully present in the State since the 25th September 2002.

The Immigration Division of my Department will be in contact with the individual shortly outlining the options open to him.

308. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kerry will be granted long-term residency. [9598/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am pleased to inform the Deputy that the person in question was granted long term residency by letter dated 26th February 2008, addressed to his legal representative.

The person concerned should now attend at his local immigration office to have his passport endorsed with the appropriate permission to remain.

### Theatre Licences.

309. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the monitoring of drink theatre licences that has taken place; the consultation that was held with An Garda Síochána, the District Courts and his Department; and if he will make a statement on the matter. [9656/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** The holder of a public music and singing licence, which is granted by the District Court, is entitled to apply to the Revenue Commissioners for a theatre licence. The holder of a theatre licence may sell alcohol to persons who have engaged or paid for seats for a performance in the theatre during the period beginning half an hour before the commencement of a performance and ending half an hour after termination of the performance.

I am informed by the Garda authorities that all members of An Garda Síochána are tasked with the enforcement of legislation pertaining to criminal matters, including breaches of the liquor licensing provisions.

I announced the establishment of the Government Alcohol Advisory Group at the beginning of the year. I have asked the Group to examine urgently key aspects of the law governing the sale and consumption of alcohol, including those directed towards combating excessive and under-age alcohol consumption. I have asked the Group to report to me by the end of this month. I intend to bring forward after Easter urgent proposals for changes in the law which I hope will be enacted and implemented before the summer recess. In parallel with this, work will continue on the drafting of a comprehensive Sale of Alcohol Bill, which is already included in the Government Legislation Programme for 2008 and which will modernise and streamline the law in this area.

### Residency Permits.

310. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform if he will assist in the case of a person (details supplied); and if he will make a statement on the matter. [9781/08]

**Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):** I am informed by the Immigration Division of my Department that in a letter dated 15th August 2005 the son of the person referred to by the Deputy requested that she be granted permission to remain in the State on a permanent basis. This letter was acknowledged on the 20th January 2006 and a form was enclosed requesting that he furnish the Immigration Division with further details, including evidence that his mother was in a position to support herself without becoming a burden to the State and that she had private medical insurance. On the 27 November 2006 the form was returned to the Division with a letter indicating that he had been unable to obtain private medical insurance for his mother.

On the 12th December 2006 a letter was forwarded to the individual concerned informing him that in order for his mother to make an application to extend her visiting conditions, it was necessary for him to prove that he had sufficient funds and private medical insurance to maintain her. To date no reply has been received.

The person referred to by the Deputy should contact the Immigration Division of my Department indicating her future intentions and supplying supporting documentation.

### Environmental Policy.

311. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 1331 of 30 January 2008, if a full health risk evaluation on CFLs will be carried out prior to the introduction of proposals; the level of mercury contained in CFLs; and if, in view of an increase in the number of CFLs being introduced into households here, he will address concerns that this will potentially increase the exposure to toxic mercury. [9562/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** As stated in the reply to Question No. 1331 of 30 January 2008, in the context of any proposed measure relating to energy efficiency standards for lighting, I propose to consult with potentially affected stakeholders prior to the introduction of the measure.

My intention is to propose an energy efficiency standard for lighting that does not prescribe the type of lamp technology that must be used as a replacement. In this regard, my proposed approach will take cognisance of the availability of alternative lamp technologies currently in the market and seek to recognise the need for continued market choice and ongoing innovation in lighting products.

In relation to mercury contained in CFLs, the Waste Management (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2005, which transpose Directive 2002/95/EC, prohibit the placing on the Community Market of CFLs containing more than 5mg of mercury.

The disposal of CFLs is currently governed by the WEEE Directive. Retailers are required by law to take back waste CFLs and fluorescent lamps free of charge on a one-for-one, like-for-like basis from householders. Where replacement fluorescent tubes and CFLs are bought over the counter, retailers must take back the old product in-store, either at the time of sale or within a maximum of 15 days of the date of sale. Each local authority must also accept household waste CFLs and fluorescent tubes free of charge at its civic amenity facilities.



Retailers can have their premises designated as ‘WEEE collection points’ or deposit household WEEE free of charge at local authority civic amenity facilities. There are currently in excess of 600 ‘WEEE collection points’ including both retail outlets and civic amenity facilities.

As previously indicated, I have asked the EPA to draw up guidelines on the safe disposal of these products.

### **Planning Issues.**

312. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the planning policies developed for urban and rural housing, transport, amenity spaces and workplace settings to encourage spontaneous increases in physical activity in adults and children; and if he will make a statement on the matter. [9501/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The National Spatial Strategy and Regional Planning Guidelines identify improved social, amenity and cultural infrastructure as being key to achieving the objective of improving quality of life and providing better places for people to live. In turn, these aims are translated into concrete policies and actions in county and city development plans, as well as through local area plans, where the provision of community, sport and other recreational facilities and amenities have a key role in delivering on this objective.

Under the Planning and Development Act 2000, local authorities must have regard to requirements regarding recreation and amenities in preparing their development plans. Section 10(2) of the Act requires development plans to include objectives for the preservation, improvement and extension of amenities and recreational amenities and also the provision, or facilitation of the provision, of services for the community. Guidelines for Planning Authorities on Development Plans which were issued by my Department in 2007 emphasise the objectives for the provision of public open space and recreation space including space/places for children to play and the preservation, improvement and extension of amenities and recreational amenities.

Last month, I published for public consultation draft Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. These draft guidelines, which are accompanied by a best practice Urban Design Manual, are designed to support the development of sustainable communities through high-quality standards in terms of the design and layout of new residential areas which are properly integrated with good transport links, community and recreation facilities. They aim, inter alia, to encourage walking and cycling and reduce car dependency, policies which have been developed in consultation with the Department of Transport, and which are aligned with the draft Sustainable Transport and Travel Action Plan.

### **Building Regulations.**

313. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government if he has conducted an investigation into the use of pyrite in construction here; if a ban has been in place on the use of this material as is the case in countries such as Canada; if he has satisfied himself that possible sources of this material have been properly identified in order that this material could not inadvertently get into the supply chain; and if he will make a statement on the matter. [9505/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 190 of 27 February, 2008.

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Pyrite is a commonly occurring mineral in rock. It is not used in isolation, but may occur in rock and products containing rock used in construction. In many situations and at acceptable concentrations, rock containing pyrite does not pose a problem and a general ban on pyrite would not be appropriate. However, in certain conditions, oxidation of pyrite and further chemical reaction between the oxidation products and other components of underfloor filling can occur, leading to a volume increase, causing the floor slabs to lift and crack, and with a knock-on effect of distorting walls etc.

The national Building Regulations set out the legal requirements for the construction of new buildings (including houses), extensions to and material alterations of existing buildings and certain material changes of use of existing buildings.

Part C of the Regulations sets out the legal requirements/ technical guidance for Site Preparation and Resistance to Moisture and stipulates that “the floors, walls and roof of a building shall be so designed and constructed as to prevent the passage of moisture to the inside of the building or damage to the fabric of the building.”

Guidance is given in the associated Technical Guidance Document C in relation to the hardcore bed under ground supported concrete floors which states that “The hardcore bed should be at least 150mm thick and should be free from matter liable to cause damage to the concrete”.

Having consulted the statutory Building Regulations Advisory Body, my Department, on 16 August 2007, issued circular letter BC 6/2007 to each County Manager and local Building Control Authority to bring the issue to their notice and to request their co-operation in the enforcement of the relevant requirements. The Circular letter also brought to their attention a notice issued by Fingal County Council on 26 July 2007 in relation to this matter.

The certification of products is the responsibility of the National Standards Authority of Ireland (NSAI). When the issue of pyrite arose, and following an intervention from my Department, the NSAI moved quickly to reconvene their Aggregates Panel in order to give urgent consideration to publication of additional guidance in relation to appropriate protocols for testing underfloor infill material. My Department is represented on this Panel, as is the construction industry.

Following a public consultation process, the National Standards Authority of Ireland (NSAI) has now published a new Standard Recommendation, which is a definitive amendment to SR 21 — Guidance on the use of (Irish Standard) I.S. EN 13242:2002 — Aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction, and incorporating amendment 1:2007. The Standard Recommendation came into effect on 7 December 2007. The intention is that it will address the quality standards of underfloor hardcore for new homes by way of guidance given in Clause 3.4.2., and an example specification for unbound granular fill for use under concrete floors in Annex E. It is now my intention to adopt this NSAI Standard Recommendation in the relevant Technical Guidance Document to the Building Regulations.

Responsibility for compliance with the Building Regulations is a matter for the owner and builder of a building. Enforcement of the Regulations is a matter for the 37 local Building Control Authorities which are empowered to carry out inspections and initiate enforcement proceedings when considered necessary. I understand that Fingal County Council has been in direct contact with the developers and the quarry concerned in relation to problems encountered following the use of pyrite as an underfloor infill material in certain developments within its administrative area.

### **Heritage Council.**

314. **Deputy Tony Gregory** asked the Minister for the Environment, Heritage and Local Government the reason the Heritage Council felt it was appropriate to give a grant to a gun club (detail supplied) in County Leitrim under the 2007 biodiversity fund for a red grouse habitat survey/habitat management plan. [9565/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Heritage Council was established in July, 1995, under the Heritage Act, 1995 to ‘propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage.’ I have no direct function in relation to grants schemes, including the Wildlife Grant Scheme, administered by the Council and any enquiry in regard to a specific grant should be made directly to the Council itself (Rothe House, Kilkenny or tel. 056 7770777).

### **Architectural Heritage.**

315. **Deputy Peter Power** asked the Minister for the Environment, Heritage and Local Government the schemes or programmes open to villages and small towns seeking to have the brand of Heritage Town; if there is a scheme in place to allow such branding; the way a town can seek such recognition; if there is a funding scheme available to preserve buildings of merit in the town; if funding is available for signage to indicate such status; the body that operates such a scheme; if no such scheme is in place, his plans to establish one; and if he will make a statement on the matter. [9573/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The designation “Heritage Towns” is a tourism initiative by Fáilte Ireland, an agency under the aegis of the Department of Arts, Sport and Tourism.

Structures of Architectural Heritage significance located within Heritage Towns may benefit from a range of conservation grant schemes funded by my Department, as follows:

- Funds under the annual Civic Structures Conservation Grants scheme are available for the restoration and conservation of buildings of significant architectural heritage merit, which are in public ownership or open to the public generally.
- My Department also funds an ongoing scheme of grants, aimed at assisting owners and occupiers to carry out conservation works on structures which are listed in the Record of Protected Structures.
- The Heritage Council, supported by my Department, also makes funding available for a range of conservation and heritage projects. One such scheme introduced in 2007 involved funding of up to €2million for 18 Walled Towns, a number of which are members of the Heritage Towns of Ireland.

It is envisaged that this programme will continue under the 2008 Built Heritage Capital Programme.

### **Special Protection Areas.**

316. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the position regarding the issue of the designation of Wexford harbour and south slob as a special protection area; if his attention has been drawn to the fact that a letter was sent out on 18 February 2008 to a number of farmers in the area of the river quoting a letter that was allegedly sent in November 2007 regarding an obligation on Ireland as a EU member

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state to protect places important to birds, in particular Wexford harbour and slob; the reason a map could not be attached to these letters when they are being sent out to farmers to establish the portion of land that is affected; and if he will make a statement on the matter. [9577/08]

317. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government if, in view of the proximity of designation of Wexford harbour and south slob as a special protection area to many sporting amenity areas in County Wexford, and its proximity to Wexford harbour, discussions have taken place with Wexford Corporation and Wexford County Council; and if he will make a statement on the matter. [9578/08]

318. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the steps he proposes to take to protect the amenities that are currently available to the public and being used by the public, with particular reference to fishing, rowing, sailing, boating and general walks in respect of the designation of Wexford harbour and south slob as a special protection area; and if he will make a statement on the matter. [9579/08]

319. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government if, in respect of the designation of Wexford harbour and south slob, as a special protection area, his attention has been drawn to the fact that funding has recently been granted for a number of developments at both Wexford and Killurin quaysides; the reason this funding would be granted if an area was being designated on SPA; the further reason Wexford County Council would apply for funding when they should have known that this was coming down the line; and if he will make a statement on the matter. [9580/08]

320. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government his proposals in respect of the designation of Wexford harbour and south slob as a special protection area in relation to the almost closed dump at Killurin, County Wexford; if the officials of Wexford County Council made their representation to his Department for funding this project, or held discussions with his Department in respect of this project; and if he will make a statement on the matter. [9581/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 316 to 320, inclusive, together.

The EU Birds Directive (79/409/EEC) requires the designation of sites in each Member State to protect birds at their breeding, feeding, roosting and wintering areas. For this purpose, my Department is currently engaged in a roll out of Special Protection Areas (SPAs) nationwide. This exercise includes re-designation of many existing SPA sites, some of which, like Wexford Harbour, were first designated some ten years ago. The adverse Judgement delivered by the European Court of Justice against Ireland in December 2007 means Ireland must deliver this programme of work in order to meet the requirements of the Judgement and to remedy perceived deficiencies in the designation of existing Special Protection Areas.

The proposal to designate the Wexford Harbour and Slob area was published in November of 2007. All landowners or persons, with a legal interest in the land, that could be identified were notified. This notification included a map which indicated the full extent of the proposed designation. A further letter was issued to the same landowners as a clarification of certain points raised in respect of the designation. As maps had already issued to the landowners with the earlier letter a further map was not considered necessary.

Both Wexford County Council and Wexford Borough Council were notified of the designation proposal. Observations from both of these authorities are currently under consideration.

With regard to concerns about restrictions on recreational activity, such as swimming, sailing, and so on, current levels of use have no adverse effect on the existing or proposed designated area, and accordingly I have no plans to curtail current levels of recreational use of the area. In addition, there is potential for tourism and other economic opportunities in areas with significant levels of internationally important natural heritage, as is the case in Wexford.

It is a common concern that designation of land as a SPA precludes further development. This concern is unfounded. In practice it is normally possible for proposed developments to be planned or modified to ensure that they can proceed without negative impacts on the selected habitats and species. Where significant impacts are possible, the key requirements will be to do an appropriate assessment of the planned works, which will be considered by the planning authority in the context of any planning application.

The existence of the earlier SPA designation in 1985 and 1998 did not impede subsequent development in the Wexford area. Funding for the developments at Wexford and Killurin quaysides was provided by the Department of Agriculture, Fisheries and Food. The works on Killurin Pier are now complete. The funding provided for Wexford Harbour was in respect of consultancy work and did not involve any actual works to the Harbour.

In 2007 Wexford County Council applied for grant-aid in respect of the remediation of Killurin landfill. The total cost of the remediation was estimated by the Council at €4m. As this landfill is not fully closed it did not fulfil the terms of the Landfill Remediation Scheme (under this Scheme only landfills closed prior to 1 January 2006 are eligible).

My Department will be reviewing the terms of the scheme in 2008 and will be issuing a circular inviting applications later this year. Should Wexford County Council wish to re-submit their application when this circular issues it will be considered for assistance in accordance with the terms outlined.

#### **Rural Renewal Incentives.**

321. **Deputy John Perry** asked the Minister for the Environment, Heritage and Local Government if he will ensure that an inspection is carried out by his officials with respect to a rural renewal application for persons (details supplied) in County Leitrim; and if he will make a statement on the matter. [9780/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** An inspection, with a view to issuing a certificate of reasonable cost, if in order, will be carried out before Easter.

#### **Fisheries Protection.**

322. **Deputy Michael Ring** asked the Minister for Communications, Energy and Natural Resources the number of people offered a payment under a scheme (details supplied); and the amount being offered to them. [9568/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Salmon Hardship Scheme adopted by Government, aimed to provide a measure of relief to individuals in line with the level of hardship likely to be experienced on foot of the cessation of mixed stock fishing for wild salmon. Of the 1,332 applicants who received letters of offer from Bord Iascaigh Mhara, the administrative agency for the scheme, I am advised that some 994 applicants (75%) made claims. Up to 74 cases are, I believe, with the Independent Appeals Officer, some of which may not have gotten offers in the first instance. As the scheme aimed



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to provide a measure of relief to individuals in line with their recent catch history, I understand claims varied from €1,140 to €190,000.

I am advised that a further 127 applicants availed of the package offered by the Loughs Agency within its jurisdiction, to which the Exchequer contributes 50% of the cost.

It is estimated that the final cost of payments to all cases will amount to some €24.3million. A report outlining the performance of the scheme will be published on my Department's website shortly.

### **Alternative Energy Projects.**

323. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the amount of grants given via the greener home scheme to individuals to install small wood pellet boilers since the inception of the greener home scheme; and if he will make a statement on the matter. [9517/08]

324. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the amount of small wood pellet boilers which have been uninstalled since the inception of the greener home scheme and the number of complaints received by his Department by dissatisfied owners of small wood pellet boilers; and if he will make a statement on the matter. [9518/08]

325. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the standards or qualifications his Department requires from installers of small wood pellet boilers before his Department advertises these businesses on its website; and if he will make a statement on the matter. [9519/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 323 to 325, inclusive, together.

Wood Pellet boilers and stoves are just one of the technology ranges supported under the Greener Homes Scheme which has been in place since March 2006. Since the scheme was launched grant aid of €14.1 m has been paid out in respect of 4,021 installations of biomass boilers and stoves.

When the scheme was launched in 2006, no accredited qualification scheme for renewable heat system installations existed in Ireland but this is being progressively addressed by Sustainable Energy Ireland (SEI), which is responsible for the Greener Homes Scheme. All applicants are strongly advised to research their chosen installer. The general requirements to be registered under the Greener Homes Scheme include tax compliance, acceptance that installations may be inspected by SEI and commitment to act on a direction from SEI following any such inspection.

Additionally, installers currently registered under the Greener Homes Scheme Phase II have made a commitment to have completed FETAC accredited training by the end of March this year. Training courses for biomass technologies as well as geothermal and solar technologies have been developed by SEI, in conjunction with Action Renewables in Northern Ireland, under an INTERREG project in recent years. These were accredited by FETAC late last year and are now being rolled out in a number of centres around the country. SEI has also worked closely with FÁS on a joint initiative for delivery of this training. The minimum entry requirement for these courses is typically a National Craft Certificate in a relevant trade (electrical, plumbing or fitting) or equivalent.

It is however, important to note that there is also a distinction between qualifications and quality of workmanship, which is the basis for the very strong recommendation to all grant applicants that they check references of their preferred supplier. This is also supported through Practical Guidelines for Buyers, which form part of the information collateral for Greener Homes Scheme applicants.

One of the objectives of the Greener Homes Scheme is to accelerate the development of a previously immature market/supply chain and to promote best practice and professional behaviour. SEI has received approximately 30 complaints from dissatisfied householders who have installed biomass boilers and stoves regarding either poor installation or disappointment with system performance versus expectations. Such instances are diminishing and the quality of installations, nearly two years on, has improved. I understand that 3 of the applicants have removed the installations from their homes.

When notified of issues, SEI works to establish where resolution might lie and notify the homeowner and/or the installer as appropriate. However, in many instances the matter remains a contractual one between the householder and the installer whereby, for example, a defect has to be remedied under the agreed warranty terms offered by the installer.

### **Telecommunications Services.**

326. **Deputy Arthur Morgan** asked the Minister for Communications, Energy and Natural Resources when broadband will be available to a company (detail supplied) in County Louth; the measures he is taking to ensure businesses can access broadband; and if he will make a statement on the matter. [9523/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of broadband services is, in the first instance, a matter for private sector service providers operating in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg.

There are a number of platforms for delivery of broadband, and service providers are now offering broadband by wireless, satellite, fibre or standard telephone cable and more recently, mobile in many areas of the country. My Department operates a dedicated website, [www.broadband.gov.ie](http://www.broadband.gov.ie) where potential broadband customers can ascertain the availability of services in their area.

The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services by competing private sector service providers.

The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage experienced by both business and domestic users. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs).

Although broadband is now widely available in Ireland there are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. These areas are being addressed by the National Broadband Scheme (NBS), which will provide broadband services to areas that are currently unserved, including any unserved areas in County Louth, and will ensure that all reasonable requests for broadband are met.

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The first phase of the National Broadband Scheme procurement process (Pre-Qualification Questionnaire (PQQ)) is now complete, and four candidates pre-qualified to enter the next phase of the procurement process.

It is anticipated that a preferred bidder will be selected and appointed in June 2008 and that implementation of services commence as soon as possible thereafter.

327. **Deputy Margaret Conlon** asked the Minister for Communications, Energy and Natural Resources the reason for the delay in the delivery of broadband in parts of County Monaghan, the consequence of which is denying opportunities for businesses to start up there; and if he will make a statement on the matter. [9548/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of broadband services is, in the first instance, a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg.

The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers.

The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs).

Although broadband is now widely available in Ireland there are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. These areas are being addressed by the National Broadband Scheme (NBS) which will provide broadband services to areas that are currently unserved, including any unserved areas of County Monaghan and will ensure that all reasonable requests for broadband are met.

The first phase of the NBS procurement process (Pre-Qualification Questionnaire (PQQ)) is now complete, and four candidates pre-qualified to enter the next phase of the procurement process.

It is anticipated that a preferred bidder will be selected and appointed in June 2008 and that implementation of services commence as soon as possible thereafter.