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Wednesday, 12 March 2008.

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

Paidir.
Prayer.

Leaders' Questions.

Deputy Enda Kenny: I had the privilege of serving for a period as Minister for Tourism and Trade. I recognise the value for this country of Ministers travelling abroad where focused visits are based on investment and tourism for the country.

Deputy Finian McGrath: Ask Deputy O'Dowd.

A Deputy: Why not ask Fergus's brother?

Deputy Enda Kenny: I am concerned, however, at the scale of what is beginning to happen. Today, there are 19—

Deputy Thomas Byrne: Do us a favour.

Deputy John Curran: The Deputy should practice what he preaches.

Deputy Enda Kenny: The Deputies can laugh if they want.

An Ceann Comhairle: Deputy Kenny, without interruption.

Deputy Enda Kenny: There are 19 Ministers and Ministers of State absent today and 26 will be absent tomorrow. When I look at the calendar, 17 March is St. Patrick's day — it has never changed. From that point of view, it seems that, to some extent, these visits have gone beyond

[Deputy Enda Kenny.]

a direct focus on contacts for Ireland or interest in investment, tourism and developing our links with our diaspora and other countries.

The House is not sitting next week. I understood this was to facilitate Ministers who would be abroad doing their duty for Ireland. I heard some of the comments this morning with regard to costs associated with ministerial visits last year. I suppose some of those are questionable, particularly those regarding accommodation and limousine costs. I understood the Department of the Taoiseach co-ordinates these visits. Did the Taoiseach sit down with his officials and plan these visits abroad by 26 Ministers and Ministers of State? Given the scale of visits both before and after St. Patrick's day, was an analysis carried out of the value of what Ireland and its people are actually getting from the plethora of journeys abroad?

The Taoiseach: As has been the case for a long time, St. Patrick's Day and the period around it will involve a large number of events and functions, with many taking place in the period from Friday to Tuesday in different parts of the world. As well as being our national day, it provides a framework to showcase modern Ireland all over the world. Successive Governments have done this successfully for many years and it is used unashamedly by us as a marketing opportunity.

St. Patrick's day offers an excellent opportunity to highlight to a global audience, in a way that cannot happen at any other time of the year, the advantages of doing business in this country and also to promote the country as a world class tourist destination, which helps us to attract inward investment. There are also the historical developments in recent years in the peace process and on other issues. While these issues move on, it has given us a chance to change how the country is perceived. It was seen as a country that was always in the news because of trouble and violence — the last atrocity or the next fear — but that has moved on. The message of hope, partnership, prosperity and confidence from a rising generation has changed that and we can now show that we have a stable environment. In recent years the economic horizons have expanded, which has allowed us to look at things in a different way.

Deputy Kenny's question was a fair one. In deciding ministerial travel commitments, it is not my Department which co-ordinates but the Department of Foreign Affairs — it has been the same system for decades. The opportunities are considered and Enterprise Ireland is involved from the perspective of tourism, the promotion of trade and finding where the opportunities lie for business in key economic markets, as well as raising awareness of the potential of growth in our economic relations with emerging markets. Trade between Ireland and the countries which Government representatives will visit this St. Patrick's day is valued at in excess of €165 billion at 2006 rates — I do not have the figures for 2007.

The St. Patrick's day brand unquestionably provides us with a unique global market opportunity which is the envy of many countries. Deputy Kenny and all in the House know that many other countries look to the access we get——

Deputies: Hear, hear.

The Taoiseach: ——not just myself but all the Ministers, Ministers of State and others who travel over the St. Patrick's day period. It gives us a focus in capitals and destination all over the world and gives us access around St. Patrick's day to meet multinationals and tourism operators. We get a huge audience worldwide for this.

I understand that people would raise the issue of costs as costs are of course involved, but this must be seen in terms of what it would cost to run a marketing campaign. There is a marketing budget this year of €37 million, which is going towards the tourism campaign.

However, if one considers what we will get in terms of television, radio and media exposure, as well as exposure to politicians and trade fairs and everything around that, it does the country an awful lot of good.

Deputy Enda Kenny: I agree there are few countries that have a day of their own. From that perspective it is always valuable to showcase our own country.

Os rud é go bhfuil muid i lár Seachtain na Gaeilge, déarfaidh mé seo as Gaeilge. Tá a fhios ag an Taoiseach go dtaispeánann an eachtra seo an easaontas atá ann idir an Rialtas agus na daoine ar an taobh seo. Tuige an bhfuil sé riachtanach go mbeadh comhairleoirí speisialta ag taisteal leis na hAirí, os rud é go bhfuil ambasáid againn sna tíortha seo thar lear? Why is it that a doctor puts up €36,000 of his own money today to hire a nurse for a hospital? Nach bhfuil sé fíor go bhfuil easpa €300 mhilliún i mbliana ag an HSE agus go bhfuil deacrachtaí ag baint le cúrsaí leighis i beagnach chuile ospidéal thar fud na tíre? Cosúil leis na ardaithe liúntais a fuair na hAirí féin, agus na costais a bhaineann leis na hAirí ag taisteal chuig na tíortha seo ar fad, taispeánann seo go bhfuil easaontas agus difríocht idir meon an Rialtais agus meon na ndaoine i dtaobh céard atá ag tarlú ar an talamh anseo.

Deputy Mary Hanafin: Ní thaispeánann.

Deputy Enda Kenny: Tuigeann an Aire Oideachais agus Eolaíochta céard atá á rá agam.

Deputy Mary Hanafin: Agus tuigeann a lán daoine eile.

Deputy Enda Kenny: Ní bhfuair mé freagra ón Aire Oideachais agus Eolaíochta le coicís anuas i leith na scoile i Castleknock, agus í ina Aire. Níl sí in ann freagra simplí a thabhairt ar cheist shimplí. Deir an Taoiseach go bhfuil an airgead ar fáil i dtreo agus go mbeidh an Aire in ann na múinteoirí a chur ag obair.

Deputy Mary Hanafin: Tá airgead agam le haghaidh na muinteoirí.

Deputy Enda Kenny: I conclude that in the assessment of the range of visits it is time to cut back on some of these, given that some of them appear to last for a week or ten days. St. Patrick's Day is always on 17 March. Surely it should be possible to have a closer examination of the value of what we have done here, not to mention the absent Minister for the Environment, Heritage and Local Government, Deputy Gormley, and his carbon footprints from New Zealand to San Francisco. Perhaps the Taoiseach might re-examine the value for the country of the visits both before and after St. Patrick's Day.

I do not want to send every Minister away with his or her own sandwich pack in a bag. In terms of what is happening on the streets and the disconnect between Government and the people re pay increases, salary increases, and requirements to cut back, there is a need to cut back but there is no evidence of any cutback here, rather it is the contrary. The Taoiseach should reflect on that as a balance against what we want to achieve for our country and at the same time to demonstrate effective leadership.

The Taoiseach: We spend over €50 billion a year in this country on a range of services and there is always some service somewhere in need even though there have been historic increases in current and capital expenditure in every area in the past decade, and far more and far higher than the average rate. I am often criticised in the House about our rate of current expenditure year-on-year which is higher than practically any other country in the European Union. Our capital expenditure is higher than any other country because of the historical deficits and because of what we have to deal with in terms of a rise in population and a strong economy.

[The Taoiseach.]

There will always be deficiencies, gaps and areas of need. That happens even in Norway which probably has the highest rate of public expenditure.

What we do in this regard is the same as with Oireachtas groups that travel to examine issues during the year. There is thought put into what takes place. We look at the markets. We look at where there is an added value to promote and to showcase the country in a modern way. That is why even in a more difficult year we get still a good and fair share of foreign direct investment. It is why for a country of our size we get between 8 million and 9 million tourists. We get recognition across the world in so many ways from our business people to our arts and culture. We can continue that.

I could go through the individual locations. A total of 45 locations has been highlighted this year for the Ministers to cover. Some of those visits link in to trade missions. It is not the case that Ministers are just going abroad again but they wish to extend the St. Patrick's Day period and to follow a programme. Each Minister takes part in this and each Minister takes on the agenda of another Minister. They are all given extensive briefs to deal with this.

The Minister for Enterprise, Trade and Employment, Deputy Martin, is in Milan today participating in an Enterprise Ireland launch for 60 business clients and contacts. On Thursday he will be involved in tourism-related events. These are all pre-St. Patrick's Day events. The Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan's programme in Boston is in collaboration with Enterprise Ireland and will include events focused on medical devices and biotechnology. The Tánaiste will be involved in events in Malaysia to promote Irish financial services and telecoms companies. He will open the new Kuala Lumpur offices of the Royal College of Surgeons. Ministers are not just involved in their own area of responsibility, they have a full range of responsibilities.

It has been noted in this House that our neighbours and colleagues across the water have decided this week to do what we have done for years, which is to have a new national holiday to promote their identity and to bring a sense of Britishness to their people. It is interesting that they chose to do it this week because recently they attend St. Patrick's Day events all over America, which we are always very pleased to see. I am glad to see they also have a great respect for St. Patrick. Thankfully we have that. We have had that for generations. We have had St. Patrick for a few thousand years and we have built around that.

Deputy Brian Hayes: The Ministers have it for two weeks.

Deputy Fergus O'Dowd: What about the €1,600 a night? They must have golden prayer mats.

The Taoiseach: I am glad to see in 2008 that Gordon Browne has decided that what we have for generations seems to be his best political idea. That is a tribute to what we do so well.

An Ceann Comhairle: I was about to say to the Taoiseach that we are well over time and I meant no disrespect to St. Patrick.

Deputy Eamon Gilmore: If the Taoiseach kept going we would be told that St. Patrick was a founder member of Fianna Fáil.

Deputy Seán Sherlock: That is St. Jude.

The Taoiseach: He would have been a member if he had been around.

Deputy Dermot Ahern: He would have been.

Deputy Mary Hanafin: He would have banished the snakes.

Deputy Eamon Gilmore: The Minister for Education and Science should not raise the subjects of snakes this morning.

An Ceann Comhairle: Deputy Gilmore should be allowed to speak without interruption.

Deputy Paul Connaughton: He did not banish them all anyway.

Deputy Eamon Gilmore: Over the weekend two more young men were shot dead, one in Ronanstown and one in Newcastle. That brings to 150 the number of gun murders which have occurred in the State since the Taoiseach took office in 1997. The Garda is expressing concern that the gun murders over the weekend could lead to a further spate of killings. We have had 150 gun murders so far since the Taoiseach took office.

Before he took office in 1997 the Taoiseach said at the Fianna Fáil Ard-Fheis in April 1997: "I will make the fight against crime my first priority in a new Fianna Fáil Government. He went on to say he had a message for the drug barons and the criminal gangs. He said: "Our plan is to arrest you, prosecute you and put you in jail". Of the 150 gun murders that have occurred in the State since the Taoiseach came to office, how many convictions have been secured?

The Taoiseach: Recently we saw a number of very successful operations carried out by the Garda to deal with gangland crime. I acknowledge the considerable efforts of the Garda in this regard and I commend it on its successes which clearly prevented further murders and serious crimes.

We have had two murders in recent days and we had a number of murders last year also but there was a significant decrease on the previous year. It is the type of activity that the Garda is involved in that is preventing more murders, under Operation Anvil in particular, which deals with these gangs. We deplore the killings of the two men on Thursday and Saturday. Every time there is a murder of any kind we deplore it, such as the murders in Drimnagh of the two Polish citizens the previous week.

Recent CSO figures indicate there were 84 homicides, 78 murders and six manslaughters here last year. While that was an increase of 25% in total numbers over 2006 the gang-related killings do not account for that. Killings under that heading are completely unacceptable but the murder rate is something the Garda has to keep on tackling. According to Garda records, most of the murders last year were of a domestic nature and related to different events with drugs and alcohol being the key components. Prosecutions for these crimes is almost 100%. In gangland crime it is not good.

Deputy Charles Flanagan: How bad is it?

Deputy Eamon Gilmore: What is the figure?

The Taoiseach: I do not have the overall figure, but witness protection is an extremely difficult issue, as the Deputy knows, because he has raised it here. I have raised it again with the commissioner. Although he is not convinced, he has enhanced the system. The difficulty is that, even when badly injured, criminals will not participate in normal surveillance and intelligence gathering. This is the case even when the individuals are known to the Garda. As we have seen recently, even seriously injured individuals who know who tried to kill them will not co-operate. That is a serious issue for the Garda which has informed me and the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, that it has the legal powers but cannot force

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people to do so, that it can only continue its legal surveillance intelligence activity and question people to try to get this information. This is a serious problem for gardaí; they know the gangs, on which they have good intelligence, but where there are crimes between gangs, their *modus operandi* is not to speak. Gardaí freely tell us that is a difficulty for them. In other areas they do not have that problem. They also say this problem of not co-operating is bigger in Dublin than elsewhere. In other parts of the country they can break down these issues but in the greater Dublin area it is a difficulty, even with the intelligence gathered under Operation Anvil. Providing the number of gardaí and detectives from the specialised unit involved in sitting in the middle and trying to stop some of the gangs from engaging in criminal acts against each other is very costly.

Deputy Tom Sheahan: Is that zero tolerance?

The Taoiseach: We have allocated €20 million to that activity this year. While it will not solve past murder cases, it will prevent others. A number of such operations take place in the greater Dublin area, not just today but some for the last two or three years.

Deputy Eamon Gilmore: With respect, the Taoiseach went way over time in avoiding answering the question. He says he does not have the figure for the number of convictions, which I find amazing given that he has a figure for every possible question that might be asked during Leaders' Questions. My question was: of the 150 gun murders committed in the State since the Taoiseach took office, how many convictions have been made? To help the Taoiseach, I have done a tot and come to a figure of 24 out of 150, approximately one in six. Is that correct? Is it true? Can he admit to the people that of the 150 savage gun murders that have occurred since he took office, only one in six perpetrators has been caught and put away?

I accept there are difficulties, some of which the Taoiseach alluded to, of people not talking and being afraid to give evidence. This is why the Labour Party proposed two legislative measures that we have been asking the Government to implement since the Dáil resumed last September, namely, the witness protection legislation and the Garda surveillance Bill. These would give the Garda the additional powers of surveillance it needs to put the criminal gangs away and provide protection for those who give evidence against them.

Will the Taoiseach, at least, do the House and the country a service by admitting that the figure is only one in six convictions, 24 out of 150, and take on board the measures the Labour Party proposed to deal with this problem? We cannot continue with the situation where murders take place week in week out. There is barely a weekend when one of these gangland, gun-related, drug-related killings does not takes place and it cannot continue. There is a need to deal with it and I ask the Taoiseach to do so by taking on board the Labour Party's proposals. I also ask him, as a man who has a figure for every question, to acknowledge that the number of convictions is only 24 out of 150.

The Taoiseach: I have no problem giving the figure for a ten-year period.

Deputy Olivia Mitchell: Good.

The Taoiseach: I am told that in respect of gangland crime, organised criminal gangs mainly involved in drug trafficking, the number of conviction is very low.

Deputy Eamon Gilmore: The figure is 24 out of 150.

The Taoiseach: I do not deny that figure and the legislation is not the reason. Gardaí say they have strong legislation, dedicated detective units, high levels of resources and considerable overtime and manpower reserves. They have the special protection programmes. While Deputy Gilmore has an issue on the legislation, the commissioner does not believe they require anything more than they have. The problem is that even when the lives of individuals are under threat, individuals have been injured and there is intelligence that they are open to being attacked by hitmen, they will not co-operate with the Garda. It is not a lack of legislative power, a witness protection programme or resources. In these instances the Garda is obliged, as it is at several locations, to have 24/7 by 365 security to stop some of the groups engaging in violence against each other and, by extension, engaging in criminal activities in the community. That is why it costs so much of taxpayers' money. It is a very costly activity for the Garda, but it significantly decreased the number of gangland deaths in 2007. When talking about deaths, I am never happy to say the number has decreased because it is not good to have any.

The Garda Commissioner's latest statement is that he will continue the assessments under Operation Anvil of the groups involved in gangland crimes. The Criminal Assets Bureau is involved in dealing with the proceeds of such crimes, including through liaison between it and the various Garda divisions which takes place every other day. In many such cases court proceedings do not work because nobody will give evidence. That, not the intelligence, is the reason for the lack of convictions. I have been at security briefings where gardaí have outlined whom they believe is responsible, but unless we have very draconian laws, which none of us wants to have, we cannot stop it. That is the reality. The Garda must continue its efforts. It has had some good successes in breaking gangs recently and we must continue to support its efforts to break more.

Deputy Eamon Gilmore: That is an awful admission of defeat.

Ceisteanna — Questions.

Departmental Expenditure.

1. **Deputy Enda Kenny** asked the Taoiseach the projected cost in 2008 of the communications unit in his Department; and if he will make a statement on the matter. [3541/08]

2. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the work of the communications unit in his Department; and if he will make a statement on the matter. [4977/08]

3. **Deputy Eamon Gilmore** asked the Taoiseach the costs incurred by the communications unit in his Department since its establishment; the projected cost during 2008; and if he will make a statement on the matter. [6169/08]

4. **Deputy Enda Kenny** asked the Taoiseach the cost of the communications unit in his Department during February 2008; and if he will make a statement on the matter. [10012/08]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

The total projected cost of the communications unit for 2008 is €344,873 with €135,512 being a direct cost to my Department and €41,872 on average being borne by the five other Departments which have staff seconded to the unit. The cost of the unit in my Department during February was €27,326, with €10,737 being a direct cost to my Department and €3,317 on aver-

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age being borne by the five other Departments which have staff seconded to the unit. The total cost of the unit since its establishment in 1997 is €2,966,285, with €1,163,359 being a direct cost to my Department and €60,585 on average being borne by the five other Departments which over the period have had staff seconded to the unit. The average annual cost of the unit since its inception in 1997 is €269,662. The unit provides a media information service to Ministers and their Departments. It furnishes news updates and transcripts which ensure Departments are kept informed in a fast and efficient manner of any relevant news developments. In this way, Departments are able to provide a better service to the public.

The communications unit works an 18 hour day based on a flexible rota of three working shifts. The unit is staffed by six established civil servants, five of whom are on secondment from other Departments. The work of the unit means that Departments have reduced their use of external companies and ensures that they no longer duplicate work such as transcripts and tapes.

Deputy Richard Bruton: The Taoiseach has repeatedly said that this unit constitutes a significant saving on other Departments. Deputy Kenny tabled a parliamentary question on the spending by other Departments on media monitoring activities. I am sure it will come as a huge surprise to the Taoiseach to discover that those other Departments are spending over €500,000 every year on top of the €344,000 he says his Department is spending. Where are these great economies? If all other Ministers decide they need to replicate these activities and defend them as being important to their work, it seems the Taoiseach's defence of this centralised media monitoring unit is falling asunder. Will the Taoiseach consider reviewing all these activities? If we are to have a consolidated central activity, we should make sure that these other units are closed down. The public might then feel properly served.

11 o'clock

Is the work of this unit essentially partisan? It is defending the Government from the complaints of others made against it. If it is to be in the public interest, does the unit look at where the Government is over represented in the media? We recently witnessed an astonishing event where the Chairman of the Joint Committee on Communications, Energy and Natural Resources appeared to be using analysis of media coverage to present a distorted view of what Members of this House and the committee were thinking of RTE coverage. Does the Taoiseach's media monitoring unit provide any information to anyone other than Ministers? Does it provide information to Deputies? Does it line up Fianna Fáil contributors to make certain contributions? Is that within its remit, or does the Taoiseach strictly require that nothing of a partisan nature would be promoted by the unit?

The Taoiseach: The unit has five staff over an 18 hour roster and it does not have the capacity to provide regional news items or international news, press cuttings or what is on local radio. The unit monitors the national radio stations and national newspapers. That is what is circulated to both Ministers and officials. I assure Deputy Bruton it has no involvement in party activities. It does not monitoring in a collective way — it just gives out its daily news bulletins. It is operated within Civil Service procedures and it does not provide access to any outside sources or any political sources of any kind. It has no liaison with party press officers. It strictly uses civil servants for its tasks.

Deputy Bruton has a point when he says the other costs could be eliminated, but we would need a far bigger operation for that. The Department of Finance, the Department of Foreign Affairs and the Department of Enterprise, Trade and Employment extensively carry out media monitoring on the international press and that could be centralised, but it has traditionally

been done in those line Departments. While there could be some duplication between those Departments, I imagine there would not be too much. This unit only deals with the national press.

Deputy Richard Bruton: I do not know whether the Taoiseach has looked at his reply, but the big spenders are not those Departments that survey international activity. The big spenders are the Department of Health and Children — despite similar media monitoring by the HSE — and the Department of Education and Science, which has no requirement to monitor international agencies. Will the Taoiseach undertake a review of this activity? He is trying to present it as if those Departments are monitoring things that are not monitored by his Department. I do not accept that is the case. Is the Taoiseach saying that they do not duplicate in any way the activities of his centralised media monitoring unit?

Does he accept that spending €1 million on media monitoring is grossly excessive? At a time when we cannot fund basic services and where a doctor is dipping into his own pocket to provide €36,000 to employ a nurse, the fact that Departments are spending €1 million on monitoring cuttings and buying in these services, not to mention the cost of staff on top of that, is a totally unacceptable way to devote money. Surely the Taoiseach accepts there is a need to review this and find savings, just like in many other high-cost bureaucratic activities that prevent services from getting to the front line in this country.

The Taoiseach: I certainly do not want to see any duplication, but I asked officials in other Departments late last year to look at where it occurs. They informed me that the Departments were spending money on regional newspapers and information that would not readily be——

Deputy Richard Bruton: How come they all surge in the year of the election?

The Taoiseach: A number of Departments were contracted over the years to newspaper services and outside media monitoring units. We effectively stopped that in 1997. It was a very large cost. The entire media communications unit was cheaper than the cost at that stage. We could extend the service to include regional newspapers, but this is a small unit of five people covering 18 hours per day five days per week, and they provide a service to several hundred officials across the Departments. We could possibly double the service and cover everything, but it might then have too many people involved. I am not too sure we could do that on a——

Deputy Richard Bruton: We could save a few hundred thousand euro if we did it.

The Taoiseach: We would not, because what would happen——

Deputy Richard Bruton: The Taoiseach could double it and close down the others, saving around €300,000.

An Taoiseach: It could not be done with five staff. I could save €500,000 from other Departments, but we would have much more staff in my Department. The five people cannot cover local, national and international media and provide the service to all other agencies. It would not be possible to do that with five people.

Deputy Caoimhghín Ó Caoláin: Ba mhaith liom cúpla ceist a chur ort faoin aonad cumarsáide. An gcuirfidh an Taoiseach seirbhís aonad cumarsáide a Roinn ar fáil don Oireachtas ar fad? An gcuirfidh sé na tuairiscí laethúla san Leabharlann nó ar fáil ar iarratas ón aonad?

I put these questions to the Taoiseach previously, but he has never given me a satisfactory reply. Given that the communications unit is staffed by established civil servants, does the

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Taoiseach accept that the news monitoring it provides to his and other Departments should be accessible to the Houses of the Oireachtas? It should at least be placed in the Oireachtas Library so that all Members can access it on an equal basis. Given that this service is paid for by the taxpayer, has the Taoiseach had any change of heart on the repeated requests by Deputies in this House for the media summaries and updates to be put on the internal Oireachtas website? If it is purely and simply a news monitoring service and update, what specific advantage does it bring to the Taoiseach's Department and Cabinet colleagues in their respective offices? What other reason can there be for his continued refusal to extend access to the service to all Members?

The Taoiseach: I will make two points. Any data or information prepared in Departments, such as reports, is not made available externally. In my period as Taoiseach we have provided large increases in the party leaders' allowances to allow political parties to access these funds. We have also increased funding for the Houses of the Oireachtas Commission. If the commission saw any benefits in the proposal, it should take it up with my Department. Done on a party political basis, it is much better, much more detailed and much more partisan than it is when done by a small group of civil servants.

Deputy Caoimhghín Ó Caoláin: Go raibh maith agat as an freagra sin. We have no way of knowing what is done better when we have no sight of what the Taoiseach receives from the communications unit, an aonad cumarsáide.

The Taoiseach: Information has been released hundreds of times following freedom of information requests. It is available.

Deputy Caoimhghín Ó Caoláin: No, the information released relates to specific roles and responsibilities. With regard to the daily reports and updates of news——

The Taoiseach: They have been circulated.

Deputy Caoimhghín Ó Caoláin: They are not provided on an ongoing basis——

The Taoiseach: That is correct.

Deputy Caoimhghín Ó Caoláin: ——through the internal Oireachtas website, nor are they placed in the Oireachtas Library to afford access to all Deputies and Senators.

Does the Taoiseach not accept that his response to my earlier question in which he indicated that each of the parties could replicate the service through party leaders funding encourages duplication? Did he not also identify a possible means to address this matter through the Houses of the Oireachtas Commission? Would that option not be more appropriate? Perhaps the Ceann Comhairle will note that such a request on behalf of the collective parties and Independents in the House could be presented by the commission to the Taoiseach for further consideration. The Taoiseach will have to agree that his colleagues may very well welcome access to this information when they are next in Opposition, which may not be too far in the future.

The Taoiseach: I see the merit of the proposal provided the political parties were to agree to allocate part of their political allowances to the Houses of the Oireachtas Commission so that it would provide a bigger, more centralised media monitoring service for everybody. That is a valid suggestion which would merit consideration. However, we are discussing a different

issue, namely, the Civil Service system gathering information that is available in that system and under freedom of information legislation, through which it has been accessed time out of number.

Political parties would do this in a much more detailed and different manner from civil servants who try to assist the system to be able to respond quickly to events of relevance to a Department. This is done by circulating news-sheets to various locations every hour so that people can respond to relevant issues. Providing responses to issues that require answer is a public service. During the course of the day, when everybody is working in their offices, it is in the interests of the public that the system obtains details of issues emerging on national radio and tries to respond to them. This is what one does in a modern democracy where communication is an important feature.

Deputy Eamon Gilmore: Is cuimhin liom uair cheana nuair a chuir mé ceisteanna ar an Taoiseach faoin ábhar seo. Nuair a mhol mé ag an am go mbfhéidir go raibh spiadóireacht polaitiúil ar siúl, dhiúltaigh sé é sin agus dúirt sé gurbh é an t-aon rud a bhí i gceist ná gearrtháin as nuachtáin agus téipeanna d'agallaimh raidió agus mar sin de. Más fíor sin, ní thuigim cén fáth nach bhfuil sé sásta na gearrtháin agus téipeanna sin a chur ar fáil go ginearálta. An bhfuil an aonad seo ag tabhairt tuairimí ar an nuacht don Rialtas, d'Airí nó do Rannóga Stáit?

On the previous occasion I questioned the Taoiseach on this matter, he forcefully rejected any suggestion that the communications unit is engaged in a type of political intelligence gathering and stated that it assembled newspaper clippings, transcripts of radio interviews and so forth and circulated these to Departments. If that is the case, I do not understand the reason this information cannot be made generally available. I presume it is made available in electronic format in the Civil Service system and could be circulated more widely. Is the collection of material such as newspaper clippings and information on radio and television interviews the extent of the communications unit's work or does it provide opinion or comment to Ministers?

The Taoiseach: The material is purely a synopsis of the headlines of the day. The unit does not count the number of articles or give any reflections. Its role is straightforward. The Houses of the Oireachtas Commission could take up the matter if it wished. However, the service is already provided to the political system, in large measure through the party leaders funds. Any information gathered in Departments about working issues is not circulated and the information in question falls within this category. There is no other reason for not circulating it. Regular freedom of information requests show that the sheets are no more than a few pages providing a synopsis of the day's events at hourly intervals.

Deputy Eamon Gilmore: If it is no more than the Taoiseach has described, what is the problem with making it generally available? The Taoiseach indicated the information is proper to the Civil Service system and within Departments. Given that it does not appear to be material to which the 30 year rule would apply, why is it not made generally available? I presume it is circulated to Departments by e-mail or electronically. Why not circulate it generally?

The Taoiseach: While I do not have a difficulty with the Deputy's suggestion, I believe the Civil Service code states that any data collected or collated by civil servants should be treated in a similar manner.

Deputy Eamon Gilmore: The information in question is no more than newspaper clippings.

The Taoiseach: The information, opinions or reflections given by civil servants across a range of issues are not released. That Civil Service protocol is the reason the information would not be circulated. However, it is regularly released under freedom of information legislation. People have stopped submitting FOI requests because they have seen that it amounts to no more than I described. They have put down questions asking for information covering 40 or 50 days and found it is not of any great relevance.

It is helpful for a small number of civil servants to be able to get information across to Departments on the day, particularly if the line Departments are involved daily in responding quickly to issues being raised in the public domain and providing data and information promptly to try to deal with these issues. Yesterday, when a problem arose in the Dublin Port tunnel, people quickly demanded that Departments and agencies explain the position in the media. That puts pressure on Departments and agencies to get answers and give explanations, but this happens almost on an hourly basis. That is all this data is providing.

Programme for Government.

5. **Deputy Enda Kenny** asked the Taoiseach the progress to date in respect of the implementation of those elements of the programme for Government for which his Department is responsible; and if he will make a statement on the matter. [3545/08]

6. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [3562/08]

7. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4978/08]

8. **Deputy Eamon Gilmore** asked the Taoiseach the progress made to date with regard to the implementation of An Agreed Programme for Government, particularly in regard to those areas for which his Department has direct responsibility; and if he will make a statement on the matter. [6170/08]

9. **Deputy Enda Kenny** asked the Taoiseach if he will report on the recent work of the Taskforce on Active Citizenship; and if he will make a statement on the matter. [7968/08]

10. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the recommendations of the Report of the Taskforce on Active Citizenship; and if he will make a statement on the matter. [7969/08]

11. **Deputy Richard Bruton** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10612/08]

12. **Deputy Simon Coveney** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10613/08]

13. **Deputy Michael Creed** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10614/08]

14. **Deputy Jimmy Deenihan** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10615/08]

15. **Deputy Olwyn Enright** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10616/08]

16. **Deputy Charles Flanagan** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10617/08]

17. **Deputy Brian Hayes** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10618/08]

18. **Deputy Phil Hogan** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10621/08]

19. **Deputy Olivia Mitchell** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10624/08]

20. **Deputy Denis Naughten** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10627/08]

21. **Deputy Fergus O'Dowd** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10630/08]

22. **Deputy James Reilly** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10632/08]

23. **Deputy Michael Ring** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10728/08]

24. **Deputy Alan Shatter** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10729/08]

25. **Deputy Billy Timmins** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10730/08]

26. **Deputy Leo Varadkar** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [10731/08]

The Taoiseach: I propose to take Questions Nos. 5 to 26, inclusive, together.

The programme for Government agreed between Fianna Fáil, the Green Party, the Progressive Democrats and certain Independent Members of Dáil Éireann is a comprehensive blueprint for the country's future. It is fully costed and makes it clear that the budgets over the lifetime of the Government will be kept in broad balance and fully within our commitments under the Stability and Growth Pact.

Since last summer, the Government has wasted no time in commencing our implementation of the wide ranging proposals contained within the agreed programme. Progress on the imple-

[The Taoiseach.]

mentation of the Government programme is continuing and kept constantly under review. Over the duration of this Government, I look forward to the programme being implemented in full. Over the next four years, I believe the Irish people will see incremental and steady changes which will benefit both Irish society and the Irish economy.

It is the responsibility of each individual Minister to ensure that the commitments in the programme that fall within their particular portfolio are fully implemented. In the policy areas which are the responsibility of my Department, I am happy to report that good progress has been made in a number of significant areas. As the House will be aware, the area of active citizenship is a direct responsibility of my Department. It is an area of particular interest to me and one I have pushed in the past number of years. In this regard, an Active Citizenship Office has now been established in my Department, in line with the recommendations of the Taskforce on Active Citizenship.

The office is currently preparing a plan to implement the recommendations, following consultations that are under way with relevant Departments. In addition, the office has received a positive response from a number of organisations in the business sector that are willing to assist in advancing the active citizenship agenda. In particular, the office, which is chaired by Ms Mary Davis, continues to consult with various business interests to encourage greater connectivity to the community through this sector. Building on existing initiatives, there is a significant contribution this sector can make to communities nationwide.

Consultations are also being held with the wider educational sector with particular regard to raising awareness of the potential for service learning and volunteering. A progress report on the implementation of the task force recommendations is currently being prepared by the office and will be published shortly.

I want to emphasise to the House that as a Government we remain committed to strengthening the fabric of Irish society and to creating an Ireland with vibrant towns and townlands.

Deputy Richard Bruton: I welcome the Taoiseach's reply. What is the cost of the programme for Government which he says has been fully costed? I have not seen that figure published anywhere. The Minister for Finance says it is a matter that will be kept private, if it has been costed at all. I am glad the Taoiseach has indicated that it has been costed.

Against that background, the cost of the Fianna Fáil programme, which was costed, was €7.5 billion. The Minister for Finance has published tax projections for 2010 in his recent budget statement and they indicate that tax revenue will be €6.3 billion short of what was expected at the time the Fianna Fáil programme was published. Is the Taoiseach indicating to the House his belief that this €7.5 billion programme, plus the additional commitments from the Green Party which we have not seen costed, can be delivered even though the tax revenue will be at least €6.3 billion short in 2010 and there is no confidence that will be made up in the following years? The Minister's new economic growth forecast does not suggest it will be made up. Does the Taoiseach still believe this programme can be implemented, as he appears to suggest in his reply?

In light of the Taoiseach's new realism about the state of the economy, reflected in his statement earlier this week, will he accept that those commitments are not possible and that we need a new medium-term strategy to guide both economic and social policy in the coming five years, based on a realistic assessment of the resources that will be available? Is he not participating in an elaborate fooling of the public by continuing to present to the House a programme for Government that is no longer affordable? No Member of this House, either

behind the Taoiseach or on these benches, believes it is affordable within the resources. The Taoiseach might clarify his expectations.

The Taoiseach: When the programme for Government was put together last year, each individual section of it, and particularly those new elements that were outside the national development plan, which was costed at €184 billion, or ongoing programmes such as the commitments we made to overseas development, which were fully costed, the science and technology fund or the research and development fund, which were fully costed, and any of the other ones, were costed at the time by the Department of Finance. I do not have those figures but most of the programme for Government came within the annual Estimates, the three and five year Estimate reviews, the national plan and some of the specific programmes.

On the position raised by Deputy Bruton, if the Tánaiste and Minister for Finance, or any Minister, was here he or she would say that a programme for Government is based on the ability to be able to deliver and implement programmes as resources are available. In good years more can be done but in more difficult years, as we are seeing internationally and today in what is happening in the budgets in Westminster, and what we have seen in Germany last week and in other countries, it is a more challenging period because of what happened last August and the sub-prime difficulties. That is a fact of life. There is a global tightening and that is what I made reference to a number of times recently. That makes it more difficult to deliver within the period because revenues will contract but over a prolonged period up to 2012 we will always have the peaks and valleys in these issues, and that must be accepted as we go on each year. If we had a number of those years it would severely curtail our ability in terms of new initiatives and more progressive projects. I have no difficulty in saying that we will not have the ability to go beyond the departmental Estimates in 2008. They will have to be held tightly. It is our determination not to have any changes in our capital programme. We have gone for a very high capital programme. It is our view that because of the low debt-GDP ratio we have the ability to be able to borrow mainly from our current budget surpluses to implement a capital programme that is needed for the country because of past infrastructural deficits, our rate of development and population growth. We must continue to do that. That removes any flexibilities in terms of having new programmes in other areas.

On the Deputy's question about the ongoing reviews, the Department of Finance, as it does every year, will have its economic and budgetary outlook mid-year and that will reflect the changed circumstances. I am sure when it sees the first quarter figures, as it would normally do, it will give an indication of its thinking on that but those issues are a matter for the Department of Finance.

Deputy Richard Bruton: I do not want to accuse the Taoiseach of misleading the House but if the Department of Finance publishes Estimates that indicate that revenue the Taoiseach expected to rise by €7.5 billion by 2012 will be €6.3 billion off target by 2010, does he accept, as leader of the Government, that those Estimates are accurate? Does he believe that Department of Finance projections should be the basis for Government framing strategies that are affordable and realistic or does he want to continue to fool people into thinking that he will deliver lower pupil-teacher ratios, lower tax on the standard rate and the top rate, lower PRSI, 2,000 extra consultants and 1,000 extra hospital beds when the Minister for Finance comes in here and tells us the money is not available?

Will the Taoiseach issue an instruction to his colleagues to publish the costings of the programme for Government in their sphere of activity to allow us have a realistic debate in this House on what the Taoiseach says programmes will cost and the resources the Minister for

[Deputy Richard Bruton.]

Finance says will be available? I will not sit here allowing the Government to fool the people about what is and is not affordable. We need a proper strategy to guide us in a difficult economic time. We cannot go on with a cock-and-bull document that is no longer realistic.

The Taoiseach: I will explain it to Deputy Bruton but he understands it very well. This year——

Deputy Richard Bruton: The Taoiseach should answer the question.

The Taoiseach: I will answer the question. The Deputy wants me to tell him what we will have achieved by June 2012.

Deputy Richard Bruton: No, I want the Taoiseach to publish the costs of what the Government has proposed.

The Taoiseach: I will tell the Deputy that in the summer of 2012.

Deputy Richard Bruton: What will it cost?

The Taoiseach: For the Deputy to ask me now to tell him what exactly we will do——

Deputy Richard Bruton: That is not what I asked. The Ceann Comhairle knows that I did not ask that.

The Taoiseach: The Deputy did ask that.

Deputy Richard Bruton: In some sense the Ceann Comhairle is a referee here.

The Taoiseach: The Deputy asked if important matters of advances in education and health, which he claims are cock-and-bull, will not be implemented. It is the Government's wish over the period, within the resources we have, to implement these programmes. We have set our budgets for this year. Tax revenue is down and I gave the figures on this last week based on the two-monthly tax take projection. This morning I gave our view on the national development plan. We will continue to implement this year's policies and frameworks as outlined in the budget.

I have made it clear additional resources will not be available this year for Departments to go outside their Estimates. It will be a year of ensuring line Departments stay within the Estimates. The Minister for Finance said he may need tighter control on the Estimates during the year.

Deputy Paul Kehoe: What are the costings?

The Taoiseach: Next year could be different. If economic circumstances improve, we will be more able to increase expenditure in some areas. If not, we will not have that ability. That is the answer to the question.

Deputy Richard Bruton: That is not the answer to the question. I asked the Taoiseach if he would issue an instruction to Departments to publish the costings of the programme for Government. The Taoiseach has not answered with "yes" or "no". This is not acceptable. We are seeking information and honest answers. If the Taoiseach goes on these Wanderly Wagon wish-lists and talks about lovely motherhood and apple pie without answering questions, we are wasting our time in here.

An Ceann Comhairle: As Deputy Bruton well knows, it is not the responsibility of the Chair. It is a matter for the Taoiseach——

Deputy Richard Bruton: I know that and I am not blaming the Ceann Comhairle. I am drawing it to the Ceann Comhairle's attention that this should be a "yes" or "no" answer. The Taoiseach, like he would not articulate confidence in the HSE yesterday, will not answer this question.

An Ceann Comhairle: ——to reply in the manner in which he wishes to reply.

Deputy Paul Kehoe: It is a simple "yes" or "no" answer.

An Ceann Comhairle: I call on Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: Tá sé geallta ag an Rialtas sa clár Rialtais roinnt nithe a dhéanamh maidir le cur chun cinn na Gaeilge. Cén dul chun cinn atá déanta ar chuid de na rudaí seo, mar shampla, tacú le hAcht teangacha a thabhairt isteach i dTuaisceart na hÉireann — rud a leagadh síos i gComhaontas Naomh Aindriú — agus comhaontas uile-pháirtí a lorg i dtaobh athbhunadh an Chomhchoiste Oireachtais ar an Ghaeilge?

This being Seachtain na Gaeilge, on the commitment in the programme for Government on the Irish language for which the Taoiseach has direct responsibility, what progress has been made on the commitment to introduce a language Act in the Six Counties, as set out in the St. Andrews Agreement? There has been some opposition from predictable quarters in this matter. Does the Taoiseach agree the Irish language belongs to all sections of the people, irrespective of their political dispositions or tradition, as they see it? Will he agree this is a basic right for all?

What progress has been made in seeking all-party agreement on the re-establishment of an Oireachtas committee on the Irish language, another commitment in the programme for Government?

Deputy Eamon Gilmore: A Cheann Comhairle, we will have to stop the bilingual asking of questions. Some of them take long enough in one language. To ask them in two languages is stretching it a bit.

An Ceann Comhairle: I am not the Editor of Debates, as the Deputy is well aware.

Deputy Eamon Gilmore: The programme for Government contains a commitment to reduce the top rate of income tax by 1% and the lower rate by 2%. In addition, employee PRSI contributions are proposed to be reduced by 2%. Does the Government still intend to do that?

The Taoiseach: On Deputy Ó Caoláin's question, the overall strategy on the Irish language is set out in the programme for Government. A 20-year strategic plan will be developed with support for the introduction of a language Act in Northern Ireland, as provided for in the St. Andrews Agreement. I was involved in those discussions and, as the Deputy stated, we have hit obstacles. It was part of the agreement and we continue to pursue it faithfully.

The Deputy's assessment is correct that it is a matter that should be agreed in the structures. We had an opportunity to talk to the Northern Ireland Minister directly involved. The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív has also pursued this directly. There is a negative view taken by some on it but we will continue to pursue what was agreed.

[The Taoiseach.]

I do not have up-to-date information on achieving an all-party consensus on re-instituting the joint Oireachtas committee on the Irish language. It is a commitment, however, we intend to pursue.

Deputy Caoimhghín Ó Caoláin: Will the Taoiseach come back to me on that?

The Taoiseach: I will raise it with the Minister, Deputy Ó Cuív, and ask him to come back to the Deputy.

The economic and tax targets, as I said earlier, are commitments in the programme for Government but are based on the proviso that resources permit and we stay within the parameters established in the Stability and Growth Pact. The Government intends to stick to those fiscal targets. If resources are available, then we can do it; if not, we cannot do it.

Deputy Tom Sheahan: What are the costs of the commitments to the Independent Members who support the Government? The documents drawn up with those Members were signed by the Taoiseach as president of the Fianna Fáil Party and, therefore, cannot be released under a freedom of information request. When the Taoiseach speaks of delivery, is it delivery to the Independents for their support? If the tax take improves, will that mean the delivery to the Independents will improve?

In south Kerry, we are reminded every week by Deputy Healy-Rae that he has an eight page document signed by the Taoiseach for delivery there. Would the Taoiseach concur with the recent description to me by a senior Minister of this eight-page document as being well-padded?

Deputy Billy Timmins: There is text on the back and front of each of those eight pages.

The programme for Government contains a commitment for the Government to campaign for a complete ban on cluster munitions. An international conference on cluster munitions will take place in Ireland in May. Will the Taoiseach agree that if the Government brought forward legislation to ban the use of them or investment in any company that might use them, it would put us in a stronger position in leading the campaign? Is legislation planned for the prohibition of the use of cluster munitions?

Deputy Michael D. Higgins: The international diplomatic conference on cluster munitions will take place in Croke Park from 19 May. We were in a similar position on the Ottawa Convention on the banning of landmines. Ireland and Norway saved a strong text for that convention by publishing legislation prior to the conference. Separate legislation has been produced by Belgium and Austria on the banning of cluster munitions.

The programme for Government contains a clear commitment to ban outright all forms of cluster munitions. The Minister for Foreign Affairs recently stated he proposes to establish a committee on humanitarian law which would respond to whatever convention emerges in May. The lesson is that it would be hugely important if, as part of the core group that chairs the conference, we follow the example we had in 1996-97. The Ottawa Convention banning landmines was concluded in 1997. We published our legislation in 1996 and it was the defining text because it was strong. If we choose instead to implement the commitment in the programme for Government by establishing a committee that will respond to a convention, we should be careful. Countries such as the United Kingdom, Germany and France are in favour of a weak text. We can influence this.

As we send troops abroad, for example, on peacekeeping and peace-building missions, it is important that our convention is sufficiently strong to prevent Irish troops from participating

with armies and forces that do not have a complete ban on cluster weapons, given the incredible and multi-generational damage to civilians that results from their use.

An Ceann Comhairle: I remind Deputies that the Taoiseach cannot be expected to reply for line Ministers.

Deputy Michael D. Higgins: Will we have framework legislation in time to influence the international convention in May?

The Taoiseach: In reply to Deputy Sheahan, any provisions for the Independents, as I have said a number of times, are based on what is in the Estimates or in the national development plan. It is a matter of additional expenditure for items that are already covered in the budgetary process.

Deputy Paul Kehoe: So they are getting what they were getting anyway.

The Taoiseach: It may be quicker to pursue it this way.

Deputy Tom Sheahan: So it is true that the document is heavily padded.

The Taoiseach: The Minister for Foreign Affairs, Deputy Dermot Ahern, has, to his credit, been to the fore in pursuing the issue of cluster weapons in Europe and internationally. In reply to Deputy Higgins's question, the Minister has stated clearly that the current ethical guidelines for the protocol on cluster weapons should go further. He has also stated that based on what happens at the Croke Park conference, which he has worked to organise and bring to this country, we should consider bringing in legislation similar to that introduced in Norway. However, we should allow the debate to continue and listen to the views of those at the conference. We support that position.

Request to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Anois, iarratais chun tairiscint a dhéanamh an Dáil a chur ar athló faoi Bhuan-Ordú 32. We now move to a request to move the adjournment of the Dáil under Standing Order 32. I call Deputy Pat Breen.

Deputy Pat Breen: I seek the adjournment of the Dáil under Standing Order 32 on a matter of national importance regarding the reply received here last night from the Minister of State at the Department of Education and Science, who was responding on behalf of the Minister for Health and Children, on the failure of the Government to clarify the future of the proposed €39 million development project for Ennis General Hospital. I ask the Taoiseach to clarify immediately whether funding for this project, which was promised by successive Governments, will be allocated, when the project will begin construction, and the Government's plans for the future of services at the accident and emergency department in this hospital.

An Ceann Comhairle: Tar éis breathnú a dhéanamh ar an ní ardaithe, níl sé in ord faoi Bhuan Ordú 32. Having considered the matter raised, I do not consider it to be in order under Standing Order 32.

Order of Business.

The Taoiseach: It is proposed to take No. 6, Supplementary Estimate for Public Services [Vote 28] (back from committee); No. 7, motion re proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2008 (back

[The Taoiseach.]

from committee); No. 8, motion re reports on cancer services; and No. 14, Criminal Justice (Mutual Assistance) Bill 2005 [*Seanad*] — Order for Report and Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 6 and 7 shall be decided without debate and any division demanded on No. 6 shall be taken forthwith; the proceedings on No. 8 shall, if not previously concluded, be brought to a conclusion at 5.30 p.m. today and the following arrangements shall apply: the speeches of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party and the Labour Party, who shall be called upon in that order, shall not exceed 15 minutes in each case and the speeches of each other member called upon shall not exceed ten minutes in each case. Members may share time; a Minister or Minister of State shall take questions for a period not exceeding 20 minutes; and on the conclusion of questions a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes.

Private Members' business shall be No. 29, motion re education — capitation grants for primary schools (resumed), to conclude at 8.30 p.m. tonight if not previously concluded.

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal for dealing with Nos. 6 and 7 without debate agreed to?

Deputy Richard Bruton: I do not object to these being taken without debate. However, I must point out to the Taoiseach that the manner of presentation of data on capital projects that have been deferred and for which money was carried over is grossly inadequate. The House is being asked to make a decision to approve these without any information about the projects involved, the reasons for the deferrals, or the impact on their implementation dates. This is unacceptable and is not in accord with proper management of public finances. In future a proper report should be furnished along with this vote so that we can have a realistic assessment of what is happening under these capital programmes. The Minister for Finance has indicated that he will be willing to change the procedure, but I wanted to draw this to the Taoiseach's attention.

An Ceann Comhairle: The Deputy's point is made. Is the proposal for dealing with No. 8 agreed to?

Deputy Richard Bruton: The most important element of this will be the question and answer session, but only 20 minutes is being provided for this. Yesterday, despite many questions from the leaders of both the Labour Party and Fine Gael, the Taoiseach still withheld a commitment to confidence in the management of the HSE. As a student of football, the Taoiseach is putting down a signal about the HSE which should be taken seriously. It is important that the Dáil has a greater opportunity to debate this and to question the Minister about the implications of these reports for the way in which the health service is being developed and managed.

Deputy Eamon Gilmore: I agree with Deputy Bruton in respect of the period of time being allowed for questions and answers. The main point of this discussion is for us to obtain answers on what happened in Portlaoise. While a considerable amount of time is being made available for comment on the reports and for people to express their opinions, 20 minutes is a short time for the Minister to respond to questions. It is not much more than what would normally be allowed for priority questions.

Deputy Caoimhghín Ó Caoláin: The time being provided for questions is completely inadequate. We had both the Minister and the CEO of the HSE before the Joint Committee on

Health and Children last week, and yesterday we had representatives of the Irish Family Planning Association and the Irish Cancer Society along with representatives of the national cancer screening service. There are so many aspects to all of this that need to be addressed. Last week's opportunity was curtailed due to other demands on both the Minister and the CEO of the HSE. We need an opportunity to address in this Chamber the many serious questions of Deputies on all sides. I appeal to the Taoiseach and the Chief Whip to extend the time for questions to a realistic period. I do not believe an hour would be unreasonable. It would not be enough, but it would be a major improvement on what is now being provided for.

The Taoiseach: The Minister and I have some time difficulties. I suggest that we end the debate at 5.15 p.m. but start questions at 4.30 p.m. This would give three quarters of an hour for questions. Is that reasonable?

Deputy Caoimhghín Ó Caoláin: What would be the impact of this in terms of the provision for speaking opportunities?

An Ceann Comhairle: The Deputy can only intervene once.

The Taoiseach: The Whips can work that out. We will start question time at 4.30 p.m. and finish the debate at 5.15 p.m.

An Ceann Comhairle: We can have only one intervention on each issue. That is in Standing Orders.

Deputy Eamon Gilmore: The current provision is for the debate to be concluded at 5.30 p.m. Is it now the case that the debate will finish at 5.15 p.m. and the Minister will then be allowed 15 minutes to wind up?

The Taoiseach: No, we will finish the debate completely at 5.15 p.m. as the Minister is travelling immediately afterwards. We will have question time at 4.30 p.m. and finish the debate at 5.15 p.m.

An Ceann Comhairle: Is the proposal for dealing with No. 8 agreed to? Agreed.

Deputy Richard Bruton: The House will soon break for St. Patrick's Day and Easter and this will be the last we see of the Taoiseach. We have only passed three Bills during this session and of 17 Bills only five have been published. There is a growing sense of paralysis on the other side of the House and I do not know its cause, though many will speculate in that regard. This paralysis is manifesting itself in the activity of this Government. At the moment killings occur almost on a weekly basis, unemployment has risen to record levels of 2,000 per week, revenues have melted away by €500 million in the first two months of the year, growth prospects are down by a third and the Government appears to be unable to produce legislation.

Gridlock is a week to week occurrence so why is there still no Dublin transport authority? There is still no nursing home subvention support scheme, though it was promised to be published before Christmas and many families are awaiting a decision in this regard. Why do we still not have the employment rights legislation that was promised and was a core element of the last round of social partnership negotiations?

Why are Ministers unable to come forward to deliver promised changes? The worst example of this relates to public transport reform, which was promised by the then Minister for Public Enterprise, Deputy O'Rourke, in 2001, yet the Public Transport Regulation Bill will not even be published during this session. We need the Government to make decisions and implement

[Deputy Richard Bruton.]

commitments already made but this is not evident in this House. We are not seeing the standard of legislation that we ought to.

The Taoiseach: As I stated yesterday, the Dublin transportation authority Bill will come before the Cabinet on 2 April. I have pointed out on several recent occasions in this House that the Health (Long-term Residential Care Services) Bill is complex and discussions on it are ongoing. The Employment Law Compliance Bill has been approved by the Cabinet, though I am not sure of the date the Minister will launch it.

Deputy Eamon Gilmore: What are the Taoiseach's plans for taking the referendum Bill on the Lisbon reform treaty in the House? When will it be before us on Second Stage and how long does he feel it will run?

A report in the motoring supplement of *The Irish Times* today tells us that 14 inspectors are employed by the Road Safety Authority to inspect tachographs and road safety measures for lorries, buses, school buses and so on. We are informed that these inspectors cannot do their work because the legislation giving them authority to act has not been introduced. They are trained and available but are hanging around and cannot inspect lorries, buses and the like because the legislation has not been introduced. When will the legislation to allow the 14 road safety inspectors to do their work be introduced to the House? I understand the chairman of the Road Safety Authority, Mr. Gay Byrne, has written to the Minister for Transport, Deputy Dempsey, about this matter.

The Taoiseach: The Road Traffic Bill is due this year and there have been some changes as it is to deal with a number of road safety and road traffic issues arising from the road safety strategy. New areas have been added and the Bill is for drafting, though the heads of the Bill are not yet available. What was the first Bill the Deputy mentioned?

Deputy Eamon Gilmore: The referendum Bill.

The Taoiseach: I understand that the Whips are trying to arrange for us to start with that Bill on the first day of the next session.

Deputy Eamon Gilmore: Regarding the road safety Bill, can the Taoiseach ask the Minister for Transport to introduce a one or two section Bill that would give inspectors the authority they need to do their jobs? Apparently these people have already been recruited and trained and are available to work but cannot inspect trucks and buses without the necessary legislation. There have been accidents involving lorries and school buses and this is a road safety issue.

An Ceann Comhairle: The Deputy cannot elaborate on his point.

Deputy Eamon Gilmore: It seems utterly ludicrous. The Dáil was suspended yesterday due to the Government's lack of legislation to keep it going. I request a one or two line piece of legislation to allow these people do their jobs and help save lives on the roads. I ask the Taoiseach to make a long distance call to wherever the Minister for Transport is this week asking him to introduce a two section Bill that would allow these people to get on with their jobs.

The Taoiseach: I will communicate with the Department in this regard today.

Deputy Caoimhghín Ó Caoláin: The response to a recent parliamentary question put to the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, exposed that another

16 schools, in addition to the Educate Together special national school in Castleknock, are currently unable to give the expert autism support such schools are expected to provide due to the failure to deliver necessary and required therapeutic services.

An Ceann Comhairle: This is not in order.

Deputy Caoimhghín Ó Caoláin: It is in order and I will show how if I am allowed to finish my question. Given the urgency of the needs facing these schools and their pupils, can the Taoiseach indicate when the eligibility for health and personal social services Bill will be brought forward? Have the heads of the Bill been agreed? In light of the crossover between the areas of education and health, will the Taoiseach recognise that it is imperative that this legislation be brought forward? This will allow everyone, including parents and children, to know their entitlements.

The Taoiseach: There is no date for that.

Deputy Caoimhghín Ó Caoláin: That is not acceptable. Will the Taoiseach ensure a date is provided and how soon will he do so?

An Ceann Comhairle: The Taoiseach has replied. I call on Deputy Burton.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has not given a response but, rather, has dismissed a hugely important and serious matter. The regular excuse that no date can be provided is applied to the bulk of promised health legislation in this House.

An Ceann Comhairle: The Taoiseach has replied. I call Deputy Burton. Deputy Burton is in order and Deputy Ó Caoláin is not.

Deputy Joan Burton: I find it difficult to disturb the flow of eloquence.

An Ceann Comhairle: The Deputy may continue it.

Deputy Joan Burton: As this is the last day the Taoiseach will be in the House before he goes on his travels, may I ask him about the financial situation relating a number of Departments that appear to have cut as much discretionary expenditure as possible?

An Ceann Comhairle: That is something the Taoiseach can consider on his travels as he cannot answer it here.

Deputy Joan Burton: The economy is in a serious situation.

An Ceann Comhairle: This matter cannot be raised in this way. We cannot have state of the nation addresses on the Order of Business.

Deputy Joan Burton: Is there likely to be a need for a supplementary budget in the autumn or will the Taoiseach make provision for a full debate on the economy towards the end of May, when we will know the figures from March?

An Ceann Comhairle: This is out of order. Deputy Burton is completely out of order.

Deputy Joan Burton: In my constituency schools that were promised extensions are now being told those extensions are no longer deemed urgent.

An Ceann Comhairle: If every Deputy spoke of his or her constituency we would be here until next year. This cannot be allowed on the Order of Business.

Deputy Joan Burton: Small community projects, costing €40,000 per year, are experiencing funding cuts, though they were officially opened less than a year and a half ago, in some cases by the Taoiseach. Can we have a debate in this House about the state of the economy?

An Ceann Comhairle: This cannot be raised on the Order of Business. The Deputy knows that is a matter for the Whips.

Deputy Joan Burton: Can we have a response from the Whips or from the Taoiseach, on behalf of the Government?

Deputy Seymour Crawford: I congratulate the Taoiseach on his conversion regarding the issue of alcohol. I was delighted to see him writing in the *Irish Independent* this week, joining his colleague.

An Ceann Comhairle: The Deputy may write to the Taoiseach about that. I ask him to raise an issue on the Order of Business.

Deputy Seymour Crawford: Legislation was drawn up off the record regarding the advertising of alcohol. There is also the sale of alcohol Bill and the intoxicating liquor Bill. When will this legislation be brought before the House? There is no point in talking about it but not delivering.

Deputy Bruton asked about the Health (Long-term Residential Care Services) Bill. Does the Taoiseach realise many families are in desperate circumstances and that we were promised that Bill last February, not this February.

As we will soon be taking holidays, can the Taoiseach tell us whether progress has been made on the pharmacy issue? When will the Pharmacy (No. 2) Bill come before this House?

The Taoiseach: The Minister for Justice, Equality and Law Reform has stated he wishes to see the intoxicating liquor Bill through the House before the summer. The sale of alcohol Bill will come later in the year and a consolidated Bill on alcohol is to be drafted. I have already answered the question on nursing homes this morning. Did the Deputy mention another Bill?

Deputy Seymour Crawford: The pharmacy Bill.

The Taoiseach: I have no date for the legislation.

Deputy Charles Flanagan: In regard to promised legislation and, in particular, the criminal law miscellaneous provisions Bill which I understand is to be published later in the year, I put it to the Taoiseach that consideration should be given to the inclusion in that legislation of an amendment to the Criminal Justice Act 1950, which is currently forcing an elite corps of gardaí to retire at 60 years of age, which is at total variance with the fight against crime.

An Ceann Comhairle: The Deputy can raise that matter in the course of the discussion on the legislation.

Deputy Charles Flanagan: It is causing considerable disquiet throughout the Garda community.

An Ceann Comhairle: It is not in order now.

Deputy Charles Flanagan: I ask the Taoiseach to consider it on the basis of promised legislation, given his utterances in the Seanad and elsewhere about compulsory retirement age.

An Ceann Comhairle: When is the criminal justice Bill likely to be published?

The Taoiseach: It will be published this summer.

Deputy Joanna Tuffy: A couple of weeks ago when asked about the legislation needed to bring in the fair deal proposal, which the Minister for Health and Children has in regard to nursing home charges, the Tánaiste said there were constitutional issues. This Bill will involve putting a charge on the family home of a deceased person if he or she had been in a nursing home. If there are constitutional issues is the Government proposing to have a referendum about this proposed legislation?

An Ceann Comhairle: I do not think a referendum is promised.

The Taoiseach: No, but there are complex legal issues around that Bill. It is taking time to tease those out before we publish the Bill.

Deputy Joe Carey: When will the Teamwork report be published? Irrespective of what it says, will the Taoiseach honour the commitment he gave to the people of County Clare that the redevelopment of Ennis General Hospital will go ahead and that 24-hour accident and emergency services will remain at the hospital?

An Ceann Comhairle: That is not in order.

Deputy Joe Carey: I want a reply to that question.

An Ceann Comhairle: The Deputy cannot get a reply to that question.

Deputy Joe Carey: I want a reply to that question because the Teamwork report will reconfigure all the hospital services throughout the State.

An Ceann Comhairle: We cannot have a discussion about hospitals on the Order of Business.

Deputy Joe Carey: Some 23 hospitals will become eight. Health care provision is being moved away from people.

An Ceann Comhairle: For obvious reasons that is out of order. I call Deputy Broughan.

Deputy Joe Carey: I want an answer.

An Ceann Comhairle: The Deputy cannot get an answer to that because it is not in order. I could not allow that because we would be here forever and every Member could insist on the same.

Deputy Thomas P. Broughan: I wish to put three brief questions to the Taoiseach. The Cassells report on the final debt position at Shannon and Cork airports was given to the Minister last Friday. When will it be published and laid before the Houses of the Oireachtas? Last week I asked a question of the Tánaiste, which he did not understand. Despite the Taoiseach's great south Kerry wisdom he also did not understand it. It was in regard to theatre licensing. As the Taoiseach is aware, the Tánaiste's Department provides sanction for drink licences in theatre extensions. It has been greatly expanded to the

12 o'clock

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extent that some people say it has been exploited and mal-used in recent years. In his comments about drink licensing will he include theatre licences?

I note the director of Friends of the Earth said that carbon offsetting of flights is a complete waste of time. The two Green Ministers will be gallivanting around Europe in the next week and the Taoiseach and the five senior Ministers will, I presume, be——

An Ceann Comhairle: That is completely out of order.

Deputy Thomas P. Broughan: ——on long haul flights. Will we get a full list of all the carbon offset projects in regard to the 15 flights?

An Ceann Comhairle: That is completely out of order. What is the position with the intoxicating liquor legislation?

The Taoiseach: In regard to the intoxicating liquor legislation, theatre licences is an issue that should be looked at.

Deputy Thomas P. Broughan: What about the Cassells report?

An Ceann Comhairle: Reports do not count on the Order of Business. They count, of course, but they are not relevant now.

Deputy Joe Costello: Arising out of the reply to Deputy Gilmore in regard to this somewhat illusive date for the referendum on the Lisbon reform treaty of 12, 13 or 14 June, will the Taoiseach engage in the negotiations before the debate starts in the next session? Given that 13 June happens to be a Friday, it may not be the best day to have it. Will he allow a comprehensive debate in the House to allow every Member who wishes to participate to do so? In regard to the terms of reference of the referendum commission, will these be laid before the House, and will there be an opportunity to debate them?

The Taoiseach: I agree with the Deputy on the importance of allowing as much time as possible for Members to speak. I hope we can finalise the date for the referendum shortly. I am not sure what are the terms of reference but I will check it.

Deputy Liz McManus: Will the Taoiseach indicate when the broadcasting Bill will be published?

The Taoiseach: It will be published in April.

Estimates for Public Services 2008.

Minister for Foreign Affairs (Deputy Dermot Ahern): I move the following Supplementary Estimate:

Vote 28 — Foreign Affairs (Supplementary).

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2008, for the salaries and expenses of the Office of the Minister for Foreign Affairs, and for certain services administered by that Office, including grants-in-aid and contributions to International Organisations.

Vote put and agreed to.

Finance Act 2004: Motion.

Minister for Foreign Affairs (Deputy Dermot Ahern): I move:

That Dáil Éireann approves the following Order in draft:

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2008, copies of which have been laid in draft form before Dáil Éireann on 28th January, 2008.

Question put and agreed to.

Cancer Services Reports: Motion.

Minister for Health and Children (Deputy Mary Harney): I move:

That Dáil Éireann:

- welcomes the publication of reports into events relating to breast cancer services at the Midlands Regional Hospital, Portlaoise;
- supports the action being taken by the Minister for Health and Children, and the board and management of the HSE, to ensure that patients' interests come first in the future management of all such reviews and serious adverse incidents;
- reiterates its support for the National Cancer Control Programme to ensure equitable access to high quality cancer services for patients throughout the country;
- expresses its appreciation for the leadership and work of clinicians, nurses and staff in delivering improved levels of care for cancer patients under the Cancer Control Programme;
- welcomes the improvements in survival rates and supports the Cancer Control Programme which will deliver further improvements; and
- commends the early progress made by Professor Keane since his appointment in late 2007 on the improvement in symptomatic breast cancer services.

I am pleased to have the opportunity in this House to discuss the four reports into the events that happened in Portlaoise hospitals between 2003 and 2007. Last Thursday, we had an opportunity at the Joint Committee on Health and Children to have a discussion with Deputies, the day after those reports were published. A week later, a debate can be better informed because Deputies will have had an opportunity to study those reports and to reflect on them.

At the outset I want to reiterate the apology I expressed in this House when these matters first came into the public domain last autumn. I extend that apology to all of the women who were caused upset and anxiety as a result of the necessary review of mammograms in the period from 2003 to 2007. In all, there were over 3,000 women involved. Subsequently more than 600 ultrasounds were also reviewed. Thankfully, in regard to the ultrasounds, no new cancers were diagnosed. Clearly the biggest apology has to go to the nine women whose diagnosis was delayed as a result of an initial misdiagnosis. Eight of those were in Portlaoise hospital and one was in St. Vincent's Hospital in Dublin.

If there is anything we have learned from what happened in Portlaoise, it must commit us all to ensuring we put in place in Ireland the best possible cancer service that this country can provide for cancer patients, whether from Portlaoise, Donegal or Cork. In regard to the findings of the report, the clinical report is clear that nine cancers were misdiagnosed. As a result those

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women had their treatments delayed. Some of that misdiagnosis happened when the health boards were in place and some of it happened following the establishment of the HSE. All of those clinical errors were errors of doctors and not errors of management. We must remember that.

If we are to minimise the capacity for doctors to make errors, particularly in regard to breast cancer, where there are 250 different publications worldwide, we must have specialist doctors working in teams in major centres where there are large volumes of patients. That is the finding not just in Ireland, as a result of the expertise we put together, but it is also the advice from countries around the world. Until relatively recently we had in Ireland more than 30 different hospitals performing breast surgery. Only four out of every 100 surgeons were doing more than 50 procedures per year. Three out of every ten women had their surgery performed by surgeons who did really low volumes of activity. Perhaps I will get an opportunity to speak about that in a while.

In summer 2005, a few months after I became Minister for Health and Children, I put together a group, chaired by Professor Niall O'Higgins, who is recognised as one of the leading experts, not only in Ireland but internationally, on breast cancer. He chaired a group at my request to advise me on what guidelines and standards need to be put in place to deal with symptomatic breast cancer. He reported and I took that report to the Government, which endorsed it. The findings of the report were that no hospital should perform breast surgery unless it was dealing with a volume of 150 cases per year. Notwithstanding that this was during the run-in to the election, when many felt it was not a wise time to publish and endorse these standards because of the consequences for so many hospitals, we endorsed them and published them in the spring of last year in the presence of the HSE and HIQA.

From that point on, it became a question of how quickly we could implement the standards. Since then, 16 hospitals have ceased breast surgery and a further seven will cease breast surgery this year. Although the cancer control plan in respect of breast cancer was to be implemented over a two-year period, Professor Keane told me that he expects it to be at least 90% implemented by the end of this year. Such is the speed at which patients are demanding that they be treated in specialist centres. As a result of the publicity and awareness surrounding Portlaoise, many patients are better informed. There is strong advice coming from patients groups such as the Irish Cancer Society, Europa Donna and others in respect of safety and quality. Volume equals quality, and this is not to do with the skills of individual doctors. It is only with high volumes that one can get specialist doctors to work in centres.

There is much debate about letters. I reiterate that politicians, Ministers, clinicians and officials have a responsibility to redouble our efforts to make sure the appropriate cancer care is established in Ireland. In the past, that did not happen because of medical opposition not political opposition, which was the beginning of something not happening. Professor Keane has acknowledged, and I have seen, that there is major clinical buy-in to the new cancer control plan and terrific clinical leadership, as evidenced by the announcement from Mayo General Hospital, Castlebar yesterday. Dr. Barry, a highly skilled breast surgeon, has agreed to move to Galway to carry out breast surgery. He is in discussions with Professor Keane in respect of those arrangements. That is a major positive, putting the patients first.

When the decision was made to designate Portlaoise as the breast cancer centre for the midlands, cancer care was to be spread across three sites — Portlaoise, Mullingar and Tullamore. If there is a small population and one spreads the cancer resources of clinical expertise across three sites, one will never get the outcomes one expects even in 2002.

Mr. Naughten has issued a copy of a letter he says he sent to my predecessor at the end of April 2002. To be fair to officials in the Department of Health and Children, all letters sent to the Minister are electronically recorded in the Minister's office and in the Department. There is no record of the letter there, nor at the health board office, which would be normal practice. I am not suggesting that the letter was not sent but there is no record of it. Mr. Naughten gave a copy of the letter to Ann Doherty when she was carrying out the report. Subsequent to the letter, some €500,000 was allocated by my predecessor in that year, 2002. That letter was sent during the election campaign leading up to the election on 17 May 2002. Following his reappointment as Minister for Health and Children, Deputy Martin allocated €500,000 to cancer services in the midlands and sanctioned the appointment of three clinicians, a surgeon, a radiologist and a pathologist, who were to have specialist interest in breast cancer and who were to work in a multidisciplinary team with triple assessment. That was the condition on which the appointments were sanctioned. Much emphasis has been placed on letters. It is not the case that no action took place or that there were no resources.

Deputy Charles Flanagan: When were the jobs advertised?

Deputy Mary Harney: Deputy Flanagan may remember that in that era it was a matter for Comhairle na nOspidéal, which was dominated by consultants, to proceed with the appointment of clinicians. The jobs were advertised in 2004.

Deputy Charles Flanagan: Two years on.

Deputy Mary Harney: It became impossible to get anyone with specialist breast radiology skills.

Deputy Charles Flanagan: Not in 2002, it was not even advertised.

Deputy Mary Harney: A radiologist was appointed in 2005. That doctor did not have a specialist interest in breast treatment and when the appointment of such a person was sought it was impossible. These clinicians are scarce globally. It is extraordinarily difficult to get clinicians with specialist expertise.

Deputy Charles Flanagan: The Minister ran it into the ground.

Deputy Mary Harney: It is particularly difficult to get them in hospitals with small volumes of activity. In 2005 and 2006 the volume of activity in Portlaoise was very low, as it is in many other hospitals.

Deputy Olwyn Enright: The Minister was still promising the facility in 2005.

Deputy Mary Harney: There were 42 cases a year in Portlaoise in 2006.

Deputy Charles Flanagan: What was it in 2002?

Deputy Mary Harney: In 2005, it was 51 cases. In 2002 it was somewhere in the 60s. As screening began, it declined because the screening programme is attached to clinical care, unlike other countries, so that where breast cancer is picked up the woman is treated at the centre. In this case it would have been St. Vincent's Hospital in Dublin.

I reiterate that we cannot undo the past but must learn from it. We never investigated these matters in the past. The Dr. Neary episode continued for 25 years, even though there were people working with him. Thankfully, in the end midwives, specifically someone who came from outside this jurisdiction, blew the whistle. People knew for a 25-year period that something

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wrong was happening there. If we had audit and data we would have seen that what was happening in the maternity unit at Our Lady of Lourdes Hospital was completely different from what was happening elsewhere by a margin of 20 times. When issues came to light, matters were not investigated. We are now in a new era with many investigations, difficult and unpalatable as they are.

To revert to Deputy Flanagan's question, there were 46 cases in 2002.

These investigations are challenging for those who work in the health system and they are challenging for patients. It is also challenging in respect of confidence in the health system but if we have no standards we can improve nothing. If we do not have determination to implement the standards, we do not improve matters. If it was not for the director of nursing, who was concerned about over-diagnosis, as Mr. Fitzgerald stated, we would not have picked up on these nine errors. If the director of nursing did not get in touch with the HSE last August and express concern at over-diagnosis or false positives, we still would not know what is happening in Portlaoise. We owe her a great deal of gratitude. The HSE put the doctor on administrative leave, which is normal practice, and carried out a review and investigation. We know the outcome of the clinical review.

The second matter is the management of the issue. I was concerned, particularly after information was given at the meeting of the Oireachtas Joint Committee on Health and Children on the ultrasound review. I asked the board of the HSE, which is appointed by and accountable to me, to examine what happened and see what lessons have been learned. Clearly, there were serious failings of management, communication and governance in respect of how Portlaoise was handled. The most important matter with regard to these findings is that we discovered what happened. Accountability is about getting the facts, identifying what must be done to address failings and implementing the steps taken to address the failings. The serious issues identified must be put right and it is my responsibility to ensure the board of the HSE puts them right. I have asked the Chairman of the HSE to ensure that happens in regard to incidents of this kind; we know there will be more incidents of this kind because there will always be clinical error. We can only minimise it when we have groups of doctors working together in teams in large centres. When incidents and errors occur we must have protocols that are patient-centred and we must ensure patients come first. I want to give a guarantee that when errors of this kind arise, patients will be contacted directly and not hear about it through the media or the political system. I have asked the HSE to consult patient groups, many of which wish to be involved, when drawing up the protocol. I want one person in charge to ensure the protocol is implemented. We see from the Fitzgerald report that a plethora of people involved in the one incident leads to confusion, mismanagement and serious governance and communication issues. I want to ensure the board of the HSE through its risk assessment committee oversees this.

I have many more comments to make, but if there is any lesson we must all learn, it is that we must rapidly ensure that we implement the new cancer plan around the eight specialist centres. They are not centres of excellence — as every health setting should be a centre of excellence — they are specialist centres. Above all else, we must learn from what occurs in respect of children's cancer. As it is centrally organised at Our Lady's Children's Hospital, Crumlin — although many of the treatments are delivered in 16 places — we exceed the best performers in Europe and the United States. That proves that appropriately organised care in cancer delivers a good outcome for patients. This debate concerns patients, putting them first and investing necessary resources in the eight centres to have them fully operational as quickly as possible.

Deputy James Reilly: I move amendment No. 2:

To delete all words after “Dáil Éireann” and substitute the following:

- “— expresses its serious concern at the findings of recent reports into breast cancer services at the Midlands Hospital Portlaoise;
- regrets the deep distress caused by these failures to many patients and women in the midlands;
 - concludes that the reports demonstrate serious failures in the management of the HSE and in the delivery of essential health services;
 - notes that these failures arise directly from decisions made by the current Minister for Health and Children, Mary Harney, T.D. and her predecessor, the former Minister for Health and Children Micheál Martin, T.D.;
 - is alarmed that the Minister for Health and Children Mary Harney and all other members of the Government continue to express confidence in the current structures and management of the HSE;
 - calls on the Government to reform the HSE so that within 3 months:
 - the service puts the patient at the centre of all its activities;
 - every HSE employee has total clarity about their roles and responsibilities;
 - decision making on services is devolved to regional and local level to the greatest extent possible;
 - the bureaucracy at HSE headquarters is reduced; and
 - HSE accountability to the Oireachtas is dramatically improved.”

The Minister is correct in that this debate concerns women and patients, particularly the women of Portlaoise and their families who have been treated so badly by our health service and have suffered so appallingly. This debate takes place in an effort to bring political accountability to the House for the defective health systems that failed us and over which the Minister presided. While the errors were clinical, they occurred because the system did not put in place appropriately qualified personnel. As the Minister stated, the radiologist appointed was not one with a special interest in mammography and no specialist pathologist was put in place.

I note in the Minister’s speech the emphasis on centres closing rather than centres of excellence developing. I am sure people will take a message from this. A deficit of approximately €360 million in the HSE and a struggle to perform with today’s services while maintaining last year’s do not augur well. I would like to believe the Minister, but the record prevents that. Like her, we want to ensure that every effort is made to prevent such a catastrophe from recurring so that no patient or family will need to experience a similar situation.

Discussing the establishment of the HSE in November 2004, the Minister stated: “It is a once-in-a-generation event... our generation’s chance to put patients first in the design of the management of health services”. She continued: “We badly need clarity of roles and accountability — political responsibility for the Minister and management responsibility for the management... that will make a real difference to the quality of health services provided for our people”. Does this sound familiar? If anything, the reports published last week prove that patients are not put first. Despite the Minister’s lip-service to the contrary, the HSE manage-

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ment is anything but effective. The ethos of administration, as pointed out by Professor Niamh Brennan in her report, is clear, but there is no management ethos and people are still unclear about their roles and responsibilities three years since the HSE's establishment. This is incredible. Any CEO or head of such an organisation would have been shown the door, as stated by senior businessmen. If political accountability is to mean anything, the Minister must accept responsibility for the failures of her creation, the crass, uncaring way these women were treated and for her inaction and that of her Department.

The Minister referred to Dr. Naughton's letter but, until last week, the Minister denied its existence and her Department knew nothing about it. However, it was sent to the Minister's predecessor in 2002. In it, Dr. Naughton highlighted his serious concerns about cancer services in Portlaoise and brought to the attention of the then Minister, Deputy Martin, the lack of progress made in cancer services in the region since Portlaoise became a designated centre for cancer care in the midlands under the Government's watch in 2001 and the publication of the O'Higgins recommendations on symptomatic breast disease in 2000. The Minister and her colleague presided over this issue. Portlaoise was a designated centre of excellence, but it was not funded appropriately. Notwithstanding the inability to find the letter and the implication that it never reached the Department, it is interesting that action was taken on it. This is extraordinary logic.

Deputy Mary Harney: No, I did not state that. I stated that the Midland Health Board made an application at the same time.

Deputy James Reilly: I heard what the Minister stated.

Deputy Mary Harney: In June, the Midland Health Board applied for three posts, which were funded. That is what occurred.

Deputy James Reilly: Does the Minister still maintain that the Department did not get the letter?

Deputy Mary Harney: I am telling the House that there is no record of it. When the Deputy raised this matter previously, I told him to show me the record if there was one. I am telling the Deputy the truth. I invite him to examine the electronic recording of correspondence. I would be very happy——

Deputy James Reilly: In that case, the Minister will be able to confirm that no acknowledgement of the letter is on file.

Deputy Mary Harney: That is a fact. I did not go through the files, but I want to tell the truth as I understand and know it to be fair to the officials who deal with these matters.

Deputy Charles Flanagan: Nothing occurred.

Deputy James Reilly: Dr. Naughton made the then Minister aware that despite the allocation of funding, none of the necessary specialist personnel were in place or had been advertised for, including surgeons, radiologists and pathologists. Dr. Naughton wrote that life would be much easier for him if he walked away because, at least in that case, patients would need to go elsewhere to get a service they deserved and could rely on. Unlike the current Minister, he realised people were being misled as to the nature of the service, believing it to be the best available as a designated centre, but this was not the case because staffing had not been put in place. By that time, Dr. Naughton had written approximately seven letters highlighting his

frustration and despair with cancer services in Portlaoise. However, nothing occurred or changed and no one took any notice. For this reason, we face this situation today.

The Minister was oblivious to this letter when I raised the matter with her on 21 November. When a freedom of information request was made, the letter could not be found. I want to know why. We need an inquiry into this matter, as our democracy demands it. How many other files in this Department or others are incomplete? We need to get to the root of the matter. History reveals that, when similar issues occurred previously in the Department of Justice, Equality and Law Reform, a major investigation took place immediately and was reported on within four weeks.

This is not the first time we have been denied information. On 6 November 2007, the Taoiseach misled the House on when the Minister, Deputy Harney, was first notified of the difficulties with breast cancer services in Portlaoise. While he claimed that it was in August 2007, we know that a letter was sent in July 2005. In it, the consultant told the Minister that radiological services were being provided by people who had no expertise and that women were having or might have unnecessary surgery because of a lack of decision making. What was the Minister's response? She did not even read the letter. Instead, she passed the buck to the HSE, which passed it to the network manager, who passed it to the hospital manager, who interviewed the consultant. The Minister stated that appropriate action was taken, that is, a senior clinician spoke with the clinician in question. However, appropriate action would have been to put in place the specialist in mammography, a pathologist and a clinical team leader. It was not done and I do not accept the Minister's contention.

Deputy Mary Harney: The Deputy knows the HSE advertised the position, but could not get the person.

Deputy James Reilly: I know why. I was——

Deputy Mary Harney: The Deputy should put all of the facts on the record.

Deputy James Reilly: I hope this time will not be taken from me.

Acting Chairman (Deputy Seán Ardagh): It will be.

Deputy Mary Harney: The HSE advertised.

Deputy James Reilly: The Minister has told people that it is difficult to get the staff in question on a global basis. I will explain why people will not go to the hospital in Portlaoise or elsewhere, namely, the word on the grapevine in medical circles is that such hospitals have no future and that the careers of those who go there will not progress. I wonder who put this word out there.

Deputy Charles Flanagan: The Government ran it into the ground.

Deputy John Moloney: We did not. The court case did that.

Deputy James Reilly: No further action was taken and the patient has not been put at the centre of the health service. Furthermore, the Minister misled me at last week's meeting of the Joint Committee on Health and Children. She stated: "Professor Keane has also agreed with the Irish College of General Practitioners on a new method of referring patients for breast diagnosis". However, this is not so, as no such agreement is in place. Why does the Minister seek to mislead the House again? Waterford, which is supposed to have a centre of excellence, awaits funding despite promises from the Minister and the Taoiseach. I am deeply concerned

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by Professor Drumm's assertion that transport costs are to be cut. How will this affect transport to our centres of excellence?

The Minister's reform of the health service through the establishment of the HSE was supposed to put patients first. How often have we heard this? It was supposed to increase efficiency, transparency and accountability, and make a real difference to the quality of health services delivered to the people. These were the Minister's words, not mine and these are her failures.

The Fitzgerald report catalogues the systemic failures in the HSE's response to the Portlaoise cancer crisis. I reiterate that although a former Ombudsman has stated one cannot blame Ministers for every tittle-tattle, one certainly can do so when there is system failure and they should be held accountable. Members must remember that this body, with its systemic failings, oversees the spending of more than €12 billion of taxpayers' money.

The Fitzgerald report found a "fundamental weakness in the management and governance of this process from the outset, because there was no authoritative co-ordination and management role established for the review process as a whole". It reported that communication throughout the period was inconsistent and sometimes contradictory, that too many were involved from different levels and areas within the HSE who were unclear about their roles and responsibilities and that they had differing understandings of what was going on.

Overall, the report found a lack of urgency on the part of the HSE prior to the meeting of the Oireachtas Joint Committee on Health and Children on 22 November, when it announced that 97 women reviewed under the ultrasound process needed to be recalled. It commented that had the same urgency been shown before November as was shown subsequently, much of those patients' pain and suffering would have been avoided. Unfortunately, the Minister was unaware of the ultrasound review, which demonstrates clearly communication difficulties. Unfortunately, this is what one has come to expect, namely, a detached and disinterested Minister for Health and Children who is unaware of what is going on.

It was not until the aftermath of the joint committee meeting and the subsequent media furore that emergency clinics were set up to examine the women in question. Had this issue not been flagged at the Joint Committee on Health and Children, it is questionable whether these clinics would have been set up in the first place. As I have noted, the Fitzgerald report concluded that had the same level of urgency that was shown subsequently, when the Minister's neck was on the line, been shown beforehand, a different situation would obtain today.

The Minister cannot continue to avoid responsibility. The reports published last week demonstrate the falsity of her claim that she presides over a health system that puts patients first. Instead of attributing responsibility to any individuals, the reports refer to systemic failures. However, one must ask who put the system in place? Who designed and built the HSE? Who decided on its staffing structure? The Minister presided over it all. She must accept responsibility for her creation and ignoring the warnings about a bureaucratic bulge in the HSE, in which there is no shortage of managers but a serious shortage of anyone who takes responsibility. The Minister must take responsibility for the lack of urgency shown from August to November.

A health service is needed that is not about bloating bureaucracy and ineffective management structures but is about patient values and how people are cherished. A health service is needed that prioritises patient safety, as one has learned time and again that the current structure does not protect patients. A health service is needed that is accessible, provides high quality care when needed and does not waste the resources available to it. Accountability and transparency are required in order that one always can answer the questions: who made the

decision? Why did they make it? How much did it cost and, most importantly, what impact did it have on patient care?

A full independent inquiry must be carried out by the Health Information and Quality Authority, the terms of reference of which would allow for examination of all matters from 2000 to 2008, including the roles of successive Ministers for Health and Children, the Department of Health and Children, the HSE and the health boards. Above all, a Minister who will listen is needed. I refer to a Minister who recognises the failings of her creation, in whom the people can trust and who recognises that tomorrow's plans are not today's achievements.

The Minister has lost trust. The HSE is a low trust organisation. There is a disconnection between those on the front line who are struggling to deliver efficient and reliable services and those who are part of a centralised and controlling bureaucracy. The HSE has prioritised its bloating bureaucracy over patient care and failed test after test.

Yesterday, Tuesday, 11 March 2008, 390 patients lay on trolleys in accident and emergency departments. Despite a promise in 2002 to extend eligibility to a full medical card to an additional 200,000 people, only 29% of the population have a medical card today, compared to ten years ago in 1998, when 32% of the population were entitled to a full medical card. Moreover, one hears of the catastrophic effects on children suspected of having autism being obliged to wait for up to two years for initial assessment. This constitutes two years out of the three-year window that can make all the difference to such a child's future. Although this is brain awareness week, people with brain injuries are obliged to wait up to two years to see a specialist, even though the first two to four weeks after diagnosis are crucial.

I refer to the disgraceful situation in St. Ita's Hospital, in which 23 women lie in an open ward with 3 ft between beds. The 23 women share a shower with the ceiling coming down, a bathroom and three toilets. Although this is 2008, they have no privacy when getting dressed. What does the Minister do in response to their request? Having planned for a new psychiatric unit at Beaumont Hospital in 2004 and having put it out to tender in 2005, she now has plonked her private co-located hospital on the site. How is that for putting patients first? Moreover, cystic fibrosis sufferers must wait for their isolation rooms and the waiting list issue goes on and on. Some of my patients are obliged to wait. One lady, thankfully, is having her operation today. However, although it should have been performed two weeks ago, it was cancelled repeatedly. She has a large tumour and I wish her well.

This is the Minister's health service and her responsibility. Her greatest achievement is a centralised bureaucracy that does not work or deliver patient care. I have noted that this debate takes place for the women of Portlaoise and their families who have suffered appallingly because of the failures of the Minister and the HSE. However, it constitutes poor recompense to the nine women wrongly diagnosed as not having breast cancer, as well as the dozens of women whose potentially life-saving treatment was delayed because of the failures of the Minister's system. The women of Portlaoise are the victims of this atrocity. They paid a high price for the decisions made and not made by the Government and carry a heavy burden for the failings of the system. These failures arise directly from decisions made by the Minister and her predecessor, Deputy Micheál Martin.

When will the Minister listen and accept that some reform of the HSE is required to restore credibility and trust in the system? When will she accept that tomorrow's plans are not today's achievements and that promises of excellence tomorrow are no substitute for service today? The remedies are clear. The HSE must put patient care at the centre of all its activities, all its employees must have total clarity about their roles and responsibilities, HSE decision-making on services must be devolved to regional and local level to the greatest extent possible, bureaucracy at HSE headquarters must be reduced and the HSE's accountability to the Oireachtas

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must be dramatically improved. These constitute five simple steps to restore some credibility to the HSE which is a failed and deeply flawed entity.

On behalf of the people, I demand that the Minister cease making empty promises and take real action as suggested to give the people the health service they deserve and for which they have paid so dearly. I commend the amendment to the House.

Deputy Jan O’Sullivan: I would like to move the Labour Party amendment to the Government motion.

Acting Chairman: The Deputy cannot move the amendment as Deputy Reilly has moved an amendment which the House is discussing.

Deputy Jan O’Sullivan: I will speak to the amendment and the Minister. Sadly, since publication of the three reports last week, nothing I have heard today or from the Government gives me great confidence that anything will change greatly or that the Minister is not presiding over a health system in which similar incidents to those that happened in Portlaoise could be happening or may happen in the future. I state this with sadness because when I heard her apology which I welcomed, I thought there would be genuine learning from the experience of what had transpired at Portlaoise. However, I cannot discern any evidence that this has happened. Each section of the Government motion starts with phrases such as “welcomes the publication”, “supports the actions”, “reiterates its support”, “expresses its appreciation for”, “welcomes the improvements” and “commends the early progress”. This does not suggest the Government is learning anything from the debacle that took place at Portlaoise or the appalling act done to the nine women who received an incorrect diagnosis and, therefore, did not have early detection of their cancer. It is as though the ranks are closing again. Nothing will be learned and we will continue as before.

Sadly, I do not have confidence that we will see real changes in cancer services by the time Professor Keane returns to Canada or, on the broader issue, any real change to the way the HSE operates or the Minister runs the health services. One of the victims of the health services, Rebecca O’Malley, stated there was no culture of learning among the Department, the Minister or the HSE. Unfortunately, that is the situation we have to face but I hope today’s debate will be positive in terms of giving rise to some sort of culture of learning. However, while I also hope the Minister will genuinely attempt to introduce reform, she will have to take responsibility if she is to be successful.

Deputy Mary Harney: I ask the Deputy to quote correctly from the long article by Rebecca O’Malley published over the weekend.

Deputy Jan O’Sullivan: My reference was not to that article but to comments she made on the news. I had a pen in my hand and recorded her comments in writing.

Deputy Mary Harney: She wrote an extensive article which I suggest the Deputy reads.

Deputy Jan O’Sullivan: I am not referring to her article.

Deputy Mary Harney: It would be fairer to her.

Deputy Jan O’Sullivan: I am referring to her appearance on television last week which I watched with a pen in my hand. I wrote down her comments on the lack of a culture of learning. From what I have heard today, I believe she is right. This motion pays lip-service to patients’

interests, stating they will come first “in the future management of all such reviews and serious adverse incidents”. However, patients need change that will ensure mistakes will not be made in the first place so that we do not need reviews of serious adverse incidents. None of the reports published thus far addresses the problems that caused the clinical errors. The Minister has repeatedly noted that the reasons for the misdiagnoses were clinical errors. However while I accept that a small percentage of clinical errors are unavoidable, the reason six times the normal percentage occurred in Portlaoise was because the system was wrong. The experts were not available because the appointments were not made. The issues raised by Peter Naughton in his letters to the former Minister, Deputy Martin, the current Minister and others in the HSE were not addressed. It was nobody’s job——

Deputy Mary Harney: The Deputy is incorrect.

Deputy Jan O’Sullivan: I am not incorrect.

Deputy Mary Harney: They are not the facts.

Deputy Jan O’Sullivan: Where are the experts in mammography, the triple assessments or the multidisciplinary teams?

Deputy Mary Harney: Does the Deputy know how many times the HSE advertised for an expert?

Deputy Jan O’Sullivan: Where are the multidisciplinary teams? Whose job was it to ensure they were established or to close the unit otherwise?

Deputy Mary Harney: That is what we are doing.

Deputy Jan O’Sullivan: How many years later and how many misdiagnoses have been made in the meantime?

Deputy Mary Harney: We did not even have standards until last year.

Deputy Jan O’Sullivan: We have standards now.

Deputy Alan Shatter: The Minister was in Government for 11 years.

Deputy Mary Harney: The parties opposite did not support them either.

Deputy Alan Shatter: The Government is entirely responsible.

Deputy Jan O’Sullivan: Portlaoise was a designated centre.

Deputy Charles Flanagan: The Government did nothing for four years subsequent to the designation.

Deputy Jan O’Sullivan: It is my time not Fine Gael’s.

Deputy Mary Harney: You were too busy going to court.

Deputy Alan Shatter: The Minister for Health and Children came from Fianna Fáil or the Progressive Democrats for 11 years.

Deputy John Moloney: That is the reality for Deputy Flanagan; going to court.

Deputy Alan Shatter: The Government presided over this debacle.

Deputy Jan O’Sullivan: I presume I will be given some of Fine Gael’s time later.

Acting Chairman: I ask Deputy O’Sullivan to address the Chair.

Deputy Jan O’Sullivan: I am trying to address the Chair but the Minister is not listening to me. She is listening to other people in the House.

When Portlaoise was designated as a centre for cancer, an expert with mammography experience and interest, triple assessment and multiple disciplinary teams were supposed to be in place. None of these was put in place and nobody has taken responsibility for this debacle. Somebody must have had the responsibility of ensuring these factors were in place in the aftermath of Peter Naughton’s letter in which he raised the issue with various people. Deputy Flanagan stated that the post was not even advertised at the time but, even if it could not be filled through one advertisement, the HSE should have continued to work on the issue until it was resolved. It is not acceptable to say the HSE advertised but could not find the appropriate person.

When Professor Keane goes home, will these centres have what they require? There is no evidence in the responses of the Government and the HSE to the crisis in Portlaoise to suggest we will have a different system. When the Minister established the HSE in November 2004, she stated that she would retain clear accountability for our health services. It is clear, however, that she handed accountability to the HSE. She also claimed that the HSE would be an integrated and accountable organisation which would offer value for money and a simpler governance structure but it has none of these qualities. That is how the Minister established the organisation. She guillotined debate in the Dáil in 2004 in order to establish it in January 2005 and, in effect, she stuck Professor Drumm and his team on top of the existing structure of the health boards. Nobody knows who is responsible and the entire structure is centralised. Any decision-making capacity that existed at local level was returned to the centre. The reports, and Ann Doherty’s in particular, clearly identify this. Dr. Doherty’s report describes the various kinds of managers employed by the HSE, such as the network manager, the general manager, the manager for strategic planning, the hospital manager and the risk manager, all of whom were reporting in different directions. Some did not even know to whom they were supposed to report. I do not see evidence of actions being taken to prevent those circumstances recurring in various places. The Minister might address that issue in her reply given the reports in this week’s newspapers that the Government was considering a return to some kind of regional structure for the HSE. Apparently, however, it decided not to make that change. The Minister has to do something about the structures. Speaking to the Joint Committee on Health and Children last week, she stated that the issue concerned patients. If she does not reform the system and structures, patients will suffer but she does not appear to accept that point.

She claims that Professor Keane is ahead of his schedule and will have 90% of his work completed by the end of this year. Where are the resources to achieve that aim? I do not see evidence of resources being invested. Deputy Reilly referred to Waterford hospital, which is extremely concerned about having the resources it needs to be a centre of excellence. I concur with these concerns because no commitment seems to have been made on giving them the necessary resources. Limerick is also a designated centre. One of my constituents wrote that, as a VHI member, she is not eligible for breast screening before July or August 2008. If she was a public patient, her wait would be much longer. She was told that because Ennis and Barrington’s hospitals have stopped screening, the regional hospital is dealing with the work of three hospitals with one machine and the same number of staff. She was originally told in October 2007 that she would be screened in January 2008 but the waiting time has been extended by at least eight months and possibly much longer. I received a telephone call from somebody else who told me she was waiting in Limerick with approximately 30 other people.

The environment in Limerick is stressed and the clinical director has indicated that he needs more resources in order to respond appropriately. I do not see evidence that Waterford and Limerick will be given the resources they require to provide the service they have to give to patients.

Issues do not arise solely in respect of breast cancer. Figures on waiting times for colonoscopies were published recently. The longest wait for public patients was 18 months, and nine months in my own area. The waiting times vary across the country. Colonoscopies are tests which determine whether somebody has bowel cancer. We were supposed to learn from the Susie Long case in respect of which apologies were given and apparently genuine concern expressed about the fact that she did not get a diagnosis or early treatment because she was a public patient. She died after waiting ten months but others are clearly waiting 18 months for colonoscopies their GPs have recommended. We have to get real in terms of resources and ensuring people get the assessments they need in an appropriate timeframe if we are to reduce the fatality statistics in Ireland.

This week I received a letter from Europa Donna which stated that since 2000 Ireland's mortality rate for women with breast cancer has been 15% higher than the European average and referred to the national quality assurance standards for symptomatic breast diseases. It refers to concerns, including the concerns of Professor Niall O'Higgins, who advises it, as to what is required in the designated centres with regard to prioritising the timetable. Europa Donna also expresses serious concern that there is a litany of best practice deficits that need to be resolved through the provision of resources for the specialist centres.

The Minister talks as if everything will be perfect by the end of 2009, which it will not be. I do not care whether the Minister calls them centres of excellence or otherwise, but we will not have appropriate centres unless they are given appropriate resources and unless the structures are such that when a gap in the resources is noticed, as a gap was noticed by Professor Peter Naughton, there is a way in which the clinical experts can have their voices heard. I did not hear anything in what the Minister said to suggest this will happen.

On the outstanding reports we have not received, including the report on the Rebecca O'Malley case and the reports in regard to diagnostic services at Galway and Cork, until we get all of those reports into the open and we find exactly what the adequacies of the system are, we cannot fully put it right. I urge the Minister to ensure that the rest of those reports are published as soon as possible so we can address the issues raised in them.

We are dealing with the health of the nation. We have put a great deal of our money into this — I acknowledge that spending has increased in recent years. However, there is a sense that nobody is in charge of the service, that it is dysfunctional and that a huge amount of money and goodwill is wasted in a system that is frustrating those who want to deliver care. The Minister needs to address this. She needs to take the HSE by the neck and take responsibility for it. She needs to do what she should have done before she set it up in the first place. She should set up very clear chains of command so that people know exactly what they are responsible for, and have the authority to make decisions where they are needed.

I take phone calls and receive e-mails every day from people who work in the health system, as I am sure other Members do. These people have a wonderful work ethic and want to do their best for their patients, whether they be doctors, nurses, other medical staff or others working in the health service. Since the establishment of the HSE, however, their level of frustration has grown enormously. I know the Government backbenchers agree with me because they are in touch with what is happening on the ground.

The Minister must admit something is wrong before she can put it right. It is not enough to focus narrowly on what she hopes Professor Keane will achieve because that is only a small

[Deputy Jan O’Sullivan.]

part of the picture. That will not bring about the root and branch systematic changes needed in this country if we are to avoid a repeat of what happened at Portlaoise. I urge the Minister to do the big job that is required, not take the small steps. She should open her mind to what is wrong with the system and not hide behind the derisory Government motion before the House, which is closed to everything we should have learned from the Portlaoise situation and everything we will learn from the other reports due.

This debate must achieve a radical change in the HSE and in particular in the thinking of the Minister in her stewardship. There is an urgent need, for the country’s sake, for the Minister for Health and Children to take charge of her brief.

Deputy Mary Alexandra White: I wish to share time with Deputies Michael McGrath and Charlie O’Connor.

Acting Chairman: Is that agreed? Agreed.

Deputy Mary Alexandra White: I am glad these reports regarding the breast cancer services at the Midland Regional Hospital have come into the public domain. I hope one positive thing to emanate from the reports is that the Minister and the HSE will know exactly where the problems lay. I am only sorry this lesson will be learned at the expense of women whose lives were turned upside down by the mismanagement and misdiagnosis at the Midland Regional Hospital.

Since I became a Deputy last June, I have been surprised at how much mud-slinging and how many demands for heads I have heard in this House in debates relating to the health service. To make political capital out of the tragedies of other people is unhelpful. The tone of this debate should be like that during a recent debate on autism, when the Opposition thought it was too serious an issue to get politically personal. Opposition Members should do the same in this case to advance confidence in the service, improve the systems and ensure what happened never happens again.

Deputy Alan Shatter: Has the Deputy heard of the concept of political accountability for total incompetence?

Deputy Mary Alexandra White: I only have three minutes to speak so I want to make good use of it.

Acting Chairman: There is very little time, Deputy Shatter. I ask Deputy White to continue.

Deputy Mary Alexandra White: We need to acknowledge the report’s findings of “systemic weaknesses in governance, management and communications” within the system in the Midland Regional Hospital.

Many Deputies have quoted Europa Donna Ireland, some with a negative aspect. I want to concentrate on the positive. It has claimed rightly that a priority is to consolidate the eight designated centres of excellence in assessing the logistical arrangements for multidisciplinary teams and other staff, of which good communications must be a part, filtering down through the system. Clear communications and clarity of responsibility is essential.

Another recommendation of that report is worth noting, namely, the establishment of a national IT system capable of analysing and auditing the clinical activity and related administration and management across the eight specialist centres to assure best practice, which would be an essential feature of the early warning systems to minimise the risk of errors. I heartily endorse this recommendation.

There is a good Latin saying, *carpe diem* — seize the day. Let us seize this day. Progress has been made. Professor Keane has commenced his work well. Centralised centres for diagnosis are the way forward and the national cancer control programme will mean centralised, focused diagnostic centres with treatment counselling and therapies available at the nearest possible location to the patient.

To end on an optimistic note — we must be optimistic if we are to achieve change — there is goodwill. The staff of the HSE, of whom I know many, are good-spirited, hard-working and courageous. Let us not destroy that goodwill by casting sweeping aspersions on the entire system. There must be increased transparency in communication between the various strands of cancer care and administration — we all know this. Let the lessons be learned. The litmus test is that the women who have contacted me since this sorry episode tell me they believe wholeheartedly in the cancer control programme. What they do not believe in, however, are the gaps, omissions and failures. These must be eradicated to ensure women's confidence in the service at an intensely vulnerable time of their lives.

Deputy Michael McGrath: I welcome the opportunity to speak on this important issue. The problems which arose in the delivery of breast cancer services at the Midland Regional Hospital in Portlaoise are proof, if we needed it, that our approach to cancer care must change, and quickly. Having read the reports, the essential message is that we cannot achieve anywhere near the highest standards in breast cancer care if we spread resources across a multiplicity of hospitals throughout the country. The same holds true for all other forms of cancer.

The three reports that have been published make the case in a compelling manner for the full implementation of the national cancer control programme. The clinical standards at Portlaoise, which resulted in a higher than normal delayed diagnosis of breast cancer, are unacceptable. I extend my best wishes to the nine women directly affected.

If we are to be honest, this situation may be replicated in other non-centre of excellence hospitals delivering cancer services throughout the country. For this reason, I strongly support the implementation of the national cancer control programme and the transfer of all major cancer treatment to eight designated centres of excellence which provide treatment for all forms of cancer involving diagnostic, surgical, medical and radiation oncology services.

In Professor Tom Keane, the interim director of the national cancer control programme, we have a leading expert in his field and an Irishman who has excelled in the provision of cancer care services in British Columbia. He is ably qualified and well positioned to deliver the programme we seek.

The eight centres of excellence will gain public support. Patients are voting with their feet and are voluntarily going to the eight centres. If it comes down to a choice between attending a hospital which is convenient but where clinical standards are not in keeping with best practice or attending a hospital which is inconvenient but where the best patient outcome is assured, people will travel to the centre of excellence for the highest standard of cancer care. The expert group chaired by Professor Niall O'Higgins recommended a minimum throughput of 150 new cases per year in order to maintain the highest standards of breast cancer care. Are we to shred that report for the sake of political expediency? If we ignore the evidence which is so clear, we will put patients' lives at risk and sow the seeds of further problems and give rise to further examples of what happened at Portlaoise. Areas with centres of excellence must have a minimum population of 500,000 to have the required volumes to maintain the highest standards. There is intense competition for top clinical professionals across the globe. We must focus our resources on these centres. Systemic therapy services, including oncology and chemotherapy, will continue to be delivered locally. That point

1 o'clock

[Deputy Michael McGrath.]

appears to have been lost. People believe they will receive no cancer services in their local hospital. This is simply not true.

The HSE cannot be beyond criticism. The systemic weaknesses of governance, management and communication referred to in the Fitzgerald report are very serious and must be addressed immediately by the HSE which must move to a new level of performance. The clinical issues will be dealt with by the cancer programme and the introduction of the centres of excellence, but the management issues must be dealt with by the HSE. This is an organisation with a budget of €15 billion this year and we must have confidence that it is in a position to deliver the quality of health service we deserve.

Politicians on all sides of the House have a role to play in restoring confidence in cancer care. Nothing will be served by seeking a head on a plate. We should not play politics with this most important issue. Politicians in all parties must state clearly their full support for the implementation of the national cancer control programme. This support must be unequivocal. As the Minister indicated, there is no point in looking back. This is about the future and putting a proper system and service in place.

Deputy Charlie O'Connor: I welcome the opportunity to make a very brief contribution to what I consider to be a most important debate. Other colleagues have made their points and colleagues opposite are entitled to make their political points. I have no real difficulty with that but we should all try to support the Minister in so far as we can. I do so strongly. This is about human suffering and the need to change the system. The Minister has shown a desire and commitment to do precisely this.

When I was a very small child in the inner city, one of the first things I learned about was cancer because it affected my family deeply. I often wondered over those 50 odd years why more progress had not been made in cancer treatment and services. I have no problem with the concept of centres of excellence and will not be parochial in terms of my constituency in this debate except to say the Minister is aware that there is a strong case to be made in respect of cancer care services at Tallaght Hospital. This debate will continue.

I am serious about this issue and support what the Minister is trying to achieve. Tallaght is the third largest population centre in the country. The hospital in Tallaght which is ten years old this year treated 1,500 new cancers in 2006. There is no question but that as someone who lives in the community, I am entitled to make the case on behalf of people listening to this debate who wonder what is the situation.

The work of the Oireachtas Joint Committee on Health and Children has been particularly important in this regard. All of its members, sometimes in a non-political way, have contributed to the debate under the competent chairmanship of Deputy Moloney. We should continue to do so, as it is where the real work can be done. Here in the Dáil Chamber Members make their points but the real work can be done at committee level. I hope this issue stays on the agenda after today.

Deputy Dan Neville: I wish to share time with Deputies Shatter and Perry.

Acting Chairman: Is that agreed? Agreed.

Deputy Dan Neville: I welcome the opportunity to contribute to this debate. Mr. Fitzgerald found that there was a fundamental weakness in management and governance of the process from the outset. What concerns me is that people are now beginning to feel a lack of confidence in the Health Service Executive. This has been developing for some time in the Houses of the

Oireachtas, mainly due to a lack of communication. It was also evident with the Minister at a previous meeting of the Oireachtas Joint Committee on Health and Children. She stated: “Regarding Dr. Naughton’s letter to the then Minister, Deputy Martin, when Deputy Reilly asked me about it, I asked the Department to carry out an investigation and it was unable to find any letter sent by Dr. Naughton to my predecessor.” A note was then passed to the Minister who informed us: “I have just received a note from Ann Doherty who says she did receive a letter as part of her inquiry.” If there is no communication between the Minister——

Deputy Mary Harney: I will clarify. She received that letter last December, not——

Acting Chairman: I will allow the Minister to clarify.

Deputy Mary Harney: There is still no record.

Deputy Dan Neville: I am talking about what took place at the Oireachtas committee meeting last week. There was a similar situation during the previous meeting on cancer services. There is concern at the lack of accountability to Members of the Oireachtas in regard to the delivery of health services, let alone cancer services. It now appears that not even you are informed. I asked a simple question locally——

Acting Chairman: Deputy Neville should speak through the Chair. I wish to avoid dialogue between the Deputy and the Minister.

Deputy Dan Neville: I am sorry. I asked a simple question two weeks ago of the parliamentary affairs division about the dialysis unit in Limerick city but it has not come back to me. I asked Professor Drumm about the matter last week and he said he would write to me but he did not do so. The whole communications system is breaking down and there is misrepresentation.

Last October I inquired whether funds for mental health services had been diverted to other service areas and, if so, what measures would be taken to protect them. I received a reply in which I was informed that €51 million had been allocated in 2006 and 2007 for the development of mental health services in line with A Vision for Change. I took it that €51 million was spent in those two years but the Irish Mental Health Coalition found out through a freedom of information request in January that 57% of the developments funded in 2006 had been put in place at an annual cost of €17 million out of the figure of €25 million and that 40% or €10 million of the funding provided in 2007 had been made available. It was stated: “The balance of the funding from 2006 and 2007 was time delayed to address core deficiencies in existing mental health services thus ensuring that the HSE meets its obligations to deliver services within the vote.” I was not informed of this when I asked a straight question about the diversion of funds through the Health Service Executive. The assistant national director wrote to me but did not inform me that that had happened. This detail only came to light through a freedom of information request.

The Minister is responsible for the expenditure of €15 billion of taxpayer’s money. There must be accountability at all levels for its expenditure. The Minister must hold the Health Service Executive accountable for what has happened and account to the Houses of the Oireachtas. Failure to do so amounts to a failure of accountability, which is inherent in our system. The Minister must re-examine the relationship between the Health Service Executive and public representatives, the Health Service Executive and the Minister and the Minister and the Houses of the Oireachtas.

Deputy Alan Shatter: The reports which have been published are a damning indictment, not just of the HSE, on which the Minister wishes us to focus, but also of the Minister’s incumbency

[Deputy Alan Shatter.]

in the Department of Health and Children. What we have is a damning indictment of 11 years of Fianna Fáil-Progressive Democrats government and a total incapacity on the part of a succession of Ministers for Health and Children to deliver the health service to which we are entitled and, in particular, the national cancer strategy.

We should not lose sight of the reality that the national cancer strategy was published in November 1996. Over a period of 11 years successive Fianna Fáil-Progressive Democrats Governments, Fianna Fáil Ministers for Health and Children and now a Progressive Democrats Minister for Health and Children have failed abysmally to implement the strategy. The problems at Portlaoise would not have occurred had it been properly implemented. In 2001 the Department of Health and Children issued a letter of determination to the Midland Health Board which provided an allocation for the development of a specialist breast unit in Portlaoise. Throughout 2000 to 2005 the regional director for cancer services advised the then Midland Health Board that the ideal situation would be to centralise cancer services in one unit to avoid fragmentation. The O'Doherty report records that acute hospital services in the HSE midland area were described to her review group as a single hospital on three sites. The O'Doherty report expressly states that this was at variance with the national cancer strategy. In 2007 what happened in the former Midland Health Board area, as still in place under the flag of the HSE, was at variance with what was recommended in the national cancer strategy 11 years earlier. The review group confirmed the inappropriateness of this in that it led to problems in recruitment and fragmentation of services. The Minister has described the difficulty of recruiting clinicians for the Midland Regional Hospital at Portlaoise. The difficulty derived from the reality that the Government abysmally failed to implement the national cancer strategy published by then Minister for Health, Deputy Noonan, in the coalition Government that was in place in 1996.

Deputy John Moloney: Exactly.

Deputy Mary Harney: Deputy Shatter's colleagues took us to court.

Deputy Alan Shatter: This Minister is politically responsible for that. We have heard much about the difficulties of governance regarding the HSE. The O'Doherty report refers to systemic problems of governance, management and communication. Those systemic problems are not confined to the HSE. Systemic problems of governance, communication, administration and management apply specifically to the Department of Health and Children. A lack of accountability and a failure to accept responsibility for the running of that Department attaches to the Minister. The O'Doherty report is interesting in this context. The focus of the media and this House has been on the HSE and its well-known inadequacies. However, this report highlights the Department's inadequacies. We were told it came as a surprise to the Minister to discover on 22 November 2007 that a review of ultrasound was taking place. If that was a surprise it confirms that her Department is seriously dysfunctional and that she is not in charge of her Department and does not know what is going on within it. The O'Doherty report confirms that it was communicated to her Department on 30 August that an ultrasound review was taking place and that on a subsequent occasion, I think on 6 November, her Department was so told.

Deputy Mary Harney: Deputy Shatter is being very selective. Mr. John Fitzgerald said 21 November.

Deputy Alan Shatter: On 21 November her Department was so told. So on three occasions before 22 November the Minister and her Department were advised of what was happening with ultrasound.

Deputy Mary Harney: Deputy Shatter is misrepresenting the facts.

Deputy Alan Shatter: She did not know about it and did nothing about it. Her Department was so dysfunctional that it came as a surprise to her that an ultrasound review was announced in the hospital review that took place before the health committee.

Deputy Mary Harney: Deputy Shatter is misrepresenting Mr. Fitzgerald's remarks.

Deputy Alan Shatter: The Minister is not in control of her Department and there should be an inquiry into how her Department dealt with these issues. I stand by the Constitution, which provides for ministerial responsibility and accountability, which this Minister consistently seeks to avoid for the appalling state of our health service.

Deputy Mary Harney: Does Deputy Shatter support the plan now?

Deputy John Perry: Following on from the Portlaoise reports we have the Minister and the HSE using the Portlaoise events to push their propaganda that the answer is the eight-centre model of cancer care. The Portlaoise reports do nothing to further the argument for the proposed model. If the science behind Professor Niall O'Higgins's report was rigorously applied, there would be just one breast cancer facility in Dublin. Let us end the farce that the proposed eight-centre model is the only valid model for cancer care in our country.

Last November, the Royal College of Physicians of Ireland expressed concern that it is not intended to have any comprehensive cancer service north of a line from Galway to Dublin. The proposed removal of cancer care services from the midlands and Border counties runs totally counter to all the Government's talk of seeing the region as having an important cross-Border dimension. Speaking at the all-island economy conference in Dublin last week, the Minister for Foreign Affairs said mainstreaming North-South co-operation is a central part of Government policy. I again call on the Minister to explore the provision of cancer care services from Sligo General Hospital to patients from County Fermanagh. This is very important and the Minister said she would return to me on it. Will she tell this House the up-to-date position on the joint North-South feasibility study on the potential for future co-operation in health care?

Last week I received a copy of the results of a cancer care survey carried out by senior medical staff at Sligo General Hospital. This paper is available within the HSE. It clearly demonstrates that the outcomes for Sligo patients are identical or superior to those achieved in the United States. This is real, scientific evidence that Sligo General Hospital is already a centre of excellence. Again I challenge the Minister to respond clearly to this paper. The decision to close cancer care at Sligo General Hospital is political, not based exclusively on science. The decision ignores the cancer care needs of the population north of the line from Galway to Dublin. This is not acceptable. This is the most critical constituency issue in the last few decades. The voters of Sligo-Leitrim will not forget if it happens. I am totally dismayed by the Minister of State at the Department of Health and Children, Deputy Devins. I will not let the voters forget it either. North of a line from Galway to Dublin there is no service while there are four centres in Dublin. If the Minister is talking about eight centres of excellence why is there not a regional spread with one of the centres covering the border and midlands region? It is essential.

Deputy Seán Fleming: I wish to share time with Deputy Chris Andrews. I came here to talk on the health debate. Listening to the pure, naked politics, I have not heard a health debate in the last few minutes. It was about votes and holding political threats over people.

Deputy John Perry: Deputy Fleming should come to Sligo.

Deputy Seán Fleming: I would like to move on to the topic in question. We are here because of the difficulties that arose in the Midland Regional Hospital in Portlaoise and the delayed diagnosis for nine patients. We should never lose sight of the fact that every debate on the health services is about patients, not politicians. The delayed diagnosis has caused serious health problems for those involved and the Oireachtas should do everything in its power to ensure those people and their families are personally supported in every way possible, both medically and emotionally.

We must put our hands up. This is no different from what happened with Dr. Michael Neary in Our Lady of Lourdes Hospital, Drogheda. These people were appallingly treated by the health services of this country. We can blame the Government, the former health boards, the HSE or whoever, but ultimate political responsibility stops here with the Minister for Health and Children, Deputy Harney and I admire her. I have heard and seen her on television in recent days accepting political responsibility for the health services. People ask where the buck stops and she firmly says, and has said in recent times, the buck stops on her desk. That is as it should be and we see it here today. At no stage does she try to shirk her responsibilities. If there is a request from the patients or families I hope she would meet them and if anything can be done regarding compensation, I hope that will be done for the victims concerned. The health service's duty of care was breached and the people suffered ill health effects as a result.

When it is all over and we have our different reports we can go through the different aspects of them at length, but reports count for nothing if we do not learn the lessons. We are learning the lessons and the Minister and the HSE are learning the lessons. That is the most important matter. We had a brief resumé of how this came about. Former Minister for Health, Deputy Noonan, published a national cancer strategy in 1996. That proposed a specialist cancer centre in the midland region. The then Midland Health Board sought approval from the Department of Health to appoint three additional consultants for that centre. Those posts were never filled. It was held up on Comhairle na nOspidéal and different situations like that. In hindsight we all know the reform of the health delivery service in Ireland was long overdue. I support one unified structure for the whole country. People in Sligo and Portlaoise are entitled to the same treatment as the people in Dublin. I do not want to be pigeonholed in a unit in the midlands nor do I want others to be pigeonholed in a unit in the west of Ireland when there is Rolls Royce treatment available in Dublin. I support one structure for this. Some Deputies talked about going back to the old system in some form, but that is mischievous and is not good for the delivery of health services. There are 4.5 million people here and one health service can give us a unified structure.

We have a new national cancer control programme under Professor Tom Keane. We have eight specialist centres and I do not want to hear the term "centre of excellence". That implies that if people are not at a centre of excellence, they get a bad service in their hospital. I do not know where these phrases come from. They are specialist centres for cancer care and are not the only centres of excellence. Every hospital should be excellent in the work it does.

There has been a fundamental change. The move away from the national cancer strategy announced in 1996 means that the 12 regional centres have now been reduced to eight. Places like the midlands will not have a centre, but the people of the midlands will be better served

under the new arrangements. If we have to travel to Dublin we will do so. The issue is not the convenience of visitors, but the delivery of the best care for the patient who needs treatment.

Many people played politics with Portlaoise over the years. I will be generous and say that most people acted in good faith. They might have been misguided, but I hope they were not malicious in what they were doing. People are playing politics with health in this House today. I thought that by taking the politics away from the health boards and establishing the HSE, we would take the party-political bickering out of the system, but we seem to be getting that in the House today. That is a retrograde step. We should talk about health.

I have listened to Professor Brendan Drumm at the Committee of Public Accounts on several occasions and I have the height of regard for him. The man has immense knowledge and ability. It is a mammoth task to manage 120,000 people. Nobody will ever get it 100% right, but he has the authority. However, the Minister, the Department of Health and Children and the Secretary General are possibly one step removed from the delivery of services, as Professor Drumm is the Accounting Officer. It would be better if the Accounting Officer was directly in the Department reporting to the Minister, rather than reporting to a board which in turn reports to her Department. That puts an extra layer on things and diminishes the level of good communication. We have seen on occasion that there has not been good communication from the HSE, but that body must then communicate to the Department officials, who in turn report to the Minister. I feel sorry for her sometimes because she does not have all the information in front of her when most of the documentation lies with the HSE. We need to streamline communication from the chief executive of the HSE directly to the Minister, as she is politically accountable. She is happy and courageous enough to be accountable and she is to be supported in that.

The main job of this House is to recognise the mistakes made, look after the patients as best we can, learn the lessons and move on to the new cancer control programme under Professor Keane. Through Professor Drumm and the Minister, we should try to deliver the best health service possible from now on.

Deputy Chris Andrews: I thank Deputy Fleming for allowing me to share time. The implementation of the cancer control strategy is the major priority for this Government, as it is for every member of Fianna Fáil. The overriding objective of the strategy is to deliver high quality, fully integrated, multi-disciplinary cancer care at a national level. Cancer patients deserve nothing less.

Like every other Member of this House, I have had experience of the health services. Most of my experience has been good and I speak highly of the people working on the front line with whom we come into contact. There is no sense that people in the Government are somehow detached from the reality of the health service. People are well aware of the difficulties facing the Minister and the management of the HSE. Professor Drumm is extremely capable and is the right man for the job. Anytime he has come before committees of this House, he has acquitted himself exceptionally well. He has certainly shown that he has a very comprehensive knowledge of his brief.

The reorganisation of cancer services is at the heart of the strategy and it is imperative that the decisions of the HSE on the designated cancer centres are implemented without delay. However, when I hear people like Deputy Perry and go back to my own constituency, I am aware that it is so political. Some Deputies are just looking towards the next election and that is not the way forward. If we are serious in bringing about change, we must bite the bullet sometimes. Deputy Perry's actions would show that we are not willing to do anything and that we want to put our short-term political interests first. We must have a perspective on this.

[Deputy Chris Andrews.]

The implementation of the managed cancer control networks will necessitate a tapering of the additional capacity at the cancer centres. That will be in tandem with the sequential withdrawal of services from other locations. One of the most significant strategic issues facing cancer services is the variation in survival rates in Ireland. We have relatively poor cancer survival rates for many common cancers when compared with other European countries. This can be attributed in part to the fragmentation of cancer surgery services whereby too many hospitals and consultants are involved in the provision of treatment for cancer services. The national cancer control strategy provides a clear framework through which this can be addressed and which will lead to improvements in survival.

This is all about getting the right care for the right person in the right place at the right time. I recently had a knee operation at the sports clinic in Santry. The consultant that operated is experienced. He sees that type of case regularly every week and that has to be the way we deal with our cancer.

Deputy Olwyn Enright: They only do one of those per week in the midlands.

Deputy Chris Andrews: The Deputy does not even know what kind of operation I underwent.

Deputy Olwyn Enright: The Deputy said it was on his knee.

Deputy Chris Andrews: What kind of operation was it?

Deputy Olwyn Enright: A knee operation.

Deputy Chris Andrews: There are many kinds of knee operations. That was a glib comment.

Deputy Olwyn Enright: It was an orthopaedic operation.

Deputy Chris Andrews: The Deputy does not know what she is talking about. What kind of operation did I undergo? The Deputy is not qualified to talk about medical expertise.

Deputy Olwyn Enright: There is one hip or knee operation carried out per week there.

Acting Chairman: Please stick to priority items.

Deputy Chris Andrews: Patients enjoy a 20% improvement in survival if they are treated in specialist centres. The consultants must have a throughput and an expertise in those particular operations.

St. Luke's Hospital is in Rathgar and a decision has been made to transfer services to St. James's Hospital. I support that decision because it will be good for cancer control. We must make those decisions and I support the transfer of services, although I do not support the decision to close the hospital down, as it offers an opportunity for a community health care facility.

Deputy John Perry: I see the Deputy is getting local and political as well.

Deputy Chris Andrews: I support the transfer of services. I could go along with the rest of the sheep.

Deputy John Perry: If the Deputy was in Sligo he would be very political as well.

Acting Chairman: This is out of order. I call on Deputy Andrews to move the adjournment of the debate.

Debate adjourned.

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

Ceisteanna — Questions (Resumed).

Priority Questions.

Telecommunications Services.

79. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if he will confirm that, as he stated in a speech to Dáil Éireann on 26 February 2008, all areas that do not have broadband by 1 July 2008 will get broadband under the national broadband scheme; and if he will make a statement on the matter. [10900/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): 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.

There are still parts of the country where the private sector will be unable to justify the commercial provision of broadband services. Accordingly, the procurement process for a national broadband scheme is under way. The scheme will provide broadband services for areas currently unserved and ensure all reasonable requests for broadband are met. The first phase of the procurement process — pre-qualification questionnaire — is complete and four candidates pre-qualified to enter the next phase of the process. As my Department indicated on 2 September 2007, the four candidates were, in alphabetical order, BT Communications Ireland Limited consortium, Eircom Limited, Hutchinson 3G Ireland Limited and IFA-Motorola consortium. Following the withdrawal of the IFA-Motorola consortium as a candidate, the remaining three candidates commenced competitive dialogue with my Department and are developing their proposed solutions to meet my Department's requirements for the delivery of broadband to the unserved areas of the country. It is anticipated that a preferred bidder will be selected and appointed in June 2008, with roll-out to commence as soon as possible thereafter, subject to agreement with the chosen candidate.

Deputy Simon Coveney: I note we are discussing the issue of broadband again. We will continue to return to it until the Opposition is satisfied the Government is taking it seriously. Is it the case that the map I am holding which I downloaded from the Department's website represents the Minister's view on areas covered by broadband? Do the areas shaded in blue represent areas for which a proposal in respect of coverage has been made? Is it, therefore, the case that the national broadband scheme will not apply to any of the areas shaded in red? I understand the Department has indicated to the European Commission that areas shaded in red are off limits to the scheme because they offer a market for broadband. Is that the case?

[Deputy Simon Coveney.]

How does the Minister plan to deal with areas on the map shaded in red which do not have broadband? For example, most of County Leitrim is shaded in red, whereas a recent survey conducted by Leitrim County Council showed that 50% of respondents indicated they had no access to broadband, notwithstanding the price they would be willing to pay. Virtually the whole of County Kilkenny is shaded in red, yet the thick file I am holding contains representations made to a Senator on the non-availability of broadband in the county. Will the Minister clarify the position?

The Minister repeated a statement he made a few weeks ago that all areas which do not have broadband services by 1 July will have broadband delivered through the national broadband scheme. Are areas shaded in red on the Department's map off-limits for the national broadband scheme?

Deputy Eamon Ryan: The intent of the national broadband scheme is clear, namely, to ensure broadband services will be available throughout the country. As this is a changing area, it is difficult to state at a given time what precisely are the services being provided. The Department asked the industry to outline in detail which areas would be served. If areas are not served by 1 July, the date at which we intend to commence delivering the national broadband scheme, they will be included in the scheme. While the map will change before the commencement date of 1 July, this date is the test that will determine whether an area will be included in the national broadband scheme. It is sensible and rational to take into account ongoing, changing investment by companies and ensure we target investment available under the support scheme at the areas we want to work best, namely, those for which there is currently not a commercial case for investment.

Deputy Simon Coveney: How does the Minister square his view with the statement by the Commission for Communications Regulation at a recent meeting of the Joint Committee on Economic Regulatory Affairs that the national broadband scheme would not provide 100% coverage. Mr. Alex Chisholm from ComReg indicated that while the scheme would increase coverage from approximately 85% to approximately 95% of the population, 5% of the population would continue to be excluded from broadband services.

Did the Department not inform the European Commission that the national broadband scheme would apply to areas of its map of broadband coverage shaded in green or blue, that is, areas where there is market failure or potential market failure, respectively, and that it considered areas marked in red to have broadband coverage?

Deputy Eamon Ryan: As I explained, my Department aims to achieve 100% coverage. I intend to deliver on that objective.

Decentralisation Programme.

80. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the date on which the announcement was made that the Central Fisheries Board was to be relocated to Carrick-on-Shannon; the progress made to date; the amount paid in rent for the Central Fisheries Board in the Swords offices, including additional accommodation such as the warehouse and laboratory premises; when the relocation will take place; his plans for the Central Fisheries Board premises in Glasnevin; the reason it is being vacated; and if he will make a statement on the matter. [10951/08]

Deputy Eamon Ryan: As the Deputy will be aware, the Government's decentralisation programme was announced on 3 December 2003. The relocation of the Central Fisheries Board to Carrick-on-Shannon is included in the programme. The decentralisation of the board involves relocating 62 posts to Carrick-on-Shannon. Progress to date on that front is that 20 staff have been recruited to posts relocating since the announcement of the programme and that some 20 staff have a relocation clause in their employment contract.

The other major element of the decentralisation programme relates to accommodation. While accommodation and property issues related to the decentralisation programme are matters for the Office of Public Works, I understand from the Central Fisheries Board's ongoing liaison with the OPW that a suitable accommodation solution for the board has not yet been identified in Carrick-on-Shannon.

On the Central Fisheries Board's former and current premises, I confirm that, as advised previously to the House, relocating the staff of the board from Glasnevin was due to inadequacies in the premises on health and safety grounds. No decision has been made as of yet as to the disposal of the Glasnevin premises when vacant. The rent paid by the board is a day-to-day operational matter for the board. I have no function in that regard.

Deputy Liz McManus: That is a disgraceful reply. I can tell the Minister what is my understanding of the cost of what is essentially another example of Government waste. Is he not aware that €500,000 is being spent on rent? That is money that has been taken from the budget he allocates and for which he is responsible. This is yet another example of a Minister saying he is not responsible and passing the buck to somebody else. The rent is payable on the offices. I understand the laboratories and storage areas that are separate cost more, perhaps up to €1 million per annum. The Minister is presiding over an example of Government waste and ineptitude, yet he says he is not responsible.

The announcement on the decentralisation of the Central Fisheries Board to Carrick-on-Shannon was made in 2002. Nothing has happened in the meantime. The Minister has not even been able to find accommodation. The difficulty is that staff do not want to move. I know this, as does the Minister but in the meantime there is an empty building in Glasnevin. The Minister did not indicate what was happening with it. It could be sold or used for something else. I have no idea. I am not the Minister but he cannot tell me how much money is being squandered on rent. That money is being taken from the budget of the regional fisheries boards which are losing approximately €100,000 per year, about which the Minister says he does not know. He should. What will he do to deal with an example of Government waste and ineptitude for which he is responsible and from which he cannot walk away?

Deputy Eamon Ryan: I did not say I did not know. I said it was up to management of the Central Fisheries Board to arrange rental arrangements. I presume the Deputy is not suggesting we should insist on people staying in premises in respect of which there are health and safety issues.

Deputy Liz McManus: The Minister is learning fast from Fianna Fáil.

Deputy Eamon Ryan: I am just answering a simple question.

Deputy Liz McManus: That answer is garbage.

Deputy Eamon Ryan: If the Deputy is suggesting it should not rent premises in the interim—

Deputy Liz McManus: I am saying the Minister should do his job.

Deputy Eamon Ryan: —I disagree.

On the decentralisation programme, the Deputy is right. There are delays and have been difficulties regarding State and other agencies, including FÁS and particularly those with a large number of technical staff. The programme has not progressed in the manner originally expected but that is not my job or something I can amend. The Office of Public Works is responsible for the purchase of properties under any decentralisation programme. It is not up to me to be in Carrick-on-Shannon to negotiate property transactions or look for suitable sites. That is best left to the expert on a joined-up government basis — the OPW.

Deputy Liz McManus: With respect, I remind the Minister of his duties. He allocates the budgets which are being reduced specifically to pay rent while property lies idle and the fanciful decentralisation programme is still being adhered to in theory but not in practice. What he has just said is interesting. I asked him the amount being spent and he told me the matter was the responsibility of the Central Fisheries Board. When I challenged him on this, he said he knew the answer but would not tell me. I tabled a question. I did not ask who was responsible; I sought a pounds, shillings and pence answer but the Minister did not give it to me. As he said he knew the answer, let us hear it from him. How much has been paid in rent since the Central Fisheries Board moved into the premises? What is the total amount? Before the Minister replies, we should remember that this is money that could have been spent by the regional boards but was not.

An Ceann Comhairle: The time for this question has expired.

Deputy Eamon Ryan: I will come back to the Deputy with further details.

Deputy Simon Coveney: I would have thought it would have taken two seconds to give the answer to that question.

Telecommunications Services.

81. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if the International Advisory Forum on next generation networks has reported; if so, if he will publish the findings; if he will publish a detailed timetable of the action he proposes to take on promotion of the roll-out of high speed infrastructure; and if he will make a statement on the matter. [10901/08]

Deputy Eamon Ryan: My Department has prepared a draft policy paper on next generation broadband. The paper reviews current communications infrastructure policy and analyses policy options in the light of industry developments regarding the optimum role for the Government in the planning and roll-out of next generation broadband. Two weeks ago I convened a meeting of the expert International Advisory Forum to examine the paper. The forum critiqued draft options and recommendations on how to meet the challenges that lay ahead. The key challenge is getting higher speed broadband at lower cost to more subscribers. The forum members have provided valuable feedback. They supported the broad thrust of the document. They also offered some additional recommendations and advice on the future trends of the telecommunications and ICT industries and proposed that certain suggestions be explored further. The draft paper is being updated to reflect the forum's contribution. It will then be published for public consultation.

Deputy Simon Coveney: We are back to the issue of broadband again. Why did the Minister believe it was appropriate to appoint an independent advisory forum to advise him on his own policy paper when we could have debated it here in the House? The Opposition tabled a motion on broadband for that very purpose. The Minister said at the time that he supported a serious non-party political debate on the issue. That very week he gave his policy paper to an independent forum he had set up, yet he did not consider it sufficiently important to allow the House to debate the issue. Why did he make that decision?

My understanding is that following the forum consultation process, there will be another period of consultation with stakeholders. Will the Minister set out the timeframe for that consultation? When will we see publication of the up-to-date report and for how long does the Minister plan to provide, in terms of weeks or months, for the consultation period with stakeholders?

Deputy Eamon Ryan: I opted for an independent advisory forum because such a forum worked in the past. An international advisory forum was used in 1999 and it came up with excellent advice which led to the investment in the Global Crossing infrastructure which proved to be of enormous benefit to the country. It is a process that has proved its worth.

The Deputy will be aware that there are significant commercial interests at play. We are dealing with a complex, fast changing market. It is difficult to find people in this country who do not have a vested interest one way or the other in the commercial outcome of the policy decisions we make. In the circumstances it is right to use experts to act as a sounding board on the policy direction we are taking because they do not have a commercial interest in the outcome or the development. It was a group of experts from mobile, fixed line, regulatory, government service, European, English, American and Asian backgrounds.

Deputy Simon Coveney: What about Ireland?

Deputy Eamon Ryan: And Ireland. We must place ourselves in the international context, be ambitious and look to jump ahead. In that context, it is right for us to look at the international picture to find out what is going on and draw on that expertise which is freely given for the benefit of the country in policy formulation. I intend to adapt the draft paper for publication in mid-April. There will then be a period of further consultation here as well as with the wider public. I would welcome such a debate. While I welcome a debate at Question Time, more time should be provided in the Dáil. Subject to agreement with the Whips, I am happy to agree to wider consultation. We must be careful to recognise that this is a fast-changing market. We must look for an evolving policy in responding to the technological and market developments that are occurring. We must be careful not to attach ourselves to one policy position that does not take into account developments in the computer and telecommunications industries and the broadcasting media, all of which are converging in the new digital age.

Deputy Simon Coveney: The Minister has put his finger on the problem. This is a fast-changing market but the Government is not providing leadership. That is the issue. There are decisions the Minister could take, on which he does not need to engage in consultation. For example, to establish what is available he could conduct an audit of telecommunications infrastructure, something we have been demanding for some time. Will the Minister begin an audit instead as there is no need for a forum? Was there any representation on the forum for those businesses which require high speed broadband to be competitive? Will the Minister indicate when we can expect a Government action plan for the roll-out of next generation broadband and will it do so with the private sector?

Deputy Eamon Ryan: I had a meeting last week with senior industry——

Deputy Simon Coveney: I asked about the forum. Who on the forum represents business?

Deputy Eamon Ryan: It was designed as an international expert forum to get international experience on broadband roll-out and how it might apply in Ireland.

An Ceann Comhairle: We must move on to the next question.

Deputy Eamon Ryan: Last week, I met a series of companies involved in the area. I also met Mr. John McElligott of eBay and a range of others involved in business.

An Ceann Comhairle: We must move on to Question No. 82 in the name of Deputy McManus.

Deputy Simon Coveney: Is John McElligott happy with the Government's response?

Energy Resources.

82. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the steps he is taking in view of the increase in oil prices and the failure of the Government to provide sufficient public transport on time as an alternative to the use of the private car; the steps he is taking to ensure fair pricing of petrol prices across the country; and if he will make a statement on the matter. [10953/08]

Deputy Eamon Ryan: The Irish oil industry is fully privatised, liberalised and deregulated with free entry into the market. Prices at the pump reflect global market price, transportation costs, euro-dollar fluctuations and other operating costs. Neither my Department nor the Government has any role in the control of oil prices.

The Government has no plans to introduce measures on transport fuel prices, given the fully liberalised nature of the market and the roles and responsibilities of the Competition Authority and the National Consumer Agency. The Competition Authority is a statutory independent body with a specific role in the enforcement of competition law. The National Consumer Agency has specific responsibilities for protecting the rights of consumers. Its function is to ensure competition works optimally for the benefit of consumers.

Ireland's high dependence on imported oil makes us price-takers, sensitive to the volatility of the markets and reflecting the combination of world prices and the relative strength of the euro against the dollar. It is bad for competitiveness and exposes us to security of supply risks. It is also unsustainable in environmental terms and climate change.

Addressing our dependence on fossil fuel imports must be a key priority. The Government has committed to a range of actions in the energy policy framework and the programme for Government to break that dependency. In addition to accelerating the deployment of renewable energy in electricity, transport and heating, the implementation of wide-ranging energy efficiency and demand management programmes are the major immediate priority. The roll-out of the national energy efficiency action plan in the coming months will set out the Government's measures and programmes in detail.

The Minister for Transport, Deputy Dempsey, will finalise the sustainable travel and transport action plan later this year, informed by the recently launched public consultation process. I am working with him and the Minister for the Environment, Heritage and Local Government, to deliver a sustainable energy future across all sectors, including the transport sector. Improved

public transport sustainable infrastructure, radical energy efficiency and demand management strategies are key to achieving a sustainable transport future for citizens and the economy.

Deputy Liz McManus: Has the Minister any sympathy for the poor unfortunate motorist who is suffering a double whammy? The Government is responsible for a range of delays in public transport projects and has not provided the necessary public transport infrastructure. Many motorists do not have the choice to take public transport. On the other hand, the cost of petrol is rising at a staggering rate, and more importantly the cost of diesel has outstripped it.

Surely the Minister is concerned about this change, particularly with his emphasis on more energy efficiency. There is also the importance of using energy resources that create less carbon emissions. Through the tax system motorists are encouraged to opt for diesel vehicles. However, filling up on diesel costs more than petrol, the more environmentally damaging fuel.

The Minister cannot simply throw up his hands claiming he has no role in this matter. Why does he not call in the oil companies to discover what happened to the price of diesel? How about getting the Commission on Energy Regulation on board? Issues have arisen that are the Minister's responsibility which must be addressed. Organisations such as the AA, have raised the regional disparity in fuel costs and the difference between petrol and diesel costs which are, or should be, the Minister's concern. Whatever big plans or strategies the Minister has, they are in the future. What is happening must be of concern to the Minister.

Deputy Eamon Ryan: I have sympathy for anyone affected by rising costs. However, if we are to protect the public interest, we must divert from using oil products. We consume 165,000 barrels of oil every day; on average, ten pints of oil for every man, woman and child. In the long term if we are to protect our people from a peak in global oil production and a reduction in the availability of oil supplies, there is an urgent requirement to reduce our oil dependence across many sectors, such as heating, power generation and transport.

We are responding to this in proper policy terms. I have appointed a firm of leading international oil experts, Purvin & Gertz Inc., to undertake a detailed review of security, supply and access to commercial oil supplies, including examining all internal markets and how oil is delivered. That is the proper policy approach to learn what appropriate interventions and measures need to be taken, be it in storage, supply chain, and so on.

Deputy Liz McManus: Why does the Minister simply talk to the oil companies? I support the Minister's long-term plans but I find it hard to accept that in the mean time diesel has outstripped petrol in costs. An average family car fill-up of petrol will cost €66, while diesel will cost €67.

An Ceann Comhairle: The time for this question has expired.

Deputy Liz McManus: That is of concern because it means people will be attracted, by price, to a more environmentally harmful fuel. The Minister must take action on this.

An Ceann Comhairle: I am obliged to call the next question.

Deputy Eamon Ryan: I can and do talk to the oil companies. I like to do it on the basis of proper policy analysis.

An Ceann Comhairle: I call on Question No. 83 in the name of Deputy Coveney.

Alternative Energy Projects.

83. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the criteria for prioritising successful applications in view of the large number of wind energy projects hoping to get connection to the grid under the gate 3 connection process; if he will confirm the combined amount of megawatts that will be granted connection under this process; and if he will make a statement on the matter. [10902/08]

Deputy Eamon Ryan: Responsibility for connection offers under the Gate 3 process is a matter for the Commission for Energy Regulation. My responsibilities relates to the allocation of support under the renewable energy feed in tariff programme, REFIT. The selection and allocation criteria for compliant projects under REFIT are set out in the competition notes.

All compliant applications received on the same day are ranked ahead of applications received on succeeding days. If the capacity of all compliant applications received on the same day exceeds the remaining capacity, I can decide to prioritise by the earliest forecast delivery date for a connection by technology, category or by lot. Alternatively, I have the discretion to increase the support capacity available.

The competition notes, as published, proposed support for 400 MW. It is the case that all compliant applications submitted to date have been accepted and the cumulative support allocated is in excess of 1,000 MW. The REFIT conditions also provide for a reserve list of applicants ranked using the same allocation criteria as applied in the initial selection process.

The REFIT programme is subject to EU State-aid clearance. We have already obtained State-aid clearance to allocate support up to 1450 MW in the onshore categories announced in the initial launch. Any allocation above 1450 MW and allocations in the categories of biomass anaerobic digestion, offshore wind and wave and tidal will require EU State-aid clearance before support can be confirmed in a binding manner. I have asked my Department to progress the State-aid submission with the European Commission as a matter of urgency.

Deputy Simon Coveney: I thank the Minister for his reply, but it is a different answer to the one I expected. The Commission for Energy Regulation informed the Joint Committee on Communications, Energy and Natural Resources that, under gate 3 in the next two months,

3 o'clock new connections to the national grid will be made for wind energy projects. My understanding is that 8,258 MW of wind application proposals are currently being developed. What policy direction has the Minister given the CER in terms of how it should choose successful applications for connection? Consortiums, business people and farmers across the country have spent fortunes in planning permission applications and connection cost consultations in order to develop wind energy projects. Clearly, we will not be able to connect over 8,000 MW onto a grid that only uses 5,000 MW at full capacity. Will acceptance of the projects be on the basis of the date on which they were applied for, date order and system optimisation, which is the second potential criterion, or grid development strategy? Both EirGrid and ESB feel strongly that they should be assessed on the basis of grid capacity. What is happening here? Are we misleading potential developers hoping to get a grid connection who in reality may never be able to get a connection?

Deputy Eamon Ryan: The broad outline of our intent is set out in the all-island grid study, which shows that our electricity supply system could include 42% renewable energy by 2020. We will then progress from there. The long-term objective is to move towards a zero-carbon energy system. If we consider the figures on where we expect this power to come from, we can see it will include some 4,000 MW of onshore wind. There are existing hydroelectric projects,

but the remainder will consist of offshore wind. We will also start to see new technologies such as anaerobic digestion and wave and tidal energy.

Deputy Simon Coveney: As time is tight, could I ask the Minister to answer the specific question I asked?

Deputy Eamon Ryan: All three issues have to be taken into account. We must obviously consider grid development, ability to connect, and time in terms of——

Deputy Simon Coveney: Unfortunately, that is not what the CER is saying, and it will be making the decision. It is saying that acceptance will be based on the time the application was made.

Deputy Eamon Ryan: Yes, but——

Deputy Simon Coveney: The Minister is saying something entirely different.

Deputy Eamon Ryan: The selection process, by nature, involves a grouping of projects, and this must take into account grid development and connection ability. It cannot be decided simply on the basis of date of application. The selection process is to allow for the CER to take the current large number of applications and create a system that is easier to manage and makes sense within our grid development system.

Deputy Simon Coveney: The Minister correctly said that it is the plan of the Government to obtain approximately 4,000 MW from onshore wind farms. We currently have the capacity for more than 1,000 MW on the grid, but there are more than 8,000 MW worth of applications. We need to be honest with people and tell them that at least half of the consortia that plan to produce power from wind will not actually get a connection. That is the issue. It is a potential financial crisis for the people who have invested.

An Ceann Comhairle: The time for priority questions today has expired.

Deputy Eamon Ryan: People can see that, but they should realise that we are not stopping at 2020. Why should we not continue if we can develop our demand management system to support further wind——

Deputy Simon Coveney: It is no consolation for those people that they might get a connection after 2020.

Deputy Eamon Ryan: No.

Other Questions.

Electricity Transmission.

84. **Deputy Kieran O'Donnell** asked the Minister for Communications, Energy and Natural Resources if the independent consultant engaged by him to report on issues surrounding the North-South interconnector is still due to report by the end of April 2008; and if he will make a statement on the matter. [10696/08]

120. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources the position regarding the study on the comparative merits of overhead electricity

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transmission lines versus underground cables; when it will be published; if such a study will be carried out in every instance in the future; and if he will make a statement on the matter. [10563/08]

269. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if it is possible to extend the timeframe under which a consultant appointed by his Department will undertake a study on the comparative merits of overhead electricity transmission lines and underground cables for the Meath-Cavan-Monaghan 400 kV project, in the context of the fact that a number of companies have decided not to tender based on the tight timescale envisaged. [10736/08]

270. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the number of companies that have tendered for the study on the comparative merits of overhead electricity transmission lines and underground cables for the Meath-Cavan-Monaghan 400 kV project; when a decision will be made on selecting a successful applicant; and the names of companies that have tendered. [10737/08]

271. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if the tender has been advertised on a Europe-wide basis for the study on the comparative merits of overhead electricity transmission lines and underground cables for the Meath-Cavan-Monaghan 400 kV project; and if there has been interest from companies outside Ireland. [10738/08]

272. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if he will ensure that there will be no conflict of interest between the selected successful tender and the past relationship with EirGrid which may compromise the credibility of the study of the comparative merits of overhead electricity transmission lines and underground cables for the Meath-Cavan-Monaghan 400 kV project. [10739/08]

Deputy Eamon Ryan: I propose to take Questions Nos. 84, 120, and 269 to 272, inclusive, together.

The invitation to tender for the independent study on the comparative merits of overhead and underground electricity transmission lines was placed on the Government's eTenders website on 11 February last. The deadline for receipt of tenders was 29 February. The terms of reference for the study were available both on the eTenders website, which is accessible throughout Europe, and on the Department's website.

The study will examine, *inter alia*, transmission technologies currently available for electricity transmission at 110 kV and above. It will also review current practices worldwide for constructing transmission lines, and the relative technical performance, capital and total life cycle costs, including the impact on unit electricity prices, and environmental impacts of underground and overground lines across a wide range of criteria. A draft final report is to be submitted by the consultants to the Department 40 days after contract signature and it is anticipated that the report will be finalised within the following 14 days.

It was not considered necessary to extend the timeframe for completion of the study. Four tenders for the study were received by the closing date of Friday 29 February, of which three were from companies outside Ireland. The details of the tenders are commercially sensitive at this time. I will publish the name of the successful tenderer once a contract has been agreed. I have asked my officials to finalise the contract with a view to ensuring that work gets under

way as soon as possible and the draft final report is received by the end of April. I intend to publish the study once it is finalised, which implies a publication date during May.

The aim of this independent study is to provide authoritative advice on the issue of overhead versus underground transmission lines, thereby informing debate and decisions on all current and future transmission line projects. It is not envisaged that studies would be carried out for future individual projects.

The tender documentation specifically required each company to declare any conflicts of interest in its tender submission and the Department reserves the right to take whatever action it considers appropriate in case of failure to disclose a conflict of interest or misdeclaration of conflict of interest. I am confident that no conflict of interest will arise that would compromise the credibility of the study.

Deputy Simon Coveney: How much time do we have for questions? Do we get extra time?

Deputy Damien English: I thank the Minister for his reply and for undertaking to do this study, which is a brave move. It is a pity the previous Minister did not do this before the tender went out. However, it is an important decision by the Minister and a sign of democracy in action.

I understand the Minister cannot give us the name of the company that will carry out the study. I am happy the Minister will make sure it is independent and that there is no conflict of interest. Is the deadline for completion of the project 40 working days or 40 days? There is a lot of concern on our side that it is a very short time. If the company that receives the contract asks for more time halfway through its research, will it receive more time? In the 14 days the Minister has allowed for the report to be signed off after completion, will the report come to the Joint Committee on Communications, Energy and Natural Resources for discussion? Will the committee have a say on that?

Under the terms of reference the company will be asked to investigate current practice in various countries. I have written to the consultants on this issue also. Can the Minister ensure the company will find out why the authorities in certain countries have decided to adopt regulations with regard to the distance between homes and power lines? Whose advice did they take? That is a point on which we are a bit confused. If the report comes back with recommendations that it is economically viable to put the lines underground, what will happen then? Is the Minister prepared to issue instructions to EirGrid to change the way in which it has been going about its business? The feedback we are getting from EirGrid unofficially is that it is not willing to budge. Those at EirGrid do not think there will be a change. The Minister's answer to this question will tell us whether the process is useful and will work.

Deputy Eamon Ryan: I will have to check, but my understanding is that the deadline is 40 days, not 40 working days.

Deputy Damien English: That is very short.

Deputy Eamon Ryan: Forty days would not allow us to stay within the April-May timeframe I am setting out. One of the options we wanted to preserve was for the consultants to come to the committee and present the analysis as set out. That would be appropriate and would allow the committee to ask relevant questions with regard to the findings of the study once it is completed. As to what happens after that, I do not want to pre-empt the outcome of the study. Everyone has an interest in developing the infrastructure in the speediest manner possible because, to go back to Deputy Coveney's previous question, there is a major issue in terms of

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the development of our electricity system, particularly in the north east, where the electricity infrastructure is limiting further economic development. No one is looking for unnecessary delays in the process. It will be up to EirGrid, as well as ourselves, to consider the study and its recommendations and incorporate them into its plans. I do not want to pre-empt what the consultants might say.

Deputy Damien English: The Minister has an open mind.

Deputy Caoimhghín Ó Caoláin: Unlike Deputy English, I would like an assurance that the applicant company selected will be totally independent. It is important that the Minister gives such an assurance. Can the Minister advise us that the selection criteria will include a restriction on those who were previously engaged by EirGrid, Northern Ireland Electricity or any other energy interest to examine other proposals? Can he assure us that they would be debarred from selection if their independence was compromised by a previous contractual arrangement? Can he advise when he will announce his selection? How long will the Minister take to go through the applications he has received? What will be the starting point for the 40 day period? Will it begin on the day of the announcement of his decision to grant responsibility to a certain company or group?

Can the Minister tell us the names of the applicants? I appreciate the sensitivity regarding the details of the tenders presented but is it not within the Minister's gift to advise the House of the names of the applicant companies, groups and individuals? This would let us know who is in the running for this responsibility.

Can the Minister indicate to the House that it is his intention to include in the briefing the terms of reference for this independent assessment of overhead, pylon-supported power lines as this approach is different to the underground approach to power lines? Can the Minister assure us that the assessment will not be confined to the cost of installation but will examine costs over the life expectancy, which, I understand, is some 40 years in each case? We should properly evaluate which approach gives the best return over its life expectancy.

Deputy Eamon Ryan: I cannot give details of the companies involved or the likely winner as they are commercially sensitive. In terms of the Deputy's first question on reputation and independence, the companies that have applied are internationally recognised in this area of energy advice. The names of the companies indicate that we are dealing with leading international firms in the area of consultancy and advice. I do not have the full details of their client bases but the nature of such companies is that they will have worked on a range of projects. I am certain, given the reputation of these companies and having seen the work they have done in other areas, that we are talking about reputable, leading international companies. I am not concerned but there is a provision to deal with any conflicts of interest that were, inadvertently, not declared. I do not believe it will be necessary to use it.

The period of 40 days will apply from the moment contracts are signed and I intend for this to happen in the coming weeks. We will finalise details and work will progress.

I stated already that the terms of reference, which I believe are quite open, mention the examination of total life cycle costs and the comparative environmental impact of the different options. The terms of reference have been set in a way that should not restrict consultants in the work they do.

Deputy Seymour Crawford: I wish to be associated with Deputy English's comments thanking the Minister for agreeing to carry out this study. This was an example of democracy at work and those who attended the committee saw it in action.

Is the Minister satisfied that 40 days is sufficient time for a proper, in-depth study to be done? I also wish to be associated with Deputy English's remarks on the need for this to be totally independent. Any company that has worked on this type of interconnector structure, north or south of the Border, would attract questions. Will the company evaluate the cost of delays caused by legal actions if this is to go over ground? There is no doubt that legal actions would cause delays in such circumstances.

Will the consultants appointed be asked to consult the relevant group that has studied this issue in the Meath, Cavan and Monaghan areas? This group is not an example of "rent a crowd" but is serious and genuine and wants the best for its community and country. The Minister said this is only the start of the roll-out so if we can get this right other areas will become easier. The three Deputies sitting before the Minister have met this group and found it to be concise, active and only interested in dealing with reality. I urge the Minister to ensure the consultants meet this group and use its expertise.

Deputy Eamon Ryan: One of the elements I insisted on, in going through this process, was a forum for people with an interest in the issue to make detailed submissions that the consultants must take into account. We ensured this would happen by advertising widely in local and national newspapers to give people the opportunity to make a submission. People are very aware of some of the technical issues and I trust that, given the detailed information they already had, they were able to make their points in a specific and constructive manner.

Deputy Seymour Crawford: This is to do with the meetings.

Deputy Eamon Ryan: This is the process we decided on to allow people make submissions. The time frame for the work to be done is tight but one of the advantages of using international consultants with experience in this area is they are not entirely new to the issue; they will draw on a basis of international experience as this matter has been examined in many countries. It is appropriate that we use best practice and the latest scientific research from other countries and apply it to the Irish context. An international consultant can do this. We are confident that the work can be done in the given time frame and that it will provide useful information to the Government, EirGrid and the committee for consideration.

Deputy Simon Coveney: I will follow up on one or two of the Minister's answers. The representative group, which consists mostly of the North East Pylon Pressure group, submitted a 300 page document by the deadline. Will the Minister ensure that the consultancy firm meets this pressure group in the same way that, I assume, it will meet EirGrid? If the consultancy firm is from outside Ireland it will need an understanding of local concerns in addition to the localised demands of EirGrid. If the consultancy firm is to do as comprehensive a job as we hope, it will need to meet the two major players in the discussion. This makes sense and I ask the Minister to ensure it happens.

My second question is on the target route of the study. Is this a general assessment of over ground versus under ground or an assessment of getting a DC light, a 400 kV piece of infrastructure, from one point on the island of Ireland to another point? Is it that one might perhaps be able to use a combination of both? Is it specific to this project or is it a general report on the merits of under ground versus over ground and the average costs that apply? If it is specific to this route we need to ensure the consultant has the time and opportunity to examine the different routes concerned.

Deputy Eamon Ryan: As our all-Ireland grid study, to which I referred earlier, shows there is a significant requirement for us to urgently build a series of grid connections — we would

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have to do this in any event to upgrade our grid, even if we were not changing our energy policy direction — it is right for us to treat this on a national basis rather than on a project-specific basis because the lessons we learn in one area will obviously apply elsewhere.

Deputy Simon Coveney: That is the issue, rural versus urban.

Deputy Eamon Ryan: Having said that, there are very different topographic or regional demographic issues in regard to a 440 kV power line which would go 80 km through drumlin country versus a smaller grid connection that might be applied in the west or in a mountainous region. There are obviously different considerations. We are looking for the consultant to bring back information on the implications for different examples. In that regard one of the projects we will be looking at specifically is the type of project in which we are engaged in the North-South interconnector. It is not a project-specific study, it is a wider study to help inform that project and many other projects which will have to proceed. In those circumstances, I am reluctant to direct the consultant to take on a meeting, regardless of whether a pressure group is capable and has much experience. At least in the requirement that they review the information provided, as set out in our consultation process, that 300 page report provides a detailed analysis on their specific project.

Deputy Damien English: Did EirGrid make a written submission containing hundreds of pages or will it have the opportunity to meet the consultants? This is about fair play and equality across the board. If one has to submit a report but there is no meeting, the same should apply to the other side.

Deputy Eamon Ryan: EirGrid has made its point in numerous public fora and in publications.

Deputy Damien English: It has not.

Deputy Eamon Ryan: I am not directing the consultant in terms of any meetings. It is up to them with their experience in the area to take the information provided and to bring in international experience because we need to see what exactly has applied elsewhere and if there are other examples in the world where this issue has been resolved. That will tell us more in a sense. The reality on the ground in other countries may tell us much more than a series of meetings we might try to set up here.

Caoimhghín Ó Caoláin: I seek clarification from the Minister where he indicated that the brief or terms of reference for the independent consultants is not specific to the North-South interconnector and the 400 kV power line proposal from Meath to Cavan. Will it address at all the specifics of both of these power line proposals or is it, as the Minister suggested, in his further reply to Deputy Coveney, a study in the bigger picture sense of over ground versus under ground and international experience and best practice? Can the Minister be clear as to what extent the consultants will address either of the two proposed power lines from Tyrone, through Monaghan and Cavan and into Meath, and also including County Armagh?

Deputy Eamon Ryan: We are asking the consultants to bring in international expertise to look at the broad national picture here but, obviously, within that to look at specific examples of topography or network configurations which will apply in the development of our network. In doing that one has to look at some of the big connection projects, the North-South interconnector being one of the largest. Obviously one would not ignore specific projects but it is not designed as a project-specific study. It is looking at the broad national picture. By answering the broader questions, it will help us to look at the specific project mentioned by the Deputy.

Deputy Seymour Crawford: Will there be anything in the contract to prevent the consultants from actually meeting the groups? As happened in the case of the Teamwork report in Monaghan, the Teamwork group could not meet the people concerned. If in respect of the 300 page document, that the consultants have got, they want to consult with the people who wrote it, will they be allowed to meet them?

Deputy Eamon Ryan: As I understand it, there will be nothing in the contract which would preclude such a meeting.

Deputy Damien English: That is fair enough.

Telecommunications Services.

85. **Deputy Dan Neville** asked the Minister for Communications, Energy and Natural Resources if he will provide details on the backgrounds of the people who contributed to the international advisory forum on next generation networks in Dublin in February 2008; if other people were asked to contribute but were unavailable; the names of those people; his views on whether the forum had a consequent lack of expertise in any particular fields; and if he will make a statement on the matter. [10692/08]

90. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources if he will provide a detailed timetable of actions he proposes to take on the urgent need to accelerate roll-out of high speed broadband infrastructure throughout the country in the wake of the international advisory forum on this issue that met in Dublin in February 2008; and if he will make a statement on the matter. [10697/08]

131. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if he will report on the recent meeting of the international advisory forum on broadband; the cost in expenses of this forum; the timeframe for publication of the report; if ComReg has its own advisory forum on next generation networks; and if he will make a statement on the matter. [10555/08]

139. **Deputy Michael Noonan** asked the Minister for Communications, Energy and Natural Resources if he will provide a detailed breakdown of the total cost to the taxpayer of the international advisory forum on next generation networks held in Dublin in February 2008; and if he will make a statement on the matter. [10693/08]

Deputy Eamon Ryan: I propose to take Questions Nos. 85, 90, 131 and 139 together.

As Deputies are aware, considerable emphasis is being placed internationally on the development of next generation broadband, NGB, networks. This is a big issue for telecommunications policy in Ireland and I am determined that the approach we adopt will be the right one. To that end, my Department has prepared a draft policy paper on NGB networks. That paper has been critiqued by the international advisory forum, IAF, on NGB networks.

The following people participated on the international advisory forum on next generation broadband networks. Mr. H. Brian Thompson is the executive chairman of Global Telecom and Technology, a multi-network operator. He has previously served as chairman of both the advisory committee for telecommunications and, more recently, the advisory committee on infocoms, both established by my Department. He is also a member of the Taoiseach's Ireland-America Economic Advisory Board. Mr. Frank Sanda founded Japan Communications in 1996 and is chief executive officer of the company. Prior to this, he served as chief executive officer of Apple Computer Japan and as vice president and general manager at Motorola. Ms Isolde

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Goggin is a former chairperson and commissioner of the Commission for Communications Regulation. She now works as an independent telecommunications and regulatory affairs consultant. Ms Goggin is also a member of Ofcom's Advisory Committee for Northern Ireland. Mr. Kenneth Carter is a senior consultant at wik-Consult, based in Germany and is a member of the firm's NGN and Internet economics department. Mr. Carter was previously senior counsel for business and economics in the office of planning and policy analysis at the United States Federal Communications Commission. Mr. Tony Shortall is an economic adviser within the European Commission. He was a senior economist at the Irish Competition Authority between 1997 and 1999. Mr. Michael R. Nelson is currently visiting professor of Internet studies in Georgetown University's communication, culture and technology programme. Prior to this, Mr. Nelson was director of Internet technology and strategy at IBM. He has also served as director for technology policy at the United States Federal Communications Commission and as special assistant for information technology at the White House office of science and technology policy where he worked with Vice President Al Gore on telecommunications policy. Mr. Martin Cronin is the chief executive officer of Forfás. He is also a member of the National Competitiveness Council, the Advisory Council for Science, Technology and Innovation, the Higher Education Authority, the Management Board of the Department of Enterprise, Trade and Employment and the board of the Tyndall National Institute.

As is evident from its membership, the forum brought together valuable insight and expertise into the development of Ireland's future broadband policy. The members brought a diverse range of knowledge and experience from around the world.

The draft policy paper is currently being updated to reflect the forum's contribution and will be published shortly for public consultation. The estimate of the cost of the International Advisory Forum on NGNs is €50,000. A breakdown of estimated costs is not yet available.

Within ComReg there is an internal NGN working group. ComReg also facilitates a separate, independently chaired NGN group, which comprises two sides, one addressing next generation access and the other addressing next generation network core issues.

Deputy Simon Coveney: I thank the Minister for a detailed reply. I accept there are some impressive CVs on the forum. Will the Minister explain the reason he chose not to have any current business users of broadband services in Ireland on that forum? It would surely have made sense to ask businesses and consumers what they need, the speeds they need, what services they can access, how much they pay and whether they are satisfied with it. I would be surprised if the Minister was not receiving letters of concern from industry and business leaders about the lack of telecommunications infrastructure. The purpose was to examine international best practice but I would have thought the Minister could have benefited from the expertise and views of existing broadband users in Ireland, particularly when one considers the number of foreign companies in Ireland.

In terms of rapid roll-out of next generation broadband, countries such as France and Scandinavian countries are the success stories in Europe yet no one from these countries will attend. While there is a representative from Japan, he is the only person from the Middle East or the Far East with significant success in this area. Could the Minister outline the process that led to the appointment of these people? Were there terms of reference, a skill set demand or did the Department use its contacts in putting together a group of people with whom it had past correspondence or contact?

Deputy Eamon Ryan: We wanted a mix. It is difficult to talk about these individuals because they gave their time.

Deputy Simon Coveney: I am not questioning individuals.

Deputy Eamon Ryan: Of the first two I mentioned, Mr. Thompson comes from a strong American position and has experience in the fixed-line business, while Mr. Sanda from Japan has extensive experience in mobile networks, particularly in the evolution of mobile networks at the present time. It is an example of regulatory, business — both fixed-line and mobile — and international backgrounds. It is not easy to get people and I commend those who gave of their time in support of the Government and the Irish people in developing policy in this area.

Regarding the inclusion of domestic business users, I did not exclude that and referred earlier to meeting providers. I suggested to some of these people to join the forum but we decided to keep it as an international forum before opening up to a wider consultation forum, which would involve telecom providers, industry users, enterprise and development agencies and anyone with an interest in this rapidly changing area. We did not preclude it but, having suggested it to some of the Irish industry operators who have taken a strong view on it, we decided it was better to leave it as it is.

Deputy Simon Coveney: Regarding where we develop from here, the Minister stated that we will see an amended policy document from the Government in the middle of April. This is quite soon. Could the Minister seek time in the House to debate that report? The Opposition would like to do that. Could he indicate the timescale we can expect for the consultation process? There is a great deal of impatience in the sector affected by this issue. It wants to see the Government taking a position and investing money in the national development plan to subsidise certain areas and encourage the private sector to roll out next generation broadband. Can the Minister indicate a timescale so that we have a target towards which to work?

Deputy Eamon Ryan: It should be short — a number of months — because this is a fast-changing area. We want to encourage investment by the private sector in the technological developments being considered at present. I do not want long and drawn out speculation on government intervention delaying investment from private operators. Considering the example of countries that were successful, Denmark and the UK — the countries we must compare ourselves against — they are successful because they have a competitive environment. The competitive spur between, for example, a cable company and a fixed line operator or another mix drives the investment that leads to higher bandwidth speeds. The Government will have a crucial role in stimulating demand, supporting where the market cannot deliver, ensuring we use existing assets in a co-ordinated way, particularly in backhaul or inducting, and changing building regulations so that all new buildings are future proofed and existing buildings are retrofitted. The primary response will come from a competitive market here.

We are seeing developments in that area. We have a more competitive market between cable companies, fixed line operators, mobile operators, 3G operators and wireless companies, all of whom are investing. We should not block that investment by holding out the carrot that the Government will step in with a magic solution. We must create the right conditions and a range of policy measures that steer us in the right direction. That will be contained in the report and will be an ongoing process.

Deputy Seymour Crawford: Many areas in the rural constituency of Cavan-Monaghan do not have access to broadband. I accept the Minister's point on competition but this exists only in built-up areas. Whatever the Minister does to bring this process forward, I hope he recognises the urgent need for roll-out in all areas. Jobs are being lost in rural areas. The opportunity is there to provide home jobs to a certain number of people if they have broadband.

Deputy Simon Coveney: On the same issue, I agree with the Minister's last comments. The State's job is to facilitate competition in this area and, where there is market failure, to subsidise where necessary. By doing things such as building regulations to require ducting into every house and business that is being built in the country, we facilitate competition. By setting up an audit to maximise existing infrastructure, we facilitate a more proactive, aggressive and competitive market place, which is what consumers and business people want. In areas where there may be market failure, and where we are applying the national broadband strategy, will whoever wins the tender process for the national broadband strategy be required to provide next generation access to rural parts of the country or will it be the speeds that we are embarrassed about in Ireland?

Deputy Eamon Ryan: In response to Deputy Crawford, we must consider what will be the next leap forward, the next crucial development. We must ensure we assist and develop broader digital technology changes that are occurring. The computer industry is moving from one where all the services are on a PC in an office or on a laptop to one where many services will be available on a network. Those in the computer industry refer to the need for ubiquitous access, easy accessibility to a network, if a country is to adapt to that computer world. The range of different applications and services may not require 100 megabyte speed; they may be a series of smaller applications but cumulatively they create a market and a demand for high broadband speed that is sustainable and commercially viable. To use a green metaphor, the strength of a tree is on the leaves as well as the backhaul or the trunk. It is vital to have ubiquitous access in Monaghan, Cavan and elsewhere through a range of different and often interoperable platforms, including mobile and fixed. A more open access network facilitates the development of other new digital technologies, be it a mobile device for broadcasting, games or other material or a basic and simple laptop that will draw down applications from the Internet rather than having its own hard disk.

The telecommunications industry must facilitate an imminent significant change in the computing industry. One will support the other. There will be a commercial case for the telecommunications operator through the myriad applications that are only now becoming apparent in the changing computing world. In many instances, the ubiquity, ease and flexibility of access is as important as speed.

Deputy Seymour Crawford: There is no access. That is the problem.

Deputy Eamon Ryan: To answer Deputy Coveney, we are engaged in a competitive dialogue process in respect of the national broadband scheme and must be careful about interfering in it while companies look to determine the best position. The Government would seek an evolving system so that access speeds can improve in line with speeds elsewhere in the country. This will be difficult in rural areas because of the nature of economics, in that it is more difficult to serve a rural isolated area with a small number of houses compared to a housing estate or large apartment block in a city centre. There is no getting away from the fundamental economic difference. A benefit of our demography will be the development of new innovative access solutions to suit our topography and to be a part of a flexible and ubiquitous open access network.

Deputy Liz McManus: I am sure the Minister appreciates that he is dazzling us with his knowledge, but Deputy Crawford's question was when all parts of Monaghan would get broadband. Coverage in Northern Ireland is 100% and Monaghan is a Border county. I would have believed it a simple matter to tell the Deputy when it is he might expect to be able to inform

his constituents of the answer to the above question. What is the total cost of the international advisory forum and its processes?

Deputy Eamon Ryan: The national broadband scheme is a key component in ubiquitous access because it will lead to a situation in which Cavan, Monaghan and elsewhere will be covered.

Deputy Liz McManus: The Deputy wanted to know when.

Deputy Eamon Ryan: For the operations to start delivering, we must sign off by June. It will take a further 18 months or so to deliver.

Northern Ireland is a good example and we must measure ourselves in terms of developments north of the Border as well as south because the topographies are similar. Broadband uptake is speeding up in Ireland and we have reached the point of equal access with the North. We are not satisfied by this, though, and want to be more ambitious.

Deputy Liz McManus: That is not true.

Deputy Eamon Ryan: In speaking with ComReg about the latest figures on uptake levels, it is my understanding that we are on a par with the North.

I will not dazzle anyone, but these are the key issues. If approximately 50% of homes have broadband access, which is the amount towards which we are heading, what limits the development of ubiquitous open access and a range of small applications? One limit is that 40% of households do not have computers.

Deputy Liz McManus: We are discussing availability.

Deputy Eamon Ryan: A benefit of the national broadband scheme and other Government interventions in demand management stimulation is to examine ways in which to ensure we will avoid putting broadband connections in homes where there are no computers. The connection is needed for a computer, not a cooker. We must determine how to increase the number of homes with computers if we are to increase broadband figures and what the purpose is of people getting new computers.

Deputy Liz McManus: With all due respect, could we not concentrate on getting broadband to the people who have computers and who want broadband? This is what the question is all about.

Deputy Simon Coveney: We are discussing availability for those who want it. While everyone in Northern Ireland can get it, only 25% of people in the Republic can get it.

Deputy Eamon Ryan: The figure will be 100% after we complete our national broadband scheme.

Deputy Noel J. Coonan: Thousands of people have been waiting.

Deputy Eamon Ryan: To answer Deputy McManus's request for a cost, the amount is €50,000.

Deputy Noel J. Coonan: The Minister speaks of rural Ireland as if it were an alien planet. It has an extensive telephone system, but people cannot get broadband connections because the Government has not invested in upgrading lines. On a regional road near Larha in north

[Deputy Noel J. Coonan.]

Tipperary, a person cannot get a chip and pin service because the telephone is too far from the exchange and the line is out of date.

The Minister referred to a tree trunk. Taking Thurles, a large provincial town, as an example, there is no trunk because no tree was planted. It was left out of the MANs project. Why is this occurring and why will the Minister not take responsibility and provide a broadband service in a provincial town like Thurles? He should not state that it is up to competition to handle, as it is up to the Government to give guidance and investment so that places such as north Tipperary can benefit. Perhaps it would be worth the Minister's while to visit and see that we in rural Ireland are not ETs.

Deputy Eamon Ryan: If I may explain my metaphor, my roots go right down into Tipperary——

Deputy Noel J. Coonan: It has been a while since the Minister checked them.

Deputy Eamon Ryan: ——and the Glen of Aherlow.

Deputy Simon Coveney: Perhaps the Minister should go home for a while.

Deputy Eamon Ryan: I visit the Glen of Aherlow and other locations around the country regularly.

Deputy Noel J. Coonan: That is an alien country, as I was discussing north Tipperary.

Deputy Eamon Ryan: In delivering the national broadband scheme, it is our ambition to serve——

Deputy Olwyn Enright: They probably write to the Minister.

Deputy Simon Coveney: The Minister has been in the Pale for too long.

Deputy Eamon Ryan: ——the Ryans in the Glen of Aherlow and everywhere else.

Deputy Noel J. Coonan: We will invite the Minister to see for himself.

An Ceann Comhairle: We will discuss green acres another day, as we must move on.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann 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 John O'Mahony — what plans the Minister has to introduce a special participation initiative for indoor sports; (2) Deputy Kathleen Lynch — the capacity of the National Rehabilitation Hospital to cope with the number of patients who require rehabilitative treatment; (3) Deputy Joe Carey — to allow the application of Barefield national school, Ennis, County Clare for a major extension to move to tender stage in the next round of project announcements to be made by her Department; (4) Deputy Niall Collins — the need to include Caherconlish in County Limerick in the catchment area of St. John the Baptist Community School in Hospital, County Limerick; (5) Deputy Willie Penrose — to take steps immediately to sanction the construction of a new school at Sonna, Slanemor, Mullingar, County Westmeath, as same is required in the context of significant intake of pupils in the past few years

and the consequent overcrowding of classrooms in the old school building; (6) Deputy Tom Hayes — the position regarding the 23 bed, acute care unit in South Tipperary Hospital; (7) Deputy Michael D. Higgins — the urgent need for Galway Educate Together national school, having undertaken a detailed process of planning for the next four years, to be allocated the full number of mainstream teachers required — that is nine teachers as opposed to an allocation of fewer than nine — the school's number of pupils making the retention of all nine teachers necessary; (8) Deputy Olwyn Enright — the difficulty being experienced by sports clubs and organisations in obtaining deeds from the Chief State Solicitor's office; (9) Deputy Mary Alexandra White — the need to undertake an audit of coarse fish in Irish rivers, which are undergoing serious depletion due to over-fishing, which could result in a dramatic decline in coarse fish stocks with serious consequences for riverine biodiversity; and (10) Deputy Thomas P. Broughan — the need to urgently provide the necessary funds to build a much needed youth and community resource centre in Foxfield-St. John Parish, Kilbarrack Dublin 5.

The matters raised by Deputies Kathleen Lynch, Tom Hayes, Enright and Collins have been selected for discussion.

Cancer Services Reports: Motion (Resumed).

The following motion was moved by the Minister for Health and Children, Deputy Mary Harney, on Wednesday, 12 March 2008:

That Dáil Éireann:

- welcomes the publication of reports into events relating to breast cancer services at the Midlands Regional Hospital, Portlaoise;
- supports the action being taken by the Minister for Health and Children, and the board and management of the HSE, to ensure that patients' interests come first in the future management of all such reviews and serious adverse incidents;
- reiterates its support for the National Cancer Control Programme to ensure equitable access to high quality cancer services for patients throughout the country;
- expresses its appreciation for the leadership and work of clinicians, nurses and staff in delivering improved levels of care for cancer patients under the Cancer Control Programme;
- welcomes the improvements in survival rates and supports the Cancer Control Programme which will deliver further improvements; and
- commends the early progress made by Professor Keane since his appointment in late 2007 on the improvement in symptomatic breast cancer services.

Debate resumed on amendment No. 2:

To delete all words after "Dáil Éireann" and substitute the following:

- “— expresses its serious concern at the findings of recent reports into breast cancer services at the Midlands Hospital Portlaoise;
- regrets the deep distress caused by these failures to many patients and women in the midlands;
- concludes that the reports demonstrate serious failures in the management of the HSE and in the delivery of essential health services;

- notes that these failures arise directly from decisions made by the current Minister for Health and Children, Mary Harney, T.D. and her predecessor, the former Minister for Health and Children Micheál Martin, T.D.;
- is alarmed that the Minister for Health and Children Mary Harney and all other members of the Government continue to express confidence in the current structures and management of the HSE;
- calls on the Government to reform the HSE so that within 3 months:
 - the service puts the patient at the centre of all its activities;
 - every HSE employee has total clarity about their roles and responsibilities;
 - decision making on services is devolved to regional and local level to the greatest extent possible;
 - the bureaucracy at HSE headquarters is reduced; and
 - HSE accountability to the Oireachtas is dramatically improved.”

(Deputy James Reilly).

Deputy Charles Flanagan: With agreement, I wish to share time with Deputy Enright.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Charles Flanagan: The hospital in Portlaoise is my local hospital and I know many of the women whose misdiagnoses were the catalyst for the four reports under discussion. Their lives and the lives of their families are in turmoil. The hospital, which is close to me, is used by my family, is the one in which one of my daughters was born and is the only hospital available to most of my friends, neighbours and constituents.

Peopled in the midlands are in shock and are still coming to terms with the events in question. The four recent reports offer cold comfort to those who use the services in Portlaoise hospital. The timing of last week's report was classic spin, all published together on a big news day with a big bang. After the Kearney murder and the Paisley resignation, someone in the Department of the HSE told people to let it rip and to bury it.

I wish to refer to three matters in the short time available, namely, equipment, the outstanding issue of the letters and where we go now. The issue of equipment in Portlaoise hospital was not thoroughly examined. Why was the machinery in the X-ray department not subjected to scrutiny in the Dr. O'Doherty report? It was not her choice not to examine the machine used for the mammography examinations. The machine was decommissioned when cancer services in Portlaoise were suspended last August. Contrast the speed with which the machine was decommissioned when cancer services became the subject of media scrutiny with the obvious reluctance or, perhaps, refusal to provide a more modern, safer machine prior to that date. The irony of the shameless neglect on the part of the State in this scandal is that the machine was purchased by the community through voluntary fund-raising some years ago. Government negligence in the provision of mammography services in Portlaoise is beyond doubt. Removing the machine before Dr. O'Doherty could examine it was highly irregular given the two major questions to be answered in respect of what had occurred, namely, the equipment used and the staff who used it. Moreover, Dr. O'Doherty was not told how old the machine was. She guessed that it was at least 15 years old, making it something of a relic in the current age of rapidly evolving technologies. Such machines should be decommissioned nationally after ten years. Knowing that Portlaoise hospital's mammography equipment was still in use five years after it should have been decommissioned, I cannot help but wonder

about the rest of the equipment in the hospital. The Minister for Health and Children, Deputy Harney, should assure the people of the midlands that all equipment in use at the hospital is both modern and safe.

My colleague, Deputy Reilly, has spoken at length on the issues in respect of the letters from Dr. Peter Naughton, past and present, beginning in 2002. I am concerned that of the seven letters sent by him, which were referred to by the former Minister for Health and Children, Deputy Micheál Martin, only two are in the public domain. This continuing reluctance to embrace transparency and accountability does not bode well for the future. I ask the Minister to publish the remaining five letters to allow the full story to be known. She should assure the House and the people that measures have been put in place to ensure such letters will be acted on promptly in the future. Members are aware that they were ignored shamelessly in the past. Much suffering could have been avoided had the warnings contained in Dr. Naughton's first letter been dealt with promptly by the then Minister, Deputy Martin, and subsequently by the present Minister, Deputy Harney.

The Fitzgerald report documents mismanagement and poor governance within the HSE in respect of how the aftermath of the cancer misdiagnosis scandal was handled. The Doherty report identified serious gaps in the system and, far from exonerating the Department of Health and Children, is most critical of its handling of the issues. Sadly, the Minister in her opening statement this morning ignored this finding. Will she assure Members that she has made the necessary changes to ensure such issues will be addressed in her Department and that the HSE and her Department will henceforth be patient-focused rather than focused on passing the buck?

The Minister has decreed that cancer services are at an end at Portlaoise and will be transferred to Dublin. I support this move with certain provisos to ensure people from the midlands will be able to obtain a service. There appears to have been no consultation with local people when this decision was being made. Why was St. Vincent's Hospital chosen over St. James's Hospital? I have concerns about the capacity of St. Vincent's Hospital to deal with the additional patients from the midlands. Sadly, one of the nine women affected was refused a bed in the hospital for a crucial procedure before Christmas and nothing was done about the matter. Will the people of the midlands face endless waiting lists, more trolleys on corridors or vital months passing by before they are seen, diagnosed and operated on? If the Minister intends to remove local services, she must be able to guarantee an adequate service to those who will be obliged to travel up to 80 miles to be seen in Dublin by an appropriate specialist. Changing the location of cancer services from County Laois to Dublin without consultation shows that patients' needs have been overlooked once again. St. Vincent's Hospital is the most inconvenient hospital for midlands residents, not being close to mainline rail stations or motorway access.

The wording of the motion and the attitude of the Minister show that little has changed in respect of accountability. Such an attitude must change fundamentally if the Minister hopes to restore confidence in the health system that, sadly, has let down the people of the midlands in general and the nine women and their families who were given false information on their cancer diagnoses, in particular. The least the Minister can do is to learn lessons from this tragic chain of events and take the steps necessary to ensure there will never be a recurrence.

Deputy Olwyn Enright: Probably the most used political phrase throughout the duration of the scandal that has surrounded the cancer treatment of women from my constituency has been "going forward". I fear that in the Government's political rush to avoid accountability, it still has not learned from the mistakes of the past. The Minister was correct when she stated she

[Deputy Olwyn Enright.]

was unable to undo what had been done. No one knows this better than the women directly involved.

There are two aspects to this debacle, namely, the cause of the original misdiagnosis and how the issue was handled on discovery of the problem. On the first issue, I am not satisfied that anything has been learned from the misdiagnoses of the aforementioned nine women. While the Minister talks continually about centres of excellence, I have noticed that she has started describing them as specialist centres. Perhaps she finally has realised that excellence is not designated but must be earned. She continues to side-step the fact that Portlaoise hospital was a designated centre. Although she may not have liked how that came about, she was in government when the designation was made.

Although the Minister has attempted to wash her hands of any decisions in this area, at a Progressive Democrats conference in Emo, County Laois in October 2005 she trumpeted the news that the long-awaited cancer unit at Portlaoise General Hospital would be up and running within 12 months and that interviews would take place to find staff. In reality, staff queries, complaints, reports and comments were not acted upon. Each time a complaint was made regarding equipment, staff were told to file an incident report. Although they did so several times, nothing happened.

Members still have not received a sufficient explanation in respect of what happened to Dr. Naughton's letter of April 2002. The former Minister, Deputy Micheál Martin, accepted last week that it had been received, adding that he had acted on the issues contained therein. His version of action, however, differs significantly from what was needed. Nothing changed at Portlaoise following his action. The letter, however, went missing. What specific changes will be made in every hospital across the HSE to ensure genuine staff concerns about patient safety will be responded to and acted on?

This designated centre had a viewing area for imaging that was completely inadequate. The radiology department put in writing its concerns about the compression plate and the filming and screen system. What confidence can the Minister give that such issues will be addressed in all designated centres? Probably the most important line in Dr. Ann O'Doherty's report was that "a mechanism for measuring standards in each centre and comparing practice between centres should be devised rapidly" as women wish to be reassured that the standard of care they receive is optimal. When will such standards be in place for cancer and all other services?

The second issue pertains to the handling of this affair from August last. The malaise does not lie within the HSE alone. The Minister showed a remarkable lack of urgency from August to November, until she was embarrassed into taking action at the Oireachtas Joint Committee on Health and Children. At that point, as political pressure built, she sought reports left, right and centre, which in fairness are hard-hitting within their terms of reference. No inquiry was made into her Pontius Pilate approach to her brief. The HSE should use her to front their "have you washed your hands" campaign.

In the past 11 years a culture and belief have emerged on the benches opposite that because they have enough bums on seats and can scrape through votes, they can sit matters out and they will blow over. It will not blow over for the women affected.

The Minister set up the HSE, which almost every Government Deputy has criticised at some stage. However, they cannot, or refuse to, see this chain of accountability. We hold our soccer and rugby managers to a higher level of accountability than the Government. While I want the HSE to work and seek the best possible health service for the people I represent, I do not believe it can improve, unless the issue of accountability is dealt with. John Fitzgerald described

“systemic problems of governance, management and communication”. The Taoiseach reassured Members last November that what had happened in the midlands was not a systems failure. However, the HSE is a failure of the Minister’s creation. She herself noted at the joint committee meeting last week that some of the systems were transferred from the health boards. Whose fault was that? Who set up the system with practically everyone still in the same job, albeit perhaps with a slightly different title? No patient-centred system looks for cohorts or would leave concerned women to gather in a relatively public place for tests because it was waiting for a cohort.

The Minister has learned very little. As for change, while I will reserve judgement, I remain sceptical. The Government motion supports the actions being taken but Members do not know how they will work. Last week’s big idea appears to have been to appoint one person to oversee crises management. What about averting crises in the first place? Is that not what should demand the most attention?

The Minister has noted that this issue would never have come to light were it not for the courage of the director of nursing whom I also commend. However, this constitutes a huge admission of the shortcomings of the system. Were it not for one person, staff still would be filling incident reports, writing letters, begging for proper equipment and women
4 o’clock would be getting sicker, possibly without being aware of the cancer growing inside them. As it is clear the Minister will not leave office, she should, at least, honestly re-examine the HSE, talk to staff on the ground and accept there is no one in charge and that people do not know their role or to whom they are accountable. Until this changes, patients will never be put first.

I have to hand a letter from one of the women who was recalled for a test and received another e-mail today. The women in question still have not been written to by the HSE to be given the all-clear. While they were given the all-clear on ringing the helpline, four months later some women still have received nothing in writing, which is unacceptable.

Deputy Martin Mansergh: I wish to share time with Deputy Finian McGrath.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Martin Mansergh: I wish to deal with the substance of the issue first and the politics afterwards. Nowhere is the delay in receiving the correct diagnosis and treatment more critical than in the field of cancer, one of the main killers. Overall, the survival rate over five years, according to the National Cancer Forum in 2006, has been 50% or somewhat less, although female breast cancer patient survivors are nearer to 75%. The subject inevitably is a cause of acute anxiety for those affected and their near relatives. Any suggestion of an unreliable diagnosis only adds to the trauma. All Members feel deeply for the women who were let down by wrong diagnoses at Portlaoise General Hospital.

The public health service must be capable, as one of its highest priorities, of providing within a short period a prompt accurate diagnosis and treatment without regard to the health care status of the patient.

From what I have heard, public policy is intent on achieving that and the roll-out of BreastCheck and other cancer services is evolving. A related issue is the uniform availability and accessibility of the best diagnostic and treatment facilities so that survival rates do not depend on the part of the country in which one lives. The rationale of centres of excellence is to provide a uniform level of service. Account has to be taken of the need to spare sick people unnecessarily long weekly journeys for treatment where it can be provided closer to home. This

[Deputy Martin Mansergh.]

issue arose in respect of the provision of radiography for the south-east region in Waterford but has since been largely resolved.

I have some sympathy for those who live in the north west. I was present in Sligo when a bereaved former Minister for Finance spoke at his wife's funeral to urge that excellent facilities in Sligo Regional Hospital be retained and I have read similar pleas in the newspapers. All the regions which are well removed from Dublin need to look after each other. The principle of centralisation should be balanced by the principle of subsidiarity, which means that a service or treatment should be provided locally when it can be done so equally well.

Cancer services, which are literally a matter of life and death, cannot be allowed to operate on a *de facto* two-tier basis, whereby survival depends on whether one is a private or public patient. The establishment of an acceptable standard which gives public patients an equal chance is the litmus test of the viability of our current dualistic health service model.

Many people admire the Minister for Health and Children, Deputy Harney, for taking on an enormous task, one of the most challenging in Government at present. The HSE has more than its share of teething problems and the jury is still out as to whether it can successfully bring about the necessary transformation in our health services. Problems in communication and a top heavy bureaucracy should not obscure the fact that much excellent work is being done in our hospitals. There are horror stories but there are also a large number of people who are very happy with the care that they or their loved ones have received. Many of us in our personal sphere encounter more good experiences than bad, although as politicians we get to hear of both.

There has been considerable discussion in the Dáil and the media about responsibility and accountability, which often translates crudely into a demand for resignations when anything at a systemic level goes seriously wrong or, as newspapers tend so charmingly to put it, that heads should roll at political, bureaucratic or medical levels. Significantly, the metaphor of "heads rolling" is taken from the reign of terror in the French Revolution, which may have provided an all-time peak of excitement for contemporary newspapers like *L'Ami du Peuple* but does not provide a model of good governance. Perpetual political instability characterised by summary populist judgments which abruptly terminate the careers of even the most worthy seems to be the type of responsibility and accountability that some would wish to see established here, but that trend must be resisted. Public servants are right not to tolerate scapegoating for political failures. Like cream, credit for success rises to the top but it is amazing how far down responsibility can reach when something goes wrong.

The Labour Party leader, Deputy Gilmore, is fond of quoting President Truman's phrase, "the buck stops here". How many US Presidents have resigned since George Washington's inauguration in Federal Hall, New York, in 1789? I believe there was only one, President Nixon, for a grave abuse of office rather than any policy failure. Responsibility and what "the buck stops here" mean are standing one's ground, acknowledging and addressing failures, coping with unexpected crises and devising better systems and plans. That is what the Minister, Deputy Harney, and the Government have been doing. They have not thrown in the towel at the constant howls for resignation. The Government is not a private company or a football team. It is a democratic institution governed by rules clearly set down in our Constitution. Article 28.4.1° of the Constitution states: "the Government shall be responsible to Dáil Éireann" and Article 28.4.2° states: "The Government shall... act as a collective authority, and shall be collectively responsible for the Departments of State administered by the members of the Government". It refers to collective rather than individual responsibility. Strictly speaking, motions of no confidence in individual members of the Government, of which two are on the

order paper, are not constitutionally correct. The Government as a whole is responsible for the administration of health and every other policy area.

Deputy Jan O'Sullivan: Is the Deputy suggesting the entire Government should resign?

Deputy Martin Mansergh: Governments submit themselves to the people every five years, when they can be dismissed, but this Government has been returned for a third time in a new and enlarged configuration and while it retains the confidence of a majority in Dáil Éireann it will remain in office. It will not allow individual Government members to be targeted and taken out by an aggressive Opposition or elements of the media.

The reform and improvement of our health service is as difficult a task as it is elsewhere, and setbacks are likely to be encountered along the way. The Minister has the support of this side of the House in her perseverance, particularly as there is seldom any critical acknowledgement of long-term progress or the many daily unsung achievements.

Deputy Finian McGrath: I am grateful for the opportunity to speak on this debate on cancer services. Everyone, whether speech therapist, social worker, HSE manager, porter, nurse, doctor or politician, has a role to play and a civic responsibility to work to the best international standards. I do not go along with people who refuse to accept responsibility. We need to accept that major mistakes were made if we are to end this problem.

I welcome the publication of the reports on events pertaining to breast cancer services at the Midlands Regional Hospital in Portlaoise. I strongly support the goal of the national cancer control programme of ensuring equitable access to high quality services for patients throughout the country. Every Member of this House should support Professor Keane in his efforts to radically reform our health service in the interest of patients. We have a duty to put patients first, so there should be no fudging on this important issue. I commend Professor Keane for showing courage, leadership and vision on cancer services.

Deputy Kathleen Lynch: It is a bit early for that.

Deputy Finian McGrath: We should take the tough decisions on the so-called issue of special centres and reflect once again on best practice for all our patients. In regard to the issue of funding for cancer services, I commend the Minister on her efforts during the budget negotiations to secure €35 million for cancer services, despite the downturn in the economy. Beaumont Hospital has been selected as one of these specialist centres, which I welcome. The team at that hospital is looking forward to developing services on the north side of Dublin for people throughout the country. It is a step in the right direction.

The population of the Republic of Ireland has increased by nearly 325,000 in the four year period 2002-06. Having only recently passed the 4 million mark, the population is set to increase to 5 million within the next 15 years and 5.8 million by 2036. With an average age of 35.6 years, Ireland has a relatively youthful age structure. However, this is set to change. Those aged 65 and over will account for 20% of the population, or 1.14 million people, by 2036. The number of people aged 80 or over will treble from the 2001 level of 98,000 to 320,000 by the same year. These changes will have significant implications for public spending and health care expenditure in particular because the elderly typically require two to five times the resources of those aged under 65. The life expectancy of those over the age of 65 has improved significantly in recent years, although it remains low in comparison with our western European neighbours. Diseases which continue to be the principal causes of death include cancer.

[Deputy Finian McGrath.]

I welcome this debate but it is up to every Deputy to progress reform of the health service. I warmly welcome the 64 rehabilitation beds being developed at the Incorporated Orthopaedic Hospital of Ireland, Clontarf, which will open in mid 2009.

Deputy Kathleen Lynch: I wish to share time with Deputy Ó Caoláin.

Acting Chairman (Deputy Seamus Kirk): Is that agreed? Agreed.

Deputy Kathleen Lynch: That last announcement by Deputy Finian McGrath was in paragraph five of his agreement with the Taoiseach.

Deputy Finian McGrath: That is correct.

Deputy Kathleen Lynch: While I do not speak for everyone, virtually every Member of the House understands that centres of excellence are the way to go — it is a “no-brainer”. That is where people will have the best outcome and the best prognosis and where multidisciplinary teams will be found. This is the message we have heard from the Minister for Health and Children for the past year. Everyone agreed with this before they got around to examining the nitty gritty with regard to the centres of excellence. I am not just supporting this policy because there is a centre of excellence in Cork but because I believe it is the way to go. There were also references to the centres at Limerick and St. Vincent’s Hospital. However, for a centre to be excellent, it must be resourced to the maximum extent. This is not happening, which is very worrying.

I put down several questions with regard to two obstetric theatres that are still not open in the new Cork University Maternity Hospital. It has a magnificent building and it is incredible to read of the services it is intended to provide there. However, it cannot provide the services because it does not have the facilities or staff to give the level of care we expect for our citizens.

I listened to Deputy Mansergh earlier — I have listened to him often in the past 12 months. All I can say is that it is clear the benefits of a classical education are very good for writing speeches but not very good for finding solutions. He comes here and quotes from every revolution he can think of from centuries ago. He does not talk about what is happening today or the solutions needed but instead tells us about the great classical battles. Thank God for him. He is a bit of entertainment, if nothing else.

There is familiarity about the debate on cancer services in Ireland. That familiarity relates to a Minister, who, when asked about an issue, replied: “I never heard of it. I never got to know about it.” When the Minister, Deputy Martin, vacated the chair now taken by the current Minister for Health and Children, we thought this was gone by the board. There was the nursing home scandal where the then Minister, Deputy Martin, never read the file. There is the issue of Professor Peter Naughton’s letter which was sent in November 2002 and which Deputy Martin now admits he saw although he does not know where it is and cannot remember if he read it. It is mind-blowing. This is typical of an institution where everybody has a particular job to do but nobody knows to whom they are supposed to report or what is their specific area of expertise, and, therefore, no-one is responsible.

At the end of the day, someone must be responsible. We cannot continue to have meetings of the Oireachtas Committee on Health and Children where the Minister tells us “That never happened. We do not have that letter”, only for it to be suddenly produced. We cannot have a Minister for Health and Children who tells the committee meetings that no other women are being called back because of misdiagnosis only for us to find there are 97 such women. This cannot continue and it is our duty to ensure it does not happen again. To continue to operate

a health service at this level is not good enough. We need to begin to build up confidence in the health service among the population.

Deputy Finian McGrath referred to congratulating Professor Keane. He sounds fantastic and if he does what he intends to do, it will be great. However, it is a bit early to know whether he will get the resources necessary to give us the type of cancer care he managed to deliver in Canada. Will he get those resources? That is the big question.

In five years, will we talk about a machine that should have been replaced ten years ago? Will we once again blame the equipment? Whose job was it to decide the machine did not work properly and should be replaced? It was not the job of the radiologist. I am a great believer in delegating responsibility and having a clear chain of command. In five years, will we say a piece of machinery is obsolete and should have been replaced?

Warren Buffett, reputed to be the wealthiest man in the world, applies his philosophy to all businesses across the board. When commenting on the woes of financial institutions, he once said: "You only learn who has been swimming naked when the tide goes out". The tide has gone out on this issue.

Deputy Caoimhghín Ó Caoláin: Ba mhaith liom mo bhuíochas a gabháil don Teachta Uí Loingsigh. Ar son Teachtaí Shinn Féin, ba mhaith liom tacú leis na leasuithe ó Pháirtí an Lucht Oibre agus ó Fhine Gael agus cur i gcoinne rún an Rialtais. The Minister, Deputy Harney, in her initial response to the Fitzgerald report stated that she had asked the board of the HSE whether lessons arising from these systemic failures have wider implications across the HSE. It is patently obvious that they do and that this scandal, as well as the ongoing critical situation throughout our health service, raises fundamental questions about Government health policy and HSE management.

The Fitzgerald report highlights the weakness of management and governance in the process of review following the exposure of the misdiagnosis of women in the midlands. It states that "the needs of the patients potentially affected receded" and refers to the "systemic weaknesses of governance, management, and communication for dealing with critical situations". This is a very damning admission. The Minister's commitment that this will not happen again, as I said to her directly in the Joint Committee on Health and Children just the other day, cannot be taken seriously in the light of her failure to address the scandalous waiting times of up to 18 months for vital cancer tests such as colonoscopy, as exposed last week. In the case of the late Susie Long, such a delay proved fatal. All too sadly, we do not know how many more Susie Longs there have been or will be.

People throughout the country were appalled at the plight of the women who were given the all-clear after breast cancer screening in the Midland Regional Hospital in Portlaoise but who were later diagnosed with cancer. These reports show that the HSE cannot shrink the responsibility for this situation. The HSE is directly responsible for public hospital services and it has a duty to ensure that proper standards are maintained.

It was disgraceful for HSE chief executive, Professor Brendan Drumm, to try to shift the blame for this situation on to the people of Portlaoise and the midlands because, like people in other regions, they opposed any threatened downgrading and loss of services at their hospital. He did not apologise for that. We now have a situation where the Minister and the HSE are using public fear in the wake of the midlands scandal to drive forward their policy to centralise all cancer services in eight centres. We in Sinn Féin argued that eight centres is too few and that large swathes of our population will be ill-served by such a configuration. We are far from alone in this but there is now a climate of fear and people are reluctant to make this argument. For our part, we will continue to do so.

[Deputy Caoimhghín Ó Caoláin.]

The loss of mammography services in local hospitals, such as Cavan General Hospital in my constituency, has been worrying for many women and their families in those counties. It represents yet another loss of a hospital service in the north east region. There is real and justifiable concern now that local services are being taken away without the full cancer treatment services being available and accessible at these promised centres of excellence. No such centres are planned north of a line from Dublin to Galway so the north east region falls into a black hole once again, with people from as far away as west Cavan and north Monaghan having to travel to Dublin for treatment.

Sinn Féin supports the development of centres of excellence for cancer care. Let people make no mistake about it. A revised plan for such cancer care centres must ensure all regions are covered, that cancer patients do not have to travel long distances for vital treatment and that existing cancer services in local hospitals are fully resourced and of a high standard. The removal of such services on the promise of as yet undelivered centres of excellence is not acceptable.

The HSE under the Minister, Deputy Harney, and the CEO, Professor Drumm, has become, frankly, a quango from hell. There is no other way to describe it. It is a totally unaccountable bureaucracy and an inefficient management established by this discredited Government to implement its grossly inequitable health policy. Major changes are required.

Deputy John Moloney: I wish to share time with Deputy Byrne.

Acting Chairman: Is that agreed? Agreed. Can we expect it to be an equal share?

Deputy John Moloney: It may be a little unequal.

Acting Chairman: In favour of——

Deputy John Moloney: Me.

Acting Chairman: ——Deputy Moloney.

Deputy John Moloney: Possibly. I appreciate being allowed to contribute to this debate. Coming from County Laois I am close to the issue we have been debating for the past few hours. I extend my good wishes to the nine women involved, their families and also the numerous women who were called back to the hospital for a re-check and their families. I add a word of encouragement to the staff in Portlaoise hospital who clearly have been equally traumatised by the exposure of the hospital and its facilities.

I acknowledge the Minister's immediate acceptance of responsibility, for which I thank her. I have every confidence in her, regardless of what has been said in the House in this and previous debates. I also acknowledge Professor Drumm's apology which I hope will go a little further. I also hope that in the short term the recommendations of the John Fitzgerald report will be acted upon as quickly as possible by the HSE; otherwise, it will be virtually impossible to restore confidence in the service and, in particular, the HSE. The quicker the HSE comes to grip with the recommendations the better for all health services throughout the region.

The most important finding in the report concerns the need to have central locations. Some are opposed to the term "centres of excellence" but whatever we call them, that is the way forward. I support the notion of centres with triple assessment, the most modern and high-tech equipment and, more importantly, committed, skilled medical experts who meet numerous patients and upskill. This is in contrast to what we have seen where we had something like 30

centres dealing with fewer than 20 new cases per annum. That is a positive move which has come from all of this.

Since the debate began on hospital services in the midlands I have not been to the forefront on the issue in public as, having supported the selection of Tullamore over my own county hospital in Portlaoise in the 1990s, people took offence to my utterings on any issue because they considered that, first, I had let down my own county and, second, I was not with the people of County Laois. Nothing could be further from the truth but it took a long time for people to sit back and think about the implications.

It is a tragedy that Opposition Deputies should try to target the Minister on the issue of Portlaoise General Hospital. I was delighted and surprised to hear Deputy Shatter say what I was going to say, namely, that if in 1999 the Deputies and health board members in County Laois had taken the advice of the National Cancer Forum, independently advised by Professor James Fennelly, this debacle would not be happening in Portlaoise today and, in fact, we would not even be debating this issue.

When the hospital in Tullamore was selected as the lead centre, a row erupted in County Laois and I remember leading a delegation to the Department of Health and Children. We asked for Professor Fennelly to attend that meeting, with the then Minister, Deputy Cowen, to explain why the hospital in Tullamore had been selected. We were told that, first, it was located in the centre of the region; second, that we could have all of the services located there required for cancer treatment and, third, that finance had been committed. I changed my mind at that meeting and said on my return to County Laois that I was opting for the hospital in Tullamore rather than the one in Portlaoise. We lost valuable time through people attacking the position of members of the Laois group in the health board who at the time saw the sense in having one centre in the region long before Professor Tom Keane saw it. If we had followed that strategy, no blame would attach to anybody because we would have done the right thing.

During the course of the debate reference was made to the fact that the Minister was not responsible for the machine and that a letter had been lost. That is no more than a convenient argument. We can go back and discuss the real issue. Deputy Flanagan was to the fore at the time in challenging the decision in the High Court. I have listened to all of this for years. I heard it said that because Deputy Cowen was a friend of mine he told me the centre must be located in Tullamore. The reality is that for the three years of debate I supported and still support the position of the then Minister, Deputy Noonan, who was the one who selected the hospital in Tullamore. If it had been selected and Government policy had been adhered to, we would not be having this debate today. I do not see why the Minister should be the target.

It is worth noting what the judge said in his summing up. I would have welcomed it if people accepted the judge's recommendations and advice but instead we were made out to be the ones who had let the county down. We should remember that the argument was that it was a political decision to locate the services in Tullamore because Deputy Cowen lived there. On 10 May 1990 Mr. Justice Kearns indicated that the September decision of the board to locate the chemotherapy services in Tullamore was not a capricious *volte-face* carried out for no apparent reason or motive, of which we were accused, nor was it made for purely political reasons, of which we were also accused, but instead was soundly founded on a number of expert reports to which I continued to refer throughout 1999 and 2000. Even then——

Deputy Charles Flanagan: Two years later the Minister, Deputy Martin, said the opposite.

Deputy John Moloney: He was not in the frame at that stage.

Deputy Charles Flanagan: He said the opposite.

Deputy John Moloney: I will deal with that in one minute.

Acting Chairman: We are eroding the time available to Deputy Byrne.

Deputy John Moloney: I will not be much longer. The present Minister would not be a target today if we had followed Government policy, as outlined by the then Minister, Deputy Noonan.

Deputy Charles Flanagan: But it was designated by Deputy Martin when Minister.

Deputy John Moloney: I have only four minutes.

Deputy James Reilly: We are in this position because of the decision made by him.

Acting Chairman: Deputies, please, there is limited time available.

Deputy John Moloney: Notwithstanding the finding of the court, we had to wait two further years. Were it not for the political motivation of Opposition members of the health board this sad debacle would not have occurred. I have one piece of advice to impart. I hope Professor Tom Keane does not meet the same level of opposition as he tries to set up the centres in question. I call on medical experts to try to support him and urge politicians to give the necessary lead to prevent a recurrence of what happened in Portlaoise.

Deputy Thomas Byrne: I am pleased to hear Deputy Moloney's words.

Deputy Charles Flanagan: That is the first time the Opposition has exercised more power than the Government.

Deputy John Moloney: The Deputy's party was in government for the——

Acting Chairman: Deputy Flanagan, please.

Deputy John Moloney: Its Minister made the decision.

Deputy Thomas Byrne: The Opposition in counties Louth and Meath is trying to make the same mistakes again. I pray that we do not repeat the mistakes made in Portlaoise.

Deputy Charles Flanagan: That is spin. I know where it is coming from, too.

Deputy John Moloney: No, it is not.

Deputy Charles Flanagan: That happened in 1999, two years before the matter was decided.

Acting Chairman: Deputy Flanagan, please.

Deputy Thomas Byrne: Too many people in County Meath and County Louth are dying of cancer. I fully support the national strategy. There has been much talk about the Dóchas centre in Our Lady of Lourdes Hospital, Drogheda which has provided a great service for people in counties Meath and Louth since it was founded. Many patients publicly and privately attest to the hard work and dedication of the staff concerned and the centre will continue to operate services. It will not close, as has been reported. However, what is regarded as a better service for patients for diagnosis and surgery will be available at Beaumont Hospital. Our Lady of Lourdes Hospital, Drogheda will continue to provide chemotherapy and palliative care for patients.

I would dearly love to see a centre of excellence located in Drogheda or Navan but if an insufficient number of operations are being carried out and an insufficient number of

patients are being seen, who are we as politicians to tell the experts and the cancer societies that they are wrong? That is what the Labour Party and Fine Gael are doing locally. We cannot put votes ahead of lives.

Deputy Fergus O'Dowd: That is absolute rubbish.

Deputy Jan O'Sullivan: We are not.

Deputy Thomas Byrne: Lives are too precious. I, for one, will not campaign for what might seem——

Deputy Olivia Mitchell: That is nonsense.

Deputy James Reilly: Balderdash.

Deputy Thomas Byrne: I have been accused of selling out the town of Drogheda.

Deputy Fergus O'Dowd: I will not get five minutes to refer to the shameful and disgraceful running down of cancer services in Our Lady of Lourdes Hospital.

Acting Chairman: Deputy, please.

Deputy Thomas Byrne: I will not have it on my conscience that my constituents are not getting the best possible cancer care.

Deputy Fergus O'Dowd: A total of €600,000 that was meant for cancer services was provided to balance——

Acting Chairman: Please, Deputy O'Dowd.

Deputy Thomas Byrne: No way. They want the best and are entitled to it.

Deputy Charles Flanagan: We now know that the Opposition has more power than the Government.

Deputy Thomas Byrne: Many of them who are worried sick about a cancer diagnosis are already going to Beaumont Hospital.

Deputy Fergus O'Dowd: We should have more time to talk on this issue.

Deputy Thomas Byrne: Labour Party representatives will be on local radio tomorrow accusing me of selling out the town of Drogheda. County Meath has one of the highest death rates, from lung cancer, lymphoma, melanoma, oesophageal cancer, prostate cancer and stomach cancer. How can anyone seriously campaign to retain the *status quo*?

Deputy Fergus O'Dowd: Deputy Thomas Byrne is campaigning to retain the *status quo*.

Deputy Thomas Byrne: This strategy must be implemented and resourced, as the Labour Party said, as soon as possible. We might do slightly better in County Meath with breast cancer, probably BreastCheck, and the Dóchas centre has been doing much work. Still too many people are dying. Let us get this up and running, resource it and let Professor Keane get on with his job and stop people dying.

Deputy Fergus O'Dowd: Let us have the truth.

Acting Chairman: The Deputy without interruption please.

Deputy Olivia Mitchell: He is telling lies.

Deputy Fergus O'Dowd: I would also like to speak. As an elected Member of this House I would like to respond to that. May I ask a question?

Acting Chairman: That concludes the contributions. We are moving to the session which will allow Members to put questions to the Minister for Health and Children. I call Deputy Ó Caoláin.

Deputy Olivia Mitchell: Hold on.

Deputy Fergus O'Dowd: On a point of order, this man has already spoken. I want to get back to this issue.

Acting Chairman: He is to ask a question. We will allow him.

Deputy Olivia Mitchell: We have lost an entire slot because ten minutes extra were allowed to Fianna Fáil.

Acting Chairman: I have no control over the order. The order was made that we begin questions at 4.30 p.m. and I am implementing that.

Deputy Olivia Mitchell: Fianna Fáil was not entitled to those ten minutes and it has enough platforms to make its points.

Acting Chairman: We will allow the Deputy. Ar aghaidh leis.

Deputy Olivia Mitchell: It is out of order to go back to somebody who has already asked——

Acting Chairman: From previous experience we have a difficulty where Members turn it into Second Stage contributions. Could Members make their questions as short and succinct as possible and we will try to get as many people as possible in?

Deputy James Reilly: Tá triúir anseo nach raibh seans acu labhairt agus tá beirt tar éis labhairt cheana féin. Ba cheart go mbeadh na daoine seo in ann labhairt.

Deputy Olivia Mitchell: Deputy Ó Caoláin is incapable of a short question.

Deputy Caoimhghín Ó Caoláin: Question time is open to us all and I do not want to preclude anybody from speaking. I will make my question short. I indicated and was called. There is no other agenda. The other Members could have all indicated before me for all I knew.

Deputy Olivia Mitchell: We did.

Deputy Caoimhghín Ó Caoláin: As I said, the Fitzgerald report talks about systemic weaknesses of Government management etc. It was reported yesterday that in light of this scandal the Minister and the Department have been considering the role and remit of the HSE. Is that correct and how does the Minister respond to that report? Does the Minister agree with the senior official of her Department who is quoted as saying the HSE is a ship “perilously close to the rocks”? Has she confirmed that this statement was made from within her Department and what is her response to it? Does she agree with the view, which I do, that the HSE is perilously close to the rocks? The HSE is this Minister’s and Government’s creation and she has stated time and again that she has asked the board of the HSE whether lessons arising from these systemic failures have wider implications. If there is to be an audit of the HSE,

what form will it take and when will it report the result to the Minister and the Houses of the Oireachtas?

As a Deputy from the north east, while the Minister drives forward with her eight centres, what does she suggest the people in south and west Ulster, the north-east and north-west regions do? These people who live in the vast swathes of the country north of a line from Dublin to Galway will not be served by these fledgling centres of excellence for cancer.

Acting Chairman: Could we group a number of questions?

Deputy Caoimhghín Ó Caoláin: I have no issue with that as long as the Minister replies.

Deputy Deirdre Clune: When the HSE was established three years ago in 2004 the Minister said we would have clear accountability for our health services. Following last week's publication of the Fitzgerald report, clearly we do not. Two issues surround Portlaoise. One is the misdiagnosis. I listened to today's debate. I do not accept the fact that we looked for qualified staff to operate the services in Portlaoise and nobody replied to the advertisement. I find that statement difficult to take and it will sit very uncomfortably with the misdiagnosed women. The other issue is what happened once it was recognised that misdiagnosis had taken place. In August 2007 a review was put in place and last week Mr. Fitzgerald said there appeared to be no urgency about that review until the meeting with the Oireachtas health committee. I do not want to erase what has happened. What protocols will be put in place should such a situation arise again? We hear talk about centres of excellence and I can accept them. What protocols will we put in place should such a situation arise again? That critical issue must be addressed. We do not want people scattering off in all directions with no clear idea of their roles and to whom they should report. It is Portlaoise today; I hope it will not happen somewhere else tomorrow. Given the dysfunctional HSE described by Mr. Fitzgerald we can have little confidence that such a situation will not arise again.

Deputy Olivia Mitchell: The Minister and members of the Government, including the Taoiseach, maintain the Fitzgerald report makes the case for centres of excellence. Nobody in this House ever suggested there is not a compelling case for centres of excellence. Would the Minister accept this case is not made by Mr. Fitzgerald, who is not given to hyperbole? He makes the case for reform throughout the system. He says the opposite, that he does not want to blame the inaction of individuals in Portlaoise but the systemic problems of Government's management of communication. He was reporting on his examination not just of what went on in the hospital but at regional, national and departmental level, right into the Minister's office. The problem is systemic. If we respond with a protocol to deal only with critical incidents we deal merely with one aspect of the problem, whereas the problem is endemic throughout the system. What happened in Portlaoise is merely a microcosm of what is happening every day through the HSE and Department. If the Minister accepts that, what will she do about it? Does she accept she is the only person who can do something about it? The health system is vital to every person and she must do something about it. How many reports do we need to show there is something fundamentally flawed about the HSE?

Deputy Mary Harney: To answer Deputy Ó Caoláin's question, there is no plan or discussion about changing the structure of the HSE. I do not go around my Department and ask every official whether they spoke to a journalist. I have the height of regard for the journalist in question, Dr. Muiris Houston. There is no plan at management or political level to return to the old health board system with 273 people in charge of a health delivery system for 4.3 million people. In advance of establishing the HSE we had many reports and examined what happened

[Deputy Mary Harney.]

in many countries. Other countries are following us in having a unified system. Only through a unified system can one have consistency of standards, drive quality and have specialist centres.

Of course there are management issues. Contrary to what was said, the O'Doherty report was requested long before the issue arose at the Oireachtas committee in mid-November. On my behalf, my Secretary General asked the CEO to report to us on why the service was suspended in Portlaoise on 28 August and the circumstances that led to that. That was the O'Doherty report, which covered the configuration of services and many matters. Subsequent to the events of 21 November I asked the chairman of the board to examine the HSE's handling of the issue from a management perspective.

There was clinical misdiagnosis. The only way we will minimise error making is by having teams of specialists working in big centres with large volumes of patients. We know that not just from Ireland but around the world, particularly in breast cancer. Some 250 different medical publications back up that fact. Last spring for the first time we introduced symptomatic breast health service standards. The first requirement of this is that there should be 150 in a centre, and that has all the consequences we know for smaller places.

There is no cancer centre in the north east. Half of all surgical patients and 30% of medical patients from the north east come to Dublin hospitals, as I have told Deputy Ó Caoláin before. I strongly believe patients will go where they will get quality service. Patients who are very ill, particularly with cancer, are prepared to go to the specialist centre for diagnosis and surgery. We clearly need to make financial and transport facilities available to many. They will go there. That is what patient advocacy organisations say to me.

I have written to the board of the HSE as a result of the Fitzgerald report. The first thing to do with accountability is to find out what happened. The second thing we need to do is to learn lessons and having done that, we need to make the changes. I have discussed these issues with the chairman of the board, which will meet tomorrow. It is a high priority for the board to learn the lessons from the Fitzgerald report, not just in how they apply to Portlaoise, but in how they apply to governance, communications and management.

The guarantee I give to patients is that if there is another serious incident, communication and management will be appropriate and it will be acted upon quickly. Many people know Ms Margaret Murphy, including Deputy Clune. She was one of the first patient representatives I met when I became Minister for Health and Children. I met her at a conference in the UK. She told me that her son died as a result of medical error in a hospital in Cork and that she had to litigate to get the facts. She did not want money and when she got the award, she donated it to charity. She had to go through the trauma of litigation to find out what happened. That era is over and people will no longer have to litigate. We now have HIQUA, which is about setting and monitoring standards and carrying out investigations. The Rebecca O'Malley report is imminent, as is the report on the pathologist in Galway and Cork and the report on Barrington's Hospital. I have no doubt these reports will not make pleasant reading, but it is much better to find out warts and all what is happening and to do something about it, than to sweep it under the carpet and oblige other families to litigate.

I agree with Deputy Mitchell that Mr. John Fitzgerald does not deal with the clinical issues. He deals with management communication issues and I knew him when he was manager of South Dublin County Council. He has great credibility as far as management is concerned, especially management of public sector organisations. He identified serious failings and we must learn the lessons from his report quickly. I accept that many of the criticisms of the HSE are valid, because it is a new organisation and is the largest in the country with 130,000 people. There will be teething problems and many of the jobs at the top are not yet filled. I want to

see that done as quickly as possible so that we have a clear line of management and clear lines of accountability. I still think everybody here admires the vision, the determination and the courage of Professor Drumm. Many of his clinical critics did not apply for the job, as not that many doctors were queuing up to be CEO of the HSE.

Deputy Clune asked about doctors filling positions. A radiologist was appointed in the summer of 2004 to Portlaoise and another was appointed in the autumn of 2005. A recruitment campaign began for a third radiologist and a successful candidate was identified, but that candidate withdrew after a couple of months. The HSE advertised again but no successful candidate could be identified. These are the facts and that is what happened to radiology in Portlaoise.

Deputy Jan O’Sullivan: Will the Minister do anything to reform the HSE to ensure there are clear lines of command and that people know who is responsible? That is the basic problem in the HSE. Will she slim down the senior management structures?

Does the Minister have a system of dealing with letters that come from professionals who indicate concerns? She mentioned that it was a nurse who indicated the problems that existed in Our Lady of Lourdes Hospital in Drogheda. A nurse manager brought attention to the problems in Portlaoise. Dr. Naughton’s letter to the Minister and her predecessor did not get any response at all. If people see a serious problem in their place of work in the HSE, will there be an appropriate and specific response? Did Dr. Naughton get a reply to his letter from either the Minister or the then Minister, Deputy Martin?

A number of us referred to the questions raised by Europa Donna. Has the Minister put in place a system of assessing the gaps in the services in those designated centres? In many parts of the country, especially in Waterford, Cork and Limerick, the services are not up to the standard required. Is there a specific plan and timetable to provide the necessary resources so that we can have an even service throughout the country?

The Doherty report to which the Minister referred shows a level of incompetence in the management of services in the midlands. Did these managers get bonuses over the period of time highlighted in these reports? Has anyone been called to account for their various responsibilities? Is nobody responsible?

Deputy James Reilly: Does the Minister accept Mr. Fitzgerald’s report? A simple “yes” or “no” will do.

Deputy Mary Harney: I will answer when I have the opportunity.

Deputy James Reilly: A simple nod would do. If she accepts his report, does she accept that his contention that if the urgency shown after 22 November was shown before that date, then much of the hardship inflicted on patients would have been avoided? Surely this criticism about a lack of urgency also applies to the Minister. Does she believe she did everything she could after August and before 22 November, and therefore has no culpability in the matter?

The Minister has a great knowledge of the private sector. Does she find it reasonable that a report showing such deficits in communication and management can find nobody responsible? If this was a private company, what would her shareholders say? A leading businessman gave us an answer during the week. Is the Minister still impressed with the HSE, as she told the health committee?

Deputy Ó Caoláin referred to an article in yesterday’s edition of *The Irish Times*, which obviously the Minister thinks is incorrect. It stated that the Department of Health and Children held high level discussions about the future of the HSE prior to the publication of these reports in the Portlaoise breast cancer debacle. It went on to state that consideration was given to a

[Deputy James Reilly.]

radical restructuring of the struggling national health authority that would have involved at least a partial return to the regionalisation of health services in the State. That does not mean a return to the health boards.

Where are all the other reports to which the Minister alluded? When will we get them? Will we get a truly independent investigation into Mr. Peter Naughton's letter and how it is not on the Department's files? The Minister alluded this morning to electronic receipts and so on, but that does not answer the question as to how the letter sent is not on the file. The computer shows that it did not appear on the file, but it does not tell us how that happened. We need to know that as our democracy demands it. Will there be a proper independent investigation into all matters relating to the Portlaoise debacle and the manner in which women were affected? It should cover the period from 2000 to 2008 and examine the role of Ministers, the Department of Health and Children, the HSE and the health boards, rather than this little investigation into the period from August to November 2007. The problems stem from a long time before that.

Has the Minister any more to say to the House about her misleading statement to the health committee meeting last week, when she stated that Professor Keane had agreed a new method of referring patients for breast diagnosis with the IGCP? That clearly is not the case and I have checked the facts on this and put them on record. How will the appointment of a protocol manager improve the treatment of patients? People want improvement in treatment. This main plank of the Minister's response seems to focus on how to limit damage to the system, rather than protect and care for the patient. Worryingly, nothing seems to have changed.

Deputy Fergus O'Dowd: Is the Minister aware that in the Our Lady of Lourdes Hospital, Drogheda, on 26 June 2007, a clinical nurse manager wrote the following?

The Oncology service has expanded at a dramatic rate There are no dedicated allied health professionals attached to the service. This ultimately means that nurses provide all care for the patients with a Consultant overseeing medical aspects of care. This is intolerable, particularly when we have a large number of young patients with advanced stage of disease. These patients have complex care requirements and we are failing to meet these needs. There is a need for a dedicated dietician, medical oncology social worker, psycho-oncologist, pharmacist, physiotherapist and occupational therapist.

Is the Minister aware that on 9 May 2007, during the general election campaign, Professor Des Carney had to write a letter stating that the medical oncology unit had "no option but to limit the amount of chemotherapy" administered to patients on the grounds that it did not have adequate or proper nursing staff and proposing to reduce the administration of chemotherapy to four days per week?

Is she aware that the key to the problem is her failure to provide adequate funding, which has resulted in budgetary cutbacks, inadequate staff cover, appalling pressure on the health services and the circumstances I have described in Our Lady of Lourdes Hospital?

The Minister and her colleague, Deputy Byrne, who has left the Chamber, referred to the north east. Professor Carney, the chief oncologist in the north-eastern region, submitted a letter of resignation in October 2007, effective from this month, citing lack of support from the Health Service Executive, its refusal to appoint a further oncologist for the region and its decision to proceed with a new arrangement with a different hospital without consulting him.

Is the Minister aware of the appalling, disgraceful situation she has created for cancer patients in the north east? While we all support the concept of clinical centres of excellence, the Minister refused to provide proper and adequate funding to existing centres of excellence in which men and women work so hard. The HSE, a disgraceful, shameful mess, refused to communicate

with the lead consultants in Our Lady of Lourdes Hospital. One of these consultants wrote to the Minister pointing out that the hospital was unsafe due to underfunding.

Deputy Mary Harney: Deputy O'Sullivan asked a number of questions. I understand the system for dealing with letters in my office has been in place for a considerable number of years and long preceded my arrival and that of my three or four immediate predecessors. Letters addressed personally to the Minister go to the Minister's office. As I indicated to the joint committee last week, the Department receives approximately 1,000 letters per week. This is a considerable level of correspondence and, I suspect, in excess of that received in any other Department. Many of these letters are from clinicians, patients, patient representatives, Deputies and public representatives. When letters addressed to the Minister arrive in the Minister's private office they are recorded electronically and copied. A copy is then sent to the principal officer in the division responsible for the issue raised in the correspondence, for example, hospitals or community services.

There is no record of the Naughton letter of late April 2002, which was during the general election campaign of that year, having been received at any level in the Department, Minister's office or health board. I am not saying Mr. Naughton did not send the letter but that there is no record of it having been received. As I informed Deputy Reilly, there was a response to the issues raised by Mr. Naughton. In June — two months later — the Midland Health Board applied to the Department for three consultant posts to be assigned to the midlands. In November of that year, the then Minister for Health and Children, Deputy Martin, approved the appointment of three consultants. On the subject matter of Mr. Naughton's letter, of which I and Deputy Reilly saw a copy last week, the issues raised were responded to by the Minister——

Deputy James Reilly: Inadequately, unfortunately.

Deputy Mary Harney: ——on foot of a request from the Midland Health Board in November 2002, subject to conditions such as triple assessment.

On the new procedure in place, letters fall into different categories and, as is the case with referral letters from doctors to hospitals, serious safety issues will arise. As Minister for Health and Children, safety must be a priority for me. This is the reason for many of the measures we have taken, for example, establishing HIQA. Traditionally, the chief medical officer has five deputy medical officers working with him in the Department's medical team. I asked the Secretary General to ensure the medical team is involved in giving a first view of letters in which doctors, patients or others raise safety issues because they are the best people to advise me of the priority that should be given to particular letters. This system has been established and is a new departure for the medical team which until now has not been involved in these types of issues. This initiative is the least we can do on foot of events in Portlaoise.

Deputy Jan O'Sullivan: Is a system in place to ensure appropriate follow-up occurs in serious cases?

Deputy Mary Harney: Yes.

Deputy Jan O'Sullivan: In other words, cases are not passed on to others and the Department ensures action is taken.

Deputy Mary Harney: Yes. I am not aware of having received a letter which did not result in appropriate follow-up. If, however, somebody produces such a letter, I will put up my hands. A computer reminder is issued in the first instance. I also have such an electronic means of

[Deputy Mary Harney.]

issuing reminders in my constituency office. While it is possible issues arise concerning the speed at which we respond from time to time, the issuing of a response is a requirement as far as the Department is concerned.

On the size of Health Service Executive management, the HSE is a large organisation which amalgamated several organisations besides the health boards and Eastern Regional Health Authority. I shared the view expressed by many others at the time that a redundancy programme should have been introduced. However, this approach was not supported politically or by the trade unions.

I repeat what I have said publicly and to Professor Drumm. If people in areas of administration or management are superfluous to requirements and there are shortages elsewhere, we should take a bold and innovative approach and consider introducing a redundancy programme. This is not generally done in the State sector, notwithstanding one or two examples which may not have been successful. Sometimes one loses the people one does not want to lose, which is not the intention. Having made that remark, I or my Department will receive a call or letter from the employee representative organisations.

Clearly, the HSE must be organised appropriately in terms of deployment. This is particularly important in the labour intensive area of health where more staff are always needed in front-line services. Nevertheless, our acute hospitals have one of the highest ratios of staff to beds in the world. The OECD has been studying this issue recently and I will be surprised if it, as an independent body, does not confirm that.

Deputy Emmet Stagg: How long will it take the Government to do something about it?

Deputy Mary Harney: Professor Keane is assessing capacity in the eight centres. This is the area in which he has been allocated a sum of €5.8 million, two thirds of which will go to hospitals outside Dublin. None of the eight centres has the capacity and all of them need more specialists.

The issue is not only one of providing additional money. This year an additional €35 million has been provided. It is also one of redeployment, particularly of clinical expertise at consultant level. For example, I understand Mr. Barry, the breast surgeon in Castlebar, will perform breast surgery in Galway on one day each week.

When Professor Keane was asked to reform the system in British Columbia, he was told by the Prime Minister of that state that he would not receive additional funds. One can imagine the challenge that presented. We are not in that position.

Deputy Jan O'Sullivan: The systems in place in Ireland and British Columbia are very different.

Deputy Mary Harney: Additional resources are available and we need to recruit more consultants. One of the reasons it has taken so long to reach agreement on the consultants' contract is the requirement to have a one-for-all approach to diagnosis and appropriate access for all patients.

Deputy Jan O'Sullivan: Will the Minister take these steps in a specified timeframe?

Deputy Mary Harney: I am not capable or competent to decide whether the appropriate resources are in place in Limerick, Cork, Waterford or elsewhere. Professor Keane has been to all eight places and is carrying out an assessment and making the investment, which has amounted to €5.8 million to date.

On the point raised by Deputy Reilly, I have spoken to Professor Keane. He has had discussions with Dr. Michael Boland on behalf of the college. Dr. Boland is the director of resource development and the person responsible for this. Deputy Reilly should not shake his head. I do not tell lies. I spoke to Professor Keane during the break. He has had——

Deputy James Reilly: A preliminary meeting with one member of the Irish college does not constitute a negotiation or an agreement on referrals. I am sorry but the Minister has misled——

Deputy Mary Harney: I am sorry, Deputy. It is not a question of negotiation. I know the Deputy is a former president of the Irish Medical Organisation but this is about best practice clinically.

Deputy James Reilly: Yes, I agree.

Deputy Mary Harney: We have 2,500 general practitioners and 2,500 breast cancer cases a year. On average, therefore, they deal with one each. There are protocols internationally, well documented in Canada and elsewhere, of how general practitioners refer to surgeons and clinicians.

Deputy James Reilly: There is no agreement, Minister.

Acting Chairman: The Minister, without interruption.

Deputy James Reilly: She told us that.

Deputy Mary Harney: Is the Deputy telling me the Irish College of General Practitioners will not agree to a new protocol?

Deputy James Reilly: I am telling the Minister there is no agreement but the Minister told us there was one.

Deputy Mary Harney: I am sorry, Deputy.

Deputy James Reilly: I am sorry too. The Minister cannot tell it straight.

Acting Chairman: Deputy Reilly, please——

Deputy Mary Harney: The Deputy should withdraw that. He probably wants people to be paid to do the new protocol.

Deputy James Reilly: No.

Deputy Mary Harney: I spoke with the president of the Irish college last Thursday evening. They are hugely enthusiastic for this and will be hugely helpful to general practitioners.

Deputy James Reilly: They have not agreed, Minister.

Acting Chairman: Deputy Reilly, five more people are offering to put questions.

Deputy Mary Harney: It is not a question of agreeing. I have no doubt that the Irish College of General Practitioners, as the professional development body for general practitioners, will not disagree with the implementation of best practice.

Deputy James Reilly: There is no agreed protocol.

Deputy Mary Harney: Professor Keane will attend their annual meeting to meet more of them. The surgical team in the eight centres are involved in this as well, including Professor Hill and others, and it has been implemented very successfully in other countries.

Deputy James Reilly: I hope agreement will be reached but it is not agreed and the Minister should not tell the House it was agreed.

Acting Chairman: Deputy Reilly, please. The Minister, without interruption.

Deputy Mary Harney: Two issues arise concerning protocols. There are clinical issues, which are a matter for clinicians. We have strengthened the Medical Council with a lay majority. We are introducing competence assurance. We have a more appropriate fitness to practice regime. All of these measures, about which there was much criticism, will greatly help because among the issues that arise is when other clinicians have questions about doctors it has been very difficult under the old legislation to protect them when they report. The new legislation provides that protection if they report in good faith. That is long overdue and important.

Regarding protocols, we know internationally, and Deputy Reilly knows as a doctor, that adverse events happen in approximately 10% of cases in those countries where this has been researched. Thankfully, very few of them have fatal consequences but adverse events happen in about 10% of cases in New Zealand, Canada, the United States and the United Kingdom and many countries that have researched this area. Unfortunately, we will have adverse events but what we must do is minimise the capacity for error making by changing the way we organise services.

The protocol will concern the way the Health Service Executive deals with these incidents — when it contacts patients and how it does so. In this case what happened was that on 28 August the HSE made a public announcement in Portlaoise that it had withdrawn the service and that 3,000 mammograms would be reviewed. That was the first time those patients heard about that and from now on we must ensure that the patients hear directly. That may not always be possible. There may be leaks from time to time but where possible there should be a protocol for how this is handled that is consistent across the service and a single person should be responsible to ensure the protocol is implemented.

On the issues concerning Drogheda, I am not briefed——

Deputy James Reilly: With respect, I asked the Minister if she accepted the Fitzgerald report and she has not answered.

Deputy Mary Harney: Of course I do. I told the Deputy earlier I was implementing the findings. I asked for the report because I wanted to find out what was happening. It is my job to make sure it is put right.

Deputy James Reilly: What about the second question I asked the Minister about his contention that had the same urgency been shown before November——

Deputy Mary Harney: Yes. I accept his report. The Deputy attended the press conference. I accept he may not have been present for all of it or perhaps he was not listening. I said then I accepted it.

Deputy James Reilly: I am asking the Minister for the benefit of the record of the House, not for press conferences.

Acting Chairman: Deputy Reilly, we cannot——

Deputy James Reilly: I am entitled to answers, Chairman.

Acting Chairman: Yes, but other people wish to get answers as well.

Deputy Mary Harney: I said it in the committee last week also.

Deputy James Reilly: If the Minister answers the questions concisely and quickly there will not be a problem.

Acting Chairman: Allow the Minister continue without interruption.

Deputy Mary Harney: I told the Deputy in the committee last week that I had asked the HSE——

Deputy James Reilly: Does the Minister believe she did everything she could have done between August and November? That is all I want to know.

Deputy Mary Harney: Regarding the Fitzgerald report, I said in the committee last week and repeat now, as I repeated earlier, that I asked the chairman of the HSE in a letter I sent him and in discussions I have had with him to make sure we act on foot of the findings, not just in regard to the specifics around Portlaoise but to determine its implications for the wider management governance and communications issues. I accept that the patients should have been dealt with directly but my job is to implement policy. The job of my Department is to support the Minister and the Government in the implementation of policy, bring in legislation, appoint the board and hold the board accountable. When problems are identified it is my job to make sure that the board of the HSE implements the changes necessary to minimise errors of this kind in the future, in terms of the way services are organised, and to ensure that when errors or incidents occur, patients are handled in accordance with protocols patients have been involved in drafting. I want to see patient organisations involved, and they are enthusiastically involved.

Deputy James Reilly: Does the Minister believe she did everything she should have done between August and November? That is all I want, a “yes” or “no” answer.

Deputy Mary Harney: I do. Can the Deputy tell me something I should have done? I am here to learn. I went to British Columbia to learn about their cancer service because I had been told by clinical experts here that it was one of the best in the world. I went there and learned a great deal. I met Professor Keane and asked him if he would come and work with us. To be honest, I did not believe at the time he would, given the hugely important job he had in Canada. That is the reason we take these actions. It is to learn and to make matters better, and I do not believe there is any difference among all of us in that regard.

Regarding Deputy O’Dowd’s questions, I do not have details on the specifics in respect of staffing issues in Drogheda. As the Deputy is aware, a microscope has been focused on Drogheda hospital as a result of the Neary case and Maureen Harding-Clarke’s inquiry. She identified the need for additional resource allocation.

The HSE has chosen the north east as its first area for introducing the transformation programme. I have spoken to the HSE on a number of occasions and notwithstanding what may be called budgetary challenges, I want to see the services in the north east reorganised appropriately as quickly as possible because as we all know there are major deficiencies in the way all the services are organised. Resources are being allocated to that. We have a clinician in charge of it at the clinical level and a management team in charge of implementing that change. The future is the new hospital but between now and then——

Deputy Fergus O'Dowd: On that——

Deputy Mary Harney: ——we must greatly improve the services available. I agreed recently to meet Mr. Vaughan, who is the chairman of the medical board, at the hospital in approximately two weeks' time. He wrote to me — I do not know if that is the letter the Deputy is referring to — and I agreed to meet him.

Deputy Fergus O'Dowd: No. This is a letter stating that the situation in Lourdes hospital was unsafe because it was under-resourced. The Minister has not answered the point that she under-resourced cancer services in Lourdes hospital to such an extent——

Deputy Seymour Crawford: And the north east generally.

Deputy Fergus O'Dowd: You completely under-resourced them.

Acting Chairman: The Deputy should address his remarks through the Chair.

Deputy Mary Harney: I will answer that. Until relatively recently 36 hospitals out of the 52 were dealing with breast cancer. Nobody here needs to be a clinical expert to know we could not possibly resource 36 places at the level that is now required in terms of clinical support — nurses, doctors, equipment. That is a fact.

Deputy Fergus O'Dowd: On a point of order, I will not labour this point but the clinical nurse manager the Minister spoke so highly of in Lourdes hospital, writing during the general election campaign, said they could not continue with the way the situation was being funded in the Lourdes hospital, which is a regional service. The Government is responsible for that. It is a disgrace and a shame and we will not let the Minister off the hook on this issue. She will not get away with it.

Deputy Mary Harney: This year the HSE budget is more than €15 billion.

Deputy Fergus O'Dowd: I have the figures.

Acting Chairman: The Minister, without interruption.

Deputy Mary Harney: It is €1.1 billion more than last year. To put it in perspective, since the organisation was established on 1 January 2005, its increased budget is more than €4 billion. That is more than we spent on the entire service in 1996. It is a huge resource. There are many challenges in that resource. Health is very labour intensive. There is a major debate about therapies and the recruitment of therapists. We have 112,000 people, full-time and whole-time equivalents, working in the system. It is a considerable resource. Last year we recruited almost 4,000 more people and this year more people will be recruited. Safety must be a priority and from now on, with the Health Information and Quality Authority setting standards and monitoring them, safety will drive the delivery of services. Practices that might have been justified in the past will not be the order in the future because it will not be safe to have them.

The allocation of these resources between hospitals must be a matter for the National Hospitals Office and Professor Drumm and his team. I have huge confidence in Professor Drumm's capacity to transform the health service. As he cannot be expected to do it on his own, he needs a good management team around him. We must ensure there are appropriate lines of accountability in the system. That is the job of the HSE board on foot of the findings of the Fitzgerald report.

Deputy Jan O'Sullivan: The Minister did not answer the question on whether performance related bonuses——

Acting Chairman: I am sorry, Deputy, but there are five other Members indicating.

Deputy James Reilly: Why were representatives of HIQA not sent to Portlaoise General Hospital? I asked that question earlier but did not receive a reply.

Deputy Emmet Stagg: The Minister just wants to keep on talking in order that there will be no more questions.

Deputy Jan O'Sullivan: Will the Minister give a simple yes or no answer to my question on bonuses?

Deputy Mary Harney: The answer is yes; it is part of the contract of employment introduced many years ago for the officials in question.

Deputy Eamon Gilmore: What about the bonuses?

Deputy Jan O'Sullivan: It is supposed to be based on performance.

Deputy John Perry: The Minister is filibustering.

Deputy Mary Harney: That was way in advance of the establishment of the HSE. Does the Labour Party want to change people's terms of employment?

Deputy Eamon Gilmore: No.

Deputy Jan O'Sullivan: No, but targets should be set and achieved.

Deputy John Perry: They are all filibustering.

Deputy Emmet Stagg: The Minister is just washing her hands.

Deputy Mary Harney: It is the job of management. In the case of the chief executive officer, it is the responsibility of the board and a sub-committee to examine the matter. Deputy Stagg can wash his hands all he likes.

Deputy Emmet Stagg: The Minister has been doing that for the past ten years. She is acting like Pontius Pilate.

Deputy Mary Harney: For too long politics dictated how health services were determined. From now on it will be about qualities, standards and safety.

Deputy Emmet Stagg: The Minister is just passing the buck.

Deputy Mary Harney: There is no passing of the buck.

Deputy John Perry: Professor Niall O'Higgins's report accepted the scientific foundation for eight centres of excellence for cancer care. There should be only two centres in Dublin. The British Columbia cancer care model would reaffirm this. How can the Minister justify not having a centre north of Galway? The population of the north west is 400,000, with up to 4,000 mammograms being conducted at a world class service in Sligo General Hospital. Has the Minister examined the Sloan-Kettering model in America which operates an effective out-reach service?

[Deputy John Perry.]

Concerning the cross-Border dimension to cancer services, the Minister stated she would come back to us on the development of a centre with County Fermanagh and the unique opportunity to keep a cancer care service in the region. Will she indicate when BreastCheck will be rolled out in the north west?

Deputy Joe McHugh: Given the ongoing negotiations between the Minister and her Northern counterpart, Mr. Michael McGimpsey, her Department seems willing to put taxpayers' money into a new radiotherapy centre in the north west. Why does she continue to state there will be eight centres of excellence? Will this affect a potential ninth centre in the north west? Does the Minister have more confidence in the Northern Ireland administration to roll out cancer services than the administration here?

Deputy Charles Flanagan: Which politicians opposed the redundancy package? Was it Fianna Fáil or the Progressive Democrats because they were obviously in government?

Concerning the Minister's speed in denigrating the staff and services at Portlaoise General Hospital, did she know when she took up office that the hospital was a designated centre of excellence? If so, why did she not accept it? Is she aware that in 2001 the then Minister for Health and Children said there would not be two centres of excellence in the Midland Health Board area but one developed at Portlaoise General Hospital?

Why was no oncology job advertised between 11 April 2001 and 2004? These were the crucial three years in which the Department sat on the vacancy. Will the Minister accept that it was the consistent and deliberate starving of cash in a conspiracy between the Midland Health Board and the Department that resulted in the debacle at Portlaoise? Will she arrange for publication of the seven letters written by Dr. Peter Naughton to the Department and managers of the health board? Until such time as they are published, the full and true story will not be known.

Deputy Mary Harney: Between 2001 and 2004 the Midland Health Board received €5 million for cancer services.

Deputy Charles Flanagan: On what was it spent?

Deputy Mary Harney: Portlaoise General Hospital received €500,000 in 2001 for its symptomatic service.

Deputy Charles Flanagan: Yet no jobs were advertised. The Department sat on the appointment.

Deputy Mary Harney: When the HSE was established, nearly every health board, as well as the staff representative organisations, were opposed to the redundancy packages.

I did know Portlaoise General Hospital was a centre of excellence. A centre, however, that deals with 46 cases is not safe.

Deputy Charles Flanagan: That figure of 46 is from a while back. It is different now. If the Minister knew that, why did she not close it down earlier?

Deputy Mary Harney: Up to 250 worldwide medical publications have stated a woman's survival chances are improved by 20%. That means one in five women who would otherwise die is saved if they are treated in a centre that deals with 150 cases a year.

Deputy Seymour Crawford: If they can make it to the centre.

Deputy Olwyn Enright: They have to travel to it.

Deputy Mary Harney: The entire midlands region did not have that volume of cases. The Northern Ireland health services are way ahead of ours. They were rationalised many years ago and reduced the number of surgeons.

Deputy Emmet Stagg: The Minister has been there for ten years going on about rationalisation.

Deputy Mary Harney: Belfast has a centre of excellence.

Deputy Emmet Stagg: She is just whingeing and crying about it all. One would swear she was just a spectator in all of this.

Deputy Mary Harney: For many reasons, it makes sense for the north west to be served by a cross-Border unit, for which we have indicated our support.

The centres were not chosen by me. The hospital in my constituency is not a centre of excellence. The centres were chosen by the best medical and clinical experts we could assemble both at home and abroad.

Deputy John Perry: What about Sligo?

Deputy Joe McHugh: How can there be nine centres of excellence when the Minister says there will only be eight? What about the north west?

Question put: "That the words proposed to be deleted stand."

The Dáil divided: Tá, 63; Níl, 56.

Tá

Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Byrne, Thomas.
 Calleary, Dara.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Kelly, Peter.
 Kenneally, Brendan.

Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Mansergh, Martin.
 McEllistram, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moynihan, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Ryan, Eamon.
 Sargent, Trevor.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Nil

Allen, Bernard.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Lynch, Ciarán.
 Lynch, Kathleen.

McCormack, Pádraic.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P. J.
 Sherlock, Seán.
 Stagg, Emmet.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared carried.

Amendment declared lost.

Amendment No. 1 not moved.

Question put: "That the motion be agreed to."

The Dáil divided: Tá, 63; Níl, 59.

Tá

Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Byrne, Thomas.
 Calleary, Dara.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.

Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.

Tá—continued

Lenihan, Brian.
 Lenihan, Conor.
 Mansergh, Martin.
 McEllistrim, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.

O'Connor, Charlie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Ryan, Eamon.
 Sargent, Trevor.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Lynch, Ciarán.
 Lynch, Kathleen.

McCormack, Pádraic.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P. J.
 Sherlock, Seán.
 Stagg, Emmet.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared carried.

Criminal Justice (Mutual Assistance) Bill 2005 [Seanad]: Order for Report Stage.

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I move: "That Report Stage be taken now."

Question put and agreed to.

Criminal Justice (Mutual Assistance) Bill 2005 [Seanad]: Report and Final Stages.

An Ceann Comhairle: Amendments Nos. 1 and 2 form a composite proposal as do amendments Nos. 3 and 4 and amendments Nos. 27 and 28. Amendments Nos. 5, 7 to 12 inclusive,

[An Ceann Comhairle.]

16, 17, 26, 30 to 33, inclusive, 36, 38 to 42, inclusive, 47, 51, 64, 66, 68, 69, 79 and 82 to 86, inclusive are related. All of these amendments will be discussed together. Anybody who got all of those numbers can do the lotto.

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I move amendment No. 1:

In page 10, between lines 19 and 20, to insert the following:

““2005 Council Decision” means Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and co-operation concerning terrorist offences;”.

While this is a large group of amendments they are all technical in nature and provide for clarifications, typographical and grammatical corrections.

An Ceann Comhairle: Is the amendment agreed to?

Deputy Brian Lenihan: Do Members want more detail?

Deputy Charles Flanagan: Perhaps the Minister would elaborate somewhat.

Deputy Brian Lenihan: Amendments Nos. 1 to 4, inclusive, correct the alphabetical sequence of the definitions of “2005 Council Decision” and “criminal conduct”. Amendment No. 5 confirms that the definition of “criminal proceedings” covers proceedings relating to whether a person has benefited from assets or proceeds of crime. This amendment ensures consistency with the definition of “criminal investigation” in this section.

Amendments Nos. 7 and 8 correct an oversight arising from the amendments brought forward on Committee Stage. The freezing framework decision and the 2005 Council decision on the exchange of information and co-operation concerning terrorist offences were added to the list of Schedules containing the international instruments to which the Bill is giving effect. As these are EU instruments applying to EU member states, it is necessary to include them in the definition of member state in section 2. These amendments do that.

Amendment No. 9 is a drafting amendment. It deletes the words “subject to *subsection (2) of section 73*”. Amendment No. 10 clarifies that the assistance being provided relates to criminal matters. This is consistent with other references in the Bill. Amendment No. 12 clarifies that the reference to the second protocol is to the second additional protocol. This is consistent with the references to this protocol. Amendment No. 16 corrects a typographical error. Amendment No. 17 was introduced on the advice of the Parliamentary Counsel as better reflecting modern drafting.

Amendment No. 26 has also been proposed on the advice of the counsel. It clarifies that offences under section 20(1), concerning failure by a financial institution to comply with a High Court order, are without prejudice to the law relating to contempt of court.

Amendment No. 30 removes an unnecessary comma from section 24(5). Amendment No. 31 updates the reference to the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations which were amended by the 2007 regulations. Amendment No. 32 is another minor drafting amendment substituting the words “Act of 1983” for “1983 Act”. The correction reflects the many references to legislation throughout the Bill. Amendment No. 33 corrects a minor typographical error in section 28.

Amendment No. 36 is a simple drafting amendment which substitutes the preferred word “prejudice” for “damage” in section 46(1)(a). Amendment No. 38 is a drafting amendment

which inserts the words “baseline rate of exchange” for “exchange rate” in section 54(2)(a). This is consistent with the wording used elsewhere in the Bill, on foot of observations from the Irish Bankers Federation as several rates of exchange can be in use on any given day. This is something we are aware of from proceedings which are taking place elsewhere than in this House.

Amendments Nos. 39 and 40 correct an oversight and ensure that the provisions in section 40 concerning property subject to freezing co-operation orders also apply to confiscation co-operation orders. Amendment No. 41 corrects an error and replaces the word “confiscation” for “forfeiture”. Amendment No. 42 corrects the reference to the Police (Property) Act of 1897 by introducing parenthesis around the word “Property”. Amendment No. 47 replaces the word “order” in section 73(7) with “warrant”. The reference to “*subsection (15)*” in section 74(12)(c) should be to “*subsection (17)*”. Amendment No. 51 makes the necessary correction.

Amendment No. 64 amends section 82(4), concerning the examination of objects and sites, by confirming that the reference to a “request” is to a request “from a designated state”.

Amendment No. 66 to section 87, concerns the definition of “Competent Authority in the State” in regard to “controlled deliveries”. It amends subparagraph (a) of the definition and provides that the competent authority in the State can be the Garda Commissioner or a member of the Garda Síochána authorised by him. This is consistent with the provision for the Revenue Commissioners in subparagraph (b) of the definition.

Amendment No. 68 to section 94(2) confirms that more than one authority can be designated as Eurojust national correspondent for terrorism matters. Amendment No. 69 corrects section 96(4)(b) by introducing the word “shall” at the beginning of the subparagraph. Amendment No. 79 corrects the table in paragraph (d) of section 104. The reference to €500 should be to €650.

Amendment No. 82 amends the text of section 106 and clarifies that the provision concerns the power of the District Court to make a number of orders. Amendments Nos. 83, 84 and 86 are drafting amendments to the Schedules, specifically Schedule 1, 2, and 13.

Deputy Charles Flanagan: I do not object to any of those amendments and I thank the Minister for the explanation.

Deputy Pat Rabbitte: I agree.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 2:

In page 10, to delete lines 24 to 26.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 3:

In page 10, between lines 26 and 27, to insert the following:

““criminal conduct” means any conduct—

(a) which constitutes an offence, or

(b) which occurs in a designated state and would, if it occurred in the State, constitute an offence;”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 4:

In page 10, to delete lines 36 to 39.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 5:

In page 10, between lines 41 and 42, to insert the following:

“(a) proceedings to determine whether a person has benefited from assets or proceeds deriving from criminal conduct or is in receipt of or controls such assets or proceeds,”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 6, 13 and 14 are related and may be discussed together.

Deputy Brian Lenihan: Amendments Nos. 6, 13 and 14 do not arise out of Committee proceedings so I move to recommit.

An Ceann Comhairle: Is that agreed? Agreed.

Bill recommitted in respect of amendment No. 6.

Deputy Brian Lenihan: I move amendment No. 6:

In page 11, to delete lines 39 to 41 and substitute the following:

““designated state” means a member state and any other state designated under *section 4*,”.

Amendment No. 14 introduces a new section 11 to the Bill. It is a saving provision which seeks to ensure that the assistance which can currently be provided to states under the Criminal Justice Act 1994 continues to be available.

Under the 1994 Act, a state, on becoming party to certain international instruments, is designated for the purposes of mutual assistance relating to the confiscation or forfeiture of property and for the purposes of the search for evidence. In the region of 180 countries have been designated to date for either or both of these types of assistance. However, designation is not a requirement for the purpose of taking of evidence or the service of documents. Such assistance could be provided on request from a state and, of course, assuming the necessary safeguards have been met. It was always intended that the ability to provide such assistance would be continued under this Bill.

Section 4 of the Bill as it currently stands allows for the designation of states for the purposes of mutual assistance under this Bill or specified parts of its provisions. However, since finishing Committee Stage, I have been advised that the wording of section 4 is such that it may, in effect, limit the assistance which is currently available. To continue the current levels of assistance, it is necessary to bring forward this amendment, which puts beyond doubt the right of the State to seek and provide assistance to the extent possible under the 1994 Act. Not to do so would create uncertainty as to what assistance may be provided.

Amendments Nos. 6 and 13 are consequent to amendment No. 14.

Deputy Charles Flanagan: I do not have a problem with the amendment.

An Ceann Comhairle: Is Deputy Rabbitte in agreement?

Deputy Pat Rabbitte: Yes.

Amendment agreed to.

Bill reported with amendment.

Deputy Brian Lenihan: I move amendment No. 7:

In page 12, line 37, to delete “Protocol or” and substitute “Protocol.”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 8:

In page 12, line 38, after “Convention,” to insert “Framework Decision or 2005 Council Decision.”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 9:

In page 13, line 2, to delete “, subject to *subsection (2)* of *section 73*”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 10:

In page 14, line 41, after “assistance” to insert “in criminal matters”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 11:

In page 15, between lines 28 and 29, to insert the following:

“(h) *Schedule 8* sets out the English text of the 1959 Convention and the First Additional Protocol thereto.”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 12:

In page 19, line 26, after “Second” to insert “Additional”.

Amendment agreed to.

Bill recommitted in respect of amendments Nos. 13 and 14.

Deputy Brian Lenihan: I move amendment No. 13:

In page 19, line 38, to delete “The” and substitute “Without prejudice to *section 11*, the”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 14:

In page 19, after line 46, to insert the following:

11.—(1) Where—

(a) mutual assistance between the State and another state was provided for by or under a provision of Part VII of the Act of 1994 before the repeal of that Part on the commencement of *section 10(a)*, and

(b) the state is not designated under *section 4* for the purposes of that assistance, the assistance concerned shall continue to be provided under and in accordance with the corresponding provision of this Act, which accordingly shall have effect, with any necessary modifications, for that purpose.

(2) The reference in subsection (1) to Part VII of the Act of 1994 includes a reference to the Second Schedule to that Act.

(3) References in *subsection (1)* to a state include references to a country or territory within the meaning of the said Part VII.”.

Amendment agreed to.

Bill reported with amendments.

Deputy Pat Rabbitte: I move amendment No. 15:

In page 20, line 22, to delete “request;” and substitute the following:

“request, and

(f) an account that can be identified by a financial institution without undue difficulty as an account held by another person in any other circumstances on behalf of, or representing in whole or in part the property of, the first-mentioned person;”.

Amendment No. 15 relates to the interpretation section of the Bill in Part II where there is a definition of “account”. We are dealing here with information about financial transactions for criminal investigation purposes. The more I look at the debate so far, particularly on Committee Stage, I am driven to the conclusion that the Minister will not take on board this amendment because it could be punitive on financial institutions. That is the net point of his objection: it would impose a burden on the banks if they had to take on board the amendment. I seek to broaden the definition to cover money that is laundered to put beyond doubt that it is possible that a suspect is using another person’s name to conceal money. It might be that of a relative, a girlfriend or an accomplice.

When the point was made in the Seanad debate on this Bill that this would be an additional burden on financial institutions, we recast the amendment to make plain that it would require circumstances whereby an account could be identified in a financial institution without undue difficulty. It is not the imposition that the Minister suggests. If the test is without undue difficulty and since we know that this crime invites hiding money in another person’s account, it seems a reasonable amendment.

As well as complaining about the burden on the banks, the Minister sought to assert that section 11(1)(e) would meet the requirement. This refers to “any other account held by another person, where information in relation to it would be relevant to the investigation referred to in the request;”. My amendment seeks to do no more than make plain and clarify the particular circumstances I have explained, whereby money is being concealed in someone else’s account in those circumstances. For the purpose of clarity and to broaden the definition in this interpretation section, I am advancing the amendment and hope the Minister will take it on board.

Deputy Brian Lenihan: I will take matters on board later but regret to advise Deputy Rabbitte that I cannot accept this amendment. On Committee Stage, I indicated that I was willing to revisit the matter. I put the proposal to the office of the Attorney General and I was advised it was considered an inappropriate amendment. The phrase “without undue difficulty” is very vague. It is considered that it would not be possible for banks to comply with this requirement and could lead to disputes concerning what is unduly difficult. It would have the effect of broadening the definition of account and place a heavy burden on banks in this State. Given that the definition also concerns accounts in designated states, it could have an effect of placing an additional requirement on banks in other states. The amendment proposed by Deputy Rabbitte goes beyond the protocol to the 2000 convention, to which we are giving effect in this part of the Bill. Article 2 of the protocol states that on request a state shall provide the particulars of specified bank accounts.

Deputy Pat Rabbitte: That I am seeking to broaden the definition is not disputed. The Minister is correct. I am only doing that to make it effective. We saw a programme as recently as last night, where trans-border crime seeks to take refuge in concealing the ownership of accounts where possible. For that purpose, I concede that I am trying to broaden the definition.

The Minister states that “without undue difficulty” is unnecessarily vague. It was only inserted in the amendment because of the argument in the Seanad that it would be a punitive burden on the banks. The intention here was to cover the circumstances where it almost jumps up and bites someone, it is so obvious that the money is somebody else’s. It was designed to minimise the burden on financial institutions in terms of co-operating with the authorities and providing the information. The Minister has now turned that argument back on me by saying that my amendment is too vague. I must accept that this is the view of the Attorney General but for reasons of clarity the amendment has merit.

6 o'clock

Amendment put and declared lost.

Deputy Brian Lenihan: I move amendment No. 16:

In page 21, line 26, to delete “in”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 17:

In page 22, line 1, to delete “shall be” and substitute “is”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 18, 19, 22, 23 are related and may be discussed together.

Deputy Brian Lenihan: I move amendment. No. 18:

[Deputy Brian Lenihan.]

In page 22, line 37, after “*ex parte*” to insert “and otherwise than in public”.

Amendments Nos. 19 and 23, proposed by Deputy Rabbitte, are alternatives to amendments Nos. 18 and 22. These are in response to matters raised by Deputy Rabbitte during the debate on Committee Stage, which I agreed to ask the Parliamentary Counsel to examine. Amendments are now being brought forward to sections 12 and 16 that clarify that applications for account information orders or account monitoring orders may be brought *ex parte* and otherwise than in public. I thank Deputy Rabbitte for drawing this matter to my attention.

Deputy Pat Rabbitte: Although it is not precisely the terms of my amendment, the amendment of the Minister has the same import and meets the point I sought to highlight on Committee Stage.

Amendment agreed to.

Amendment No. 19 not moved.

An Ceann Comhairle: Amendment No. 20 arises from the debate on Committee Stage. Amendment No. 21 is a technical alternative, amendments Nos. 24 and 34 are related and amendment No. 25 is a technical alternative to amendment No. 24. Amendments Nos. 20, 21, 24, 25 and 34 are related and may be discussed together.

Deputy Brian Lenihan: I move amendment No. 20:

In page 23, to delete lines 21 to 24 and substitute the following:

“(5) An order under this section has effect notwithstanding any obligation as to secrecy or any other restriction on disclosure imposed by statute or otherwise.”.

Amendments Nos. 21 and 25, as proposed by Deputy Rabbitte, are alternatives to the official amendments Nos. 20 and 24. They also address an issue raised by Deputy Rabbitte on Committee Stage to which I agreed to return. The amendments will amend the relevant sections 12, 16 and 31, deleting the references to orders being that of the High Court. The Deputy correctly pointed out that these provisions were unnecessary. I shared his view and am flattered that both of us have superior wisdom to the Parliamentary Counsel.

Deputy Pat Rabbitte: I share in the glory.

Amendment agreed to.

Amendment No. 21 not moved.

Deputy Brian Lenihan: I move amendment No. 22:

In page 25, line 40, after “*ex parte*” to insert “and otherwise than in public”.

Amendment agreed to.

Amendment No. 23 not moved.

Deputy Brian Lenihan: I move amendment No. 24:

In page 26, to delete lines 26 to 29 and substitute the following:

“(5) An order under this section has effect notwithstanding any obligation as to secrecy or any other restriction on disclosure imposed by statute or otherwise.”.

Amendment agreed to.

Amendment No. 25 not moved.

Deputy Brian Lenihan: I move amendment No. 26:

In page 27, between lines 25 and 26, to insert the following:

“(2) *Subsection (1)* is without prejudice to the law relating to contempt of court.”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 27:

In page 29, line 18, after “where” to insert “the request”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 28:

In page 29, line 19, to delete “the request”.

Amendment agreed to.

Deputy Pat Rabbitte: I move amendment No. 29:

In page 31, to delete lines 29 to 34.

The point of the amendment relates to whether the Minister is satisfied that there is no constitutional infirmity in a circumstance where he can change the law effectively by making a declaration. Hearing the Minister’s response is the only merit of persisting with my amendment.

Deputy Brian Lenihan: The Deputy expressed his concern that the provision would allow the law to be changed by Executive act rather than primary legislation. The subsection gives effect to two articles in the 2000 convention. The State may make a declaration under the articles at the time of entry into force of the convention to the effect that immediate transmission of interceptions is not possible. In those circumstances, the State will comply with requests for interception, recording and subsequent transmission of telecommunications as provided for.

However, the proposition that this provision allows for a change of law by Executive act is not strictly correct. Ireland would be obliged to advise the Oireachtas at the time of ratification of any proposed declaration and in the event of any subsequent amendment to the declaration. Furthermore, the effect of the declaration is merely to allow for the recording and subsequent transmission of telecommunications rather than immediate transmission in circumstances where the latter is not possible.

Subsection 24(2) provides the required primary legislative basis for the interception and recording. The possibility of making the declaration is a safeguard. The subsection allows Ireland to make the necessary declaration at the time of ratification of the convention that, if we are unable to provide for interception and immediate transmission, it will enable us to

[Deputy Brian Lenihan.]

review the capacity of our telecommunications system prior to ratification. It does not affect our obligation to transmit the information.

Amendment, by leave, withdrawn.

Deputy Brian Lenihan: I move amendment No. 30:

In page 31, line 39, to delete “1993,” and substitute “1993”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 31:

In page 34, line 35, after “2003)” to insert the following:

“, as amended by the European Communities (Electronic Communications Networks and Services) (Authorisation) (Amendment) Regulations 2007 (S.I. No. 372 of 2007)”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 32:

In page 35, line 2, to delete “1983 Act” and substitute “Act of 1983”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 33:

In page 35, line 26, after “to” where it secondly occurs to insert “be”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 34:

In page 39, to delete lines 4 to 9 and substitute the following:

“(4) An order under this section does not apply in relation to any documents subject to legal privilege.”.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 35 is in the name of Deputy Rabbitte. Amendments Nos. 35 and 37 are related and will be discussed together.

Deputy Pat Rabbitte: I move amendment No. 35:

In page 40, between lines 14 and 15, to insert the following:

“(6) This section applies to a freezing order whether made before or after the commencement of this section.”.

The purpose of seeking to make this amendment relates to concern regarding orders that are extant before the commencement of the section and as to whether there is doubt about their

capacity to be enforced in another jurisdiction. This is the net point argued on Committee Stage and in respect of which I am seeking the Minister's assurance.

Deputy Brian Lenihan: I can give the Deputy some assurance by reference to the Interpretation Act 2005, which provides at subsection 26 (2) that, where an enactment repeals a former enactment, proceedings taken under the former enactment may be continued under and in conformity with the new enactment in so far as they may be done consistently with the new enactment, which is possible under this legislation.

Subsection 27 (1) deals with the effect of a repeal and provides that it does not prejudice or affect any legal proceedings, civil or criminal, pending at the time of the repeal. Requests for assistance received prior to the commencement of this legislation can, by virtue of subsection 6 (3) of the Bill, fall to be dealt with as if the then Act had not been passed. Therefore, there is in the Interpretation Act a basis for what occurred previously.

In terms of the future, section 32 deals with the transmission of a freezing order from another member state for enforcement and amendment No. 35, proposed by Deputy Rabbitte, seeks to apply the section to an order made before its commencement. As the Deputy stated, this matter was raised on Committee Stage, but the amendment is not necessary to transmit a freezing order under the terms laid out in this section, even if the freezing order was made some time ago. Once this provision is enacted, it may be applied to a freezing order regardless of when the latter was made. If the Deputy's concerns relate to the application of the relevant provisions in the Act to orders made prior to the commencement, the matter is dealt with in the Interpretation Act.

Amendment, by leave, withdrawn.

Deputy Brian Lenihan: I move amendment No. 36:

In page 48, line 23, to delete "damage" and substitute "prejudice".

Amendment agreed to.

Amendment No. 37 not moved.

Deputy Brian Lenihan: I move amendment No. 38:

In page 54, line 3, to delete "exchange rate" and substitute "baseline rate of exchange".

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 39:

In page 54, line 21, after "39," to insert "40,".

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 40:

In page 54, line 26, after "39," to insert "40,".

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 41:

[Deputy Brian Lenihan.]

In page 56, line 8, to delete “confiscation” and substitute “forfeiture”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 42:

In page 56, line 39, to delete “Police Property Act” and substitute “Police (Property) Act”.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 43 is in the name of Deputy Rabbitte. Amendments Nos. 44, 46, 54 and 70 to 78, inclusive, are related and will be discussed together with amendment No. 43. Is there agreement to recommit in respect of those amendments?

Deputy Brian Lenihan: My amendments are rather technical in character. The point of principle is Deputy Rabbitte’s.

Bill recommitted in respect of amendments Nos. 43 and 44.

Deputy Pat Rabbitte: I move amendment No. 43:

In page 58, line 6, to delete “is admissible,” and substitute the following:

“may be admitted, having due regard to the constitutional rights of the Defendant”.

The point of principle is the constitutional rights of the defendant or, more specifically, the right to cross-examine. One cannot cross-examine a document. One can easily envisage circumstances where, in the interests of justice, it would be seen to be necessary that the right to cross-examine be provided for. Whatever about the technicalities that arise, it is this point of principle that I seek to raise in the House.

Deputy Brian Lenihan: Amendment No. 43 proposed by Deputy Rabbitte seeks to insert an express reference to the constitutional rights of the person who is examined in another state. The way this matter is dealt with in the Bill is set out in subsection 10, which provides that a court has a discretion as to whether the law of the state where the evidence was taken allowed for legal representation and cross-examination of the person and any other party concerned. There is a further provision for the court to consider any aspect in which the taking of the evidence may differ from the procedures used in Ireland. As the Bill stands, the court may exclude evidence if it is not satisfied in these matters. Moreover, a court will in all instances have regard to the constitutional rights of a defendant before it. Including a specific provision to that end would be unnecessary and may call into question the instances where such a provision is not specified. It is unusual to specify in legislation the constitutional rights of a party in respect of the admissibility of evidence. There are constitutional provisions governing these matters stemming from court decisions, which are applied by the courts as a matter of course in hearing such proceedings.

Deputy Pat Rabbitte: If the Minister says it is unusual to put this into legislation, I will take his word for it. However, there is some concern in respect of the particular circumstances in which a defendant would challenge it, in that it does not appear to be explicit. However, the Minister seems to be saying it is implicit and if that is the case, I will withdraw the amendment.

Amendment, by leave, withdrawn.

Deputy Brian Lenihan: I move amendment No. 44:

In page 58, to delete lines 9 to 14.

Amendment agreed to.

Bill reported with amendment.

An Ceann Comhairle: Amendments Nos. 45 and 65 are related and will be discussed together. Is it agreed that these be recommitted? Agreed.

Bill recommitted in respect of amendments Nos. 45 and 46.

Deputy Brian Lenihan: I move amendment No. 45:

In page 65, to delete lines 33 to 35 and substitute the following:

“is guilty of an offence and liable—

(i) on summary conviction, to a fine not exceeding €2,500 or imprisonment for a term not exceeding 6 months or both, or

(ii) on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.”.

Amendment No. 45 to section 69 provides for a penalty following conviction on indictment of a witness who, when giving evidence before a judge of the District Court knowingly makes a false statement or does not testify when under an obligation to do so. The introduction of this amendment ensures consistency in the Bill as this provision replicates that in section 66 (11), which provides for the taking of evidence for use in the State.

Amendment No. 65 introduces a penalty in section 86 for non-compliance with an order for restitution. The penalty following summary conviction is of a fine not exceeding €2,500 or imprisonment for a term not exceeding six months, or both.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 46:

In page 67, between lines 16 and 17, to insert the following:

“(8) In any proceedings relating to the offence—

(a) evidence (other than documentary evidence) which purports—

(i) to have been obtained as a result of a request under this section, and

(ii) to be certified by or on behalf of the appropriate authority to be such evidence,

is admissible without further proof, and

(b) documentary evidence which purports—

(i) to have been so obtained, and

(ii) to be so certified,

[Deputy Brian Lenihan.]

is admissible, without further proof, as evidence of any fact stated in it of which oral evidence would be admissible.”.

Amendment agreed to.

Bill reported with amendments.

Deputy Brian Lenihan: I move amendment No. 47:

In page 68, line 21, to delete “an order” and substitute “a warrant”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 48 and 50 are related and will be discussed together. The Minister to move and there will be a recommittal.

Bill recommitted in respect of amendment No. 48.

Deputy Brian Lenihan: I move amendment No. 48:

In page 68, to delete lines 22 to 33 and substitute the following:

“(8) If, on the application, the judge is satisfied that this section applies to the request and it appears to him or her that there are reasonable grounds for believing that entry to any place is necessary for the purposes of complying with it, the judge may issue a warrant for the search of the place and any persons found there.”.

The amendments apply to sections 73 and 74 and have been introduced following concerns raised by the Garda Síochána in recent times. Section 73 allows for the issuing of a search warrant and replaces section 55 of the Criminal Justice Act 1994. However, under subsection 8, the applicant, being a member of the Garda Síochána not below the rank of inspector, is required to satisfy the judge that the occupier of the place which would be the subject of the search has not consented to the entry or is unlikely to consent and that seeking consent would seriously prejudice compliance with the request. This process places an unrealistic burden on an applicant and it is proposed that the text be deleted to read simply that the judge should be satisfied with the request and that there are reasonable grounds that entry is necessary and on that basis a judge may issue a warrant for the search of the place and any persons found there. This is the change proposed by amendment No. 48. It involves the deletion of words. Finally the requirement relating to consent does not arise in similar domestic law, nor is there comparable provision in the 1994 Act.

Amendment agreed to.

Bill reported with amendment.

An Ceann Comhairle: Amendments Nos. 49 and 52 arise from Committee Stage proceedings, are related and will be discussed together.

Deputy Brian Lenihan: I move amendment No. 49:

In page 70, to delete lines 12 to 14 and substitute the following:

“(16) In this section—

“evidence” includes evidence of or relating to assets or proceeds deriving from criminal conduct in the designated state concerned or their identity or whereabouts;

“member state” includes the Swiss Confederation.”.

These amendments to sections 73 and 74, are necessary as a result of amending the Bill on Committee Stage to cover the mutual assistance provisions of the EC-Swiss fraud agreement, which was introduced on Committee Stage. Sections 73 and 74 concern searches for evidence. However, in so far as a request is from an EU member state, these sections are limited to requests where the act concerned is punishable under both the law of the State and that of the member state, by imprisonment for at least six months, or, under Irish law, by at least six months' imprisonment and where it is being prosecuted in the member state by administrative authorities whose decision may give rise to criminal proceedings. Identical provisions are included in the EC-Swiss fraud agreement under Article 26.1(a). For this reason, the amendments provide that for the purposes of these sections, “member state” includes the Swiss Confederation.

Amendment agreed to.

Bill recommitted in respect of amendments No. 50.

Deputy Brian Lenihan: I move amendment No. 50:

In page 71, to delete lines 16 to 25 and substitute the following:

“(9) If, on the application, the judge is satisfied that this section applies to the request and it appears to him or her that there are reasonable grounds for believing that the person named in the request possesses the evidential material, the judge may make an order under *subsection (10)*.”.

Amendment agreed to.

Bill reported with amendment.

Deputy Brian Lenihan: I move amendment No. 51:

In page 72, line 18, to delete “*subsection (15)*” and substitute “*subsection (17)*”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 52:

In page 73, to delete lines 15 to 17 and substitute the following:

“(19) In this section—

“evidential material” includes any such material relating to assets or proceeds deriving from criminal conduct in the designated state concerned or their identity or whereabouts;

“member state” includes the Swiss Confederation.”.

Amendment agreed to.

An Ceann Comhairle: Amendment Nos. 53 and 55 to 61, inclusive, are related and will be discussed together. The Minister should move that these amendments be recommitted.

Bill recommitted in respect of amendment Nos. 53 to 61 inclusive.

Deputy Brian Lenihan: I move amendment No. 53:

In page 73, line 34, to delete “records.” and substitute the following:

“records;

“nurse” means a person whose name is entered for the time being in the register of nurses established under section 27 of the Nurses Act 1985.”.

These amendments relate to the identification evidence provisions of the Bill. Amendment No. 53 introduces a definition of “nurse” into section 75. Amendment No. 55 inserts the word “nurse” into section 78 (5), for the purpose of taking certain bodily samples. It is important, operationally, that nurses are empowered to take samples. Similar provision is made in the Road Traffic and Transport Act 2006 and the proposed definition of “nurse” is the same as in that legislation.

Amendment No. 56 to section 78 (7) is introduced in the interest of consistency. The proposed text mirrors subsection 2(8)(a) of the Criminal Justice (Forensic Evidence) Act 1990, as amended by section 14 of the Criminal Justice Act 2006. The words “for comparison purposes” have been taken out as they are unnecessary and are covered by the words “for the purpose of forensic testing”. This also is consistent with the wording of section 78 (5) which provides for the taking of bodily samples.

Amendment No. 57 inserts the words, “as well as the record of any analysis of the evidence or any other record relating to it that may be made in the requesting State” into the text of section 78(10). This provision requires the central authority to seek an assurance that evidence will be destroyed where the subject of an investigation is not prosecuted, is prosecuted but acquitted, or where the subject is placed on probation when three years from the making of the probation order have expired. The inclusion of the additional words is for the sake of completeness and clarity.

Amendments Nos. 58 to 60, inclusive, align the age of consent in the definition of consent contained in section 78 (12) with that used generally in the Children Act 2001.

Amendment No. 61 is introduced for the purpose of consistency with the provisions of section 52 of the Children Act 2001 relating to the age of criminal responsibility.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 54:

In page 74, to delete lines 40 to 43 and in page 75, to delete lines 1 and 2.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 55:

In page 76, line 8, after “doctor” to insert “or nurse”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 56:

In page 76, to delete lines 13 to 18 and substitute the following:

“(7) Where a sample of hair other than pubic hair is taken in accordance with this section—

(a) the sample may be taken by plucking hairs with their roots and, in so far as it is reasonably practicable, the hairs shall be plucked singly, and

(b) no more hairs shall be plucked than the person taking the sample reasonably considers to be necessary to constitute a sufficient sample for the purpose of forensic testing.”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 57:

In page 76, line 36, after “evidence” to insert the following:

“, as well as the record of any analysis of the evidence, or any other record relating to it, that may be made in the requesting state,”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 58:

In page 77, line 18, to delete “17” and substitute “18”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 59:

In page 77, line 20, to delete “17” and substitute “18”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 60:

In page 77, line 21, to delete “14” and substitute “12”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 61:

In page 77, to delete lines 23 and 24 and substitute the following:

“(c) in the case of a child aged 10 or 11 years who is detained on suspicion of having committed an offence mentioned in subsection (2) of section 52 (restriction on criminal proceedings against children) of the Children Act 2001, as substituted by section 129 of the Criminal Justice Act 2006, the consent of his or her parent or guardian.”.

Amendment agreed to.

Bill reported with amendments.

An Ceann Comhairle: Amendments Nos. 62 and 63 are related and will be discussed together.

Deputy Brian Lenihan: I move amendment No. 62:

In page 79, line 32, after “languages” to insert the following:

“and the document is not in that language or one of those languages”.

Amendment No. 62 amends section 81(3) and is being introduced on the advice of the Parliamentary Counsel. This section ensures that where a document is served in the State on behalf of another state, it should be, if necessary, translated into a language understood by the person on whom the document is to be served. The introduction of the additional text clarifies that section 8 requires that the document to be served will be translated into a language understood by the subject.

Amendment No. 63, which also pertains to section 81, was tabled by Deputy Rabbitte on Committee Stage and I understand it is a Labour Party amendment.

Deputy Pat Rabbitte: I support amendment No. 62, which makes sense and obviously it is desirable that the document is intelligible and is in the language of the person in receipt of it. However, I would have thought that amendment No. 63 addresses a somewhat different point. It pertains to reasonable time being given to the person. I refer to a person who might be required, either as a defendant or to give witness in criminal proceedings in another state and he or she ought to be given reasonable time to present. This is a different point to stating the document ought to be in a language that is intelligible to the recipient.

In respect of many of the amendments dealt with under discussion, Members had a reasonable opportunity to debate them on Committee Stage. In this case however, I am unsure whether I understand the Minister’s objections. We have just discussed section 80, which deals with the mode of service and provides that the document can be served in the post. Section 81 deals with the service of the documents in the State where a document requires a person to appear as a defendant or witness in criminal proceedings. In that context, my amendment merely seeks to provide that “Where a document served pursuant to this section directs or requests the person to whom it is addressed to attend a hearing in a designated state, the document shall be served a reasonable time prior to the hearing in the designated state concerned”.

I thought that a reasonable right in respect of the person on whom the document is being served, given that it may be served through the post. Circumstances could arise whereby the person is required to present to a court in another jurisdiction at the drop of a hat or does not receive the document in time. I do not know the sanctions on a person who does not turn up in court as a result of the documents not being served on time. The amendment does no more than make a plea for a reasonable opportunity for the person on whom the document is being served, irrespective of whether he or she is the defendant or witness in the criminal proceedings, to have adequate time to make arrangements to present to court in the other member state.

Amendment agreed to.

Deputy Pat Rabbitte: I move amendment No. 63:

In page 81, between lines 6 and 7, to insert the following:

“(13) Where a document served pursuant to this section directs or requests the person to whom it is addressed to attend a hearing in a designated state, the document shall be served a reasonable time prior to the hearing in the designated state concerned.”.

Deputy Brian Lenihan: I regret that I have not changed my mind on this issue. When it was raised on Committee Stage, I expressed my concern that the effect of the amendment would be to impose timescales on other states when documents are served here on their behalf. I agreed to take advice on the matter but I reiterate that I am unable for the reasons previously given to accept the amendment. I have been advised there is no legal reason to include the amendment and that the provision could be legally ambiguous.

As I noted on Committee Stage, section 81(7) ensures there is no obligation on the part of the person to attend a hearing if so requested by another state. If the document is served without sufficient notice, the person would be most unlikely to attend. The detriment, therefore, rests entirely with the requesting state. There is no obligation on a person to attend a hearing. Given that the detriment is on the requesting state, it is clearly in the interest of a requesting state seeking service of a document on the state to act in a timely manner. To legislate in the manner proposed would create significant practical difficulties as it could be expected that the definition of “reasonable time” in each state with which we would co-operate under this provision will vary significantly, which would invariably lead to disputes. I am satisfied that the terms of section 81(7), which release a person served under this provision of an obligation to comply with a request, is a sufficient safeguard.

Deputy Pat Rabbitte: If there is no obligation on the recipient of the document to present in the other jurisdiction, we can take it that no sanction can be imposed if he or she does not turn up. The Minister is saying that it is solely the responsibility of the requesting state to ensure adequate time is allowed.

Deputy Brian Lenihan: Essentially.

Deputy Charles Flanagan: Is the Minister satisfied that such a defendant would in no way be prejudiced by non-appearance?

Deputy Brian Lenihan: The notice indicates that the person on whom the document is served may wish to seek legal advice as to the possible consequences of failure to comply with it under the law of the state which issued it. Of course, the potential liability lies in the law of the issuing state. Where we are the recipient state, clearly there is no legal obligation.

Deputy Pat Rabbitte: Could circumstances arise whereby that state would subsequently move for the extradition of a defendant who through no fault of his or her own did not present to court in the other country?

Deputy Brian Lenihan: This is only for evidential purposes. In Europe it would fall to be determined whether the European arrest warrant procedure applied, whereas it would be a matter of extradition in respect of other countries. It is not generally a defence in extradition arrangements. I am seeking to clarify the position regarding the European arrest warrant. It is not a corresponding offence in this State, so it would not be subject to an extradition arrangement. An arrest warrant does not apply to this side, so an arrest warrant or extradition cannot be sought on foot of it. If it is not an offence in this jurisdiction, there is no correspondence for extradition purposes. I am advised that the European arrest procedure could not be invoked.

Deputy Charles Flanagan: Section 81(1)(a) makes quite broad reference to service of a document requiring the person to appear as a defendant or attend as a witness to criminal proceedings in a designated state. That would appear to be broader than the point conceded by the Minister.

Deputy Brian Lenihan: That is in respect of the requesting state. The point Deputy Rabbitte raised was, assuming it is an offence in the requesting state, whether it is an offence in respect of which extradition can be sought from Ireland or to which the European arrest warrant procedure is applicable. I am advised it is not an extraditable offence and that the European arrest warrant procedure does not apply to it. That means in effect that one cannot be extradited for a failure to turn up at a hearing.

Amendment, by leave, withdrawn.

Deputy Brian Lenihan: I move amendment No. 64:

In page 81, line 21, after “request” to insert “from a designated state”.

Amendment agreed to.

Bill recommitted in respect of amendment No. 65.

Deputy Brian Lenihan: I move amendment No. 65:

In page 83, between lines 19 and 20, to insert the following:

“(5) A person who does not comply with an order under this section is guilty of an offence and liable on summary conviction to a fine not exceeding €2,500 or imprisonment for a term not exceeding 6 months or both.”.

Amendment agreed to.

Bill reported with amendment.

Deputy Brian Lenihan: I move amendment No. 66:

In page 83, line 36, after “Síochána” to insert the following:

“or a member of the Garda Síochána authorised by him or her for the time being to exercise his or her functions under this Chapter”.

Amendment agreed to.

Bill recommitted in respect of amendment No. 67.

Deputy Brian Lenihan: I move amendment No. 67:

In page 85, to delete lines 23 to 48 and in page 86, to delete lines 1 to 7 and substitute the following:

90.—Section 51 (international service) of the Garda Síochána Act 2005 is amended—

(a) in subsection (2)(a), by the deletion of “State, or” and the substitution of “State,”, and

(b) by the substitution of the following subsections for subsections (b) and (c):

“(b) as members of a joint investigation team within the meaning of the Criminal Justice (Joint Investigation Teams) Act 2004, as amended by section 95 of the Criminal Justice (Mutual Assistance) Act 2008,

(c) in connection with the making of a controlled delivery outside the State pursuant to a request under section 88 of the said Act of 2008, or

(d) on secondment to an international organisation with the consent of the Minister.”.”.

This is a technical amendment. The Garda Síochána Act 1989 has been repealed in its entirety by the Garda Síochána Act 2005. The current section 90 refers to the provisions of the 1989 Act which relate to the despatch of contingents of the Garda Síochána for service outside the State. The provisions pertaining to external service are now contained in the 2005 Act. This oversight in the Bill is addressed by the amendment.

Amendment agreed to.

Bill reported with amendment.

Deputy Brian Lenihan: I move amendment No. 68:

In page 87, line 41, to delete “the” and substitute “any”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 69:

In page 88, line 30, before “have” to insert “shall”.

Amendment agreed to.

Bill recommitted in respect of amendments Nos. 70 to 78, inclusive.

Deputy Brian Lenihan: I move amendment No. 70:

In page 90, line 4, to delete “A document” and substitute “In any proceedings a document”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 71:

In page 90, line 10, after “warrant,” to insert “or”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 72:

In page 90, lines 12 to 15, to delete all words from and including “or” in line 12 down to and including “evidence,” in line 15.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 73:

[Deputy Brian Lenihan.]

In page 90, line 22, to delete “A document” and substitute “In any proceedings a document”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 74:

In page 90, to delete lines 34 to 36 and substitute the following:

“(3) In any proceedings a document purporting—

(a) to be a translation of a document mentioned in subsection (1) or (2) or of a statement or document mentioned in section 61(8), 72(8) or 76(8), and”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 75:

In page 91, line 1, to delete “A document” and substitute “In any proceedings a document”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 76:

In page 91, between lines 8 and 9, to insert the following:

“(5) In any proceedings a document purporting—

(a) to be a certificate given by or on behalf of a court, tribunal or authority in a designated state, or

(b) to bear the seal of such a court, tribunal or other authority,

is admissible, without further proof, as evidence of such a certificate or seal.”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 77:

In page 91, line 9, to delete “A document” and substitute “ In any proceedings a document”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 78:

In page 91, line 14, after “proof,” to insert “as evidence”.

Amendment agreed to.

Bill reported with amendments.

Deputy Brian Lenihan: I move amendment No. 79:

In page 92, line 21, to delete “€500” and substitute “€650”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 80:

In page 92, to delete lines 35 to 37.

I understand Deputy Rabbitte has proposed the same amendment. A matter was raised by the Deputy on Committee Stage concerning the deletion of paragraph (e) of section 104. I raised the matter with Parliamentary Counsel and it was agreed that a contradiction existed in the terms of the Criminal Justice Act 1994, which provides in section 3(13) that the Act applies to property wherever situated. I am happy to correct the provision. I note that the Parliamentary Counsel cannot improve on the formula proposed by Deputy Rabbitte and, accordingly, I accept his amendment.

Amendment agreed to.

Bill recommitted in respect of amendment No. 81.

Deputy Brian Lenihan: I move amendment No. 81:

In page 96, between lines 43 and 44, to insert the following:

“105.—Section 8(7) of the Criminal Assets Bureau Act 1996 is amended by the deletion of “Any information“ and the substitution of “Subject to section 5(1), any information“.”

Amendment agreed to.

Bill reported with amendment.

Deputy Brian Lenihan: I move amendment No. 82:

In page 97, lines 8 and 9, to delete all words from and including “the” in line 8 down to and including “86(1)” in line 9 and substitute “a power conferred by section 73(8), 74(9) or 86”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 83:

In page 98, to delete lines 3 to 5.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 84:

In page 119, to delete lines 3 to 6.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 85:

In page 155, after line 25, to insert the following:

[Deputy Brian Lenihan.]

“SCHEDULE 8

PART 1

TEXT OF 1959 CONVENTION

Preamble

The governments signatory hereto, being members of the Council of Europe, Considering that the aim of the Council of Europe is to achieve greater unity among its members;

Believing that the adoption of common rules in the field of mutual assistance in criminal matters will contribute to the attainment of this aim;

Considering that such mutual assistance is related to the question of extradition, which has already formed the subject of a Convention signed on 13th December 1957,

Have agreed as follows:

Chapter I — General provisions

Article 1

1. The Contracting Parties undertake to afford each other, in accordance with the provisions of this Convention, the widest measure of mutual assistance in proceedings in respect of offences the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting Party.

2. This Convention does not apply to arrests, the enforcement of verdicts or offences under military law which are not offences under ordinary criminal law.

Article 2

Assistance may be refused:

a) if the request concerns an offence which the requested Party considers a political offence, an offence connected with a political offence, or a fiscal offence;

b) if the requested Party considers that execution of the request is likely to prejudice the sovereignty, security, ordre public or other essential interests of its country.

Chapter II — Letters rogatory

Article 3

1. The requested Party shall execute in the manner provided for by its law any letters rogatory relating to a criminal matter and addressed to it by the judicial authorities of the requesting Party for the purpose of procuring evidence or transmitting articles to be produced in evidence, records or documents.

2. If the requesting Party desires witnesses or experts to give evidence on oath, it shall expressly so request, and the requested Party shall comply with the request if the law of its country does not prohibit it.

3. The requested Party may transmit certified copies or certified photostat copies of records or documents requested, unless the requesting Party expressly requests the transmission of originals, in which case the requested Party shall make every effort to comply with the request.

Article 4

On the express request of the requesting Party the requested Party shall state the date and place of execution of the letters rogatory. Officials and interested persons may be present if the requested Party consents.

Article 5

1. Any Contracting Party may, by a declaration addressed to the Secretary General of the Council of Europe, when signing this Convention or depositing its instrument of ratification or accession, reserve the right to make the execution of letters rogatory for search or seizure of property dependent on one or more of the following conditions:

a) that the offence motivating the letters rogatory is punishable under both the law of the requesting Party and the law of the requested Party;

b) that the offence motivating the letters rogatory is an extraditable offence in the requested country;

c) that execution of the letters rogatory is consistent with the law of the requested Party.

2. Where a Contracting Party makes a declaration in accordance with paragraph 1 of this article, any other Party may apply reciprocity.

Article 6

1. The requested Party may delay the handing over of any property, records or documents requested, if it requires the said property, records or documents in connection with pending criminal proceedings.

2. Any property, as well as original records or documents, handed over in execution of letters rogatory shall be returned by the requesting Party to the requested Party as soon as possible unless the latter Party waives the return thereof.

Chapter III — Service of writs and records of judicial verdicts — Appearance of witnesses, experts and prosecuted persons

Article 7

1. The requested Party shall effect service of writs and records of judicial verdicts which are transmitted to it for this purpose by the requesting Party. Service may be effected by simple transmission of the writ or record to the person to be served. If the requesting Party expressly so requests, service shall be effected by the requested Party in the manner provided for the service of analogous documents under its own law or in a special manner consistent with such law.

2. Proof of service shall be given by means of a receipt dated and signed by the person served or by means of a declaration made by the requested Party that service has been

[Deputy Brian Lenihan.]

effected and stating the form and date of such service. One or other of these documents shall be sent immediately to the requesting Party. The requested Party shall, if the requesting Party so requests, state whether service has been effected in accordance with the law of the requested Party. If service cannot be effected, the reasons shall be communicated immediately by the requested Party to the requesting Party.

3. Any Contracting Party may, by a declaration addressed to the Secretary General of the Council of Europe, when signing this Convention or depositing its instrument of ratification or accession, request that service of a summons on an accused person who is in its territory be transmitted to its authorities by a certain time before the date set for appearance. This time shall be specified in the aforesaid declaration and shall not exceed 50 days. This time shall be taken into account when the date of appearance is being fixed and when the summons is being transmitted.

Article 8

A witness or expert who has failed to answer a summons to appear, service of which has been requested, shall not, even if the summons contains a notice of penalty, be subjected to any punishment or measure of restraint, unless subsequently he voluntarily enters the territory of the requesting Party and is there again duly summoned.

Article 9

The allowances, including subsistence, to be paid and the travelling expenses to be refunded to a witness or expert by the requesting Party shall be calculated as from his place of residence and shall be at rates at least equal to those provided for in the scales and rules in force in the country where the hearing is intended to take place.

Article 10

1. If the requesting Party considers the personal appearance of a witness or expert before its judicial authorities especially necessary, it shall so mention in its request for service of the summons and the requested Party shall invite the witness or expert to appear.

The requested Party shall inform the requesting Party of the reply of the witness or expert.

2. In the case provided for under paragraph 1 of this article the request or the summons shall indicate the approximate allowances payable and the travelling and subsistence expenses refundable.

3. If a specific request is made, the requested Party may grant the witness or expert an advance. The amount of the advance shall be endorsed on the summons and shall be refunded by the requesting Party.

Article 11

1. A person in custody whose personal appearance as a witness or for purposes of confrontation is applied for by the requesting Party shall be temporarily transferred to the territory where the hearing is intended to take place, provided that he shall be sent back within the period stipulated by the requested Party and subject to the provisions of Article 12 in so far as these are applicable.

Transfer may be refused:

- a) if the person in custody does not consent,
- b) if his presence is necessary at criminal proceedings pending in the territory of the requested Party,
- c) if transfer is liable to prolong his detention, or
- d) if there are other overriding grounds for not transferring him to the territory of the requesting Party.

2. Subject to the provisions of Article 2, in a case coming within the immediately preceding paragraph, transit of the person in custody through the territory of a third State, Party to this Convention, shall be granted on application, accompanied by all necessary documents, addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the Party through whose territory transit is requested.

A Contracting Party may refuse to grant transit to its own nationals.

3. The transferred person shall remain in custody in the territory of the requesting Party and, where applicable, in the territory of the Party through which transit is requested, unless the Party from whom transfer is requested applies for his release.

Article 12

1. A witness or expert, whatever his nationality, appearing on a summons before the judicial authorities of the requesting Party shall not be prosecuted or detained or subjected to any other restriction of his personal liberty in the territory of that Party in respect of acts or convictions anterior to his departure from the territory of the requested Party.

2. A person, whatever his nationality, summoned before the judicial authorities of the requesting Party to answer for acts forming the subject of proceedings against him, shall not be prosecuted or detained or subjected to any other restriction of his personal liberty for acts or convictions anterior to his departure from the territory of the requested Party and not specified in the summons.

3. The immunity provided for in this article shall cease when the witness or expert or prosecuted person, having had for a period of fifteen consecutive days from the date when his presence is no longer required by the judicial authorities an opportunity of leaving, has nevertheless remained in the territory, or having left it, has returned.

Chapter IV — Judicial records

Article 13

1. A requested Party shall communicate extracts from and information relating to judicial records, requested from it by the judicial authorities of a Contracting Party and needed in a criminal matter, to the same extent that these may be made available to its own judicial authorities in like case.

2. In any case other than that provided for in paragraph 1 of this article the request shall be complied with in accordance with the conditions provided for by the law, regulations or practice of the requested Party.

[Deputy Brian Lenihan.]

Chapter V — Procedure

Article 14

1. Requests for mutual assistance shall indicate as follows:

- a) the authority making the request,
- b) the object of and the reason for the request,
- c) where possible, the identity and the nationality of the person concerned, and
- d) where necessary, the name and address of the person to be served.

2. Letters rogatory referred to in Articles 3, 4 and 5 shall, in addition, state the offence and contain a summary of the facts.

Article 15

1. Letters rogatory referred to in Articles 3, 4 and 5 as well as the applications referred to in Article 11 shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party and shall be returned through the same channels.

2. In case of urgency, letters rogatory may be addressed directly by the judicial authorities of the requesting Party to the judicial authorities of the requested Party. They shall be returned together with the relevant documents through the channels stipulated in paragraph 1 of this article.

3. Requests provided for in paragraph 1 of Article 13 may be addressed directly by the judicial authorities concerned to the appropriate authorities of the requested Party, and the replies may be returned directly by those authorities. Requests provided for in paragraph 2 of Article 13 shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party.

4. Requests for mutual assistance, other than those provided for in paragraphs 1 and 3 of this article and, in particular, requests for investigation preliminary to prosecution, may be communicated directly between the judicial authorities.

5. In cases where direct transmission is permitted under this Convention, it may take place through the International Criminal Police Organisation (Interpol).

6. A Contracting Party may, when signing this Convention or depositing its instrument of ratification or accession, by a declaration addressed to the Secretary General of the Council of Europe, give notice that some or all requests for assistance shall be sent to it through channels other than those provided for in this article, or require that, in a case provided for in paragraph 2 of this article, a copy of the letters rogatory shall be transmitted at the same time to its Ministry of Justice.

7. The provisions of this article are without prejudice to those of bilateral agreements or arrangements in force between Contracting Parties which provide for the direct transmission of requests for assistance between their respective authorities.

Article 16

1. Subject to paragraph 2 of this article, translations of requests and annexed documents shall not be required.

2. Each Contracting Party may, when signing or depositing its instrument of ratification or accession, by means of a declaration addressed to the Secretary General of the Council of Europe, reserve the right to stipulate that requests and annexed documents shall be addressed to it accompanied by a translation into its own language or into either of the official languages of the Council of Europe or into one of the latter languages, specified by it. The other Contracting Parties may apply reciprocity.

3. This article is without prejudice to the provisions concerning the translation of requests or annexed documents contained in the agreements or arrangements in force or to be made between two or more Contracting Parties.

Article 17

Evidence or documents transmitted pursuant to this Convention shall not require any form of authentication.

Article 18

Where the authority which receives a request for mutual assistance has no jurisdiction to comply therewith, it shall, *ex officio*, transmit the request to the competent authority of its country and shall so inform the requesting Party through the direct channels, if the request has been addressed through such channels.

Article 19

Reasons shall be given for any refusal of mutual assistance.

Article 20

Subject to the provisions of Article 10, paragraph 3, execution of requests for mutual assistance shall not entail refunding of expenses except those incurred by the attendance of experts in the territory of the requested Party or the transfer of a person in custody carried out under Article 11.

Chapter VI — Laying of information in connection with proceedings*Article 21*

1. Information laid by one Contracting Party with a view to proceedings in the courts of another Party shall be transmitted between the Ministries of Justice concerned unless a Contracting Party avails itself of the option provided for in paragraph 6 of Article 15.

2. The requested Party shall notify the requesting Party of any action taken on such information and shall forward a copy of the record of any verdict pronounced.

3. The provisions of Article 16 shall apply to information laid under paragraph 1 of this article.

[Deputy Brian Lenihan.]

Chapter VII — Exchange of information from judicial records

Article 22

Each Contracting Party shall inform any other Party of all criminal convictions and subsequent measures in respect of nationals of the latter Party, entered in the judicial records. Ministries of Justice shall communicate such information to one another at least once a year. Where the person concerned is considered a national of two or more other Contracting Parties, the information shall be given to each of these Parties, unless the person is a national of the Party in the territory of which he was convicted.

Chapter VIII — Final provisions

Article 23

1. Any Contracting Party may, when signing this Convention or when depositing its instrument of ratification or accession, make a reservation in respect of any provision or provisions of the Convention.

2. Any Contracting Party which has made a reservation shall withdraw it as soon as circumstances permit. Such withdrawal shall be made by notification to the Secretary General of the Council of Europe.

3. A Contracting Party which has made a reservation in respect of a provision of the Convention may not claim application of the said provision by another Party save in so far as it has itself accepted the provision.

Article 24

A Contracting Party may, when signing the Convention or depositing its instrument of ratification or accession, by a declaration addressed to the Secretary General of the Council of Europe, define what authorities it will, for the purpose of the Convention, deem judicial authorities.

Article 25

1. This Convention shall apply to the metropolitan territories of the Contracting Parties.

2. In respect of France, it shall also apply to Algeria and to the overseas Departments, and, in respect of Italy, it shall also apply to the territory of Somaliland under Italian administration.

3. The Federal Republic of Germany may extend the application of this Convention to the Land of Berlin by notice addressed to the Secretary General of the Council of Europe.

4. In respect of the Kingdom of the Netherlands, the Convention shall apply to its European territory. The Netherlands may extend the application of this Convention to the Netherlands Antilles, Surinam and Netherlands New Guinea by notice addressed to the Secretary General of the Council of Europe.

5. By direct arrangement between two or more Contracting Parties and subject to the conditions laid down in the arrangement, the application of this Convention may be extended

to any territory, other than the territories mentioned in paragraphs 1, 2, 3 and 4 of this article, of one of these Parties, for the international relations of which any such Party is responsible.

Article 26

1. Subject to the provisions of Article 15, paragraph 7, and Article 16, paragraph 3, this Convention shall, in respect of those countries to which it applies, supersede the provisions of any treaties, conventions or bilateral agreements governing mutual assistance in criminal matters between any two Contracting Parties.

2. This Convention shall not affect obligations incurred under the terms of any other bilateral or multilateral international convention which contains or may contain clauses governing specific aspects of mutual assistance in a given field.

3. The Contracting Parties may conclude between themselves bilateral or multilateral agreements on mutual assistance in criminal matters only in order to supplement the provisions of this Convention or to facilitate the application of the principles contained therein.

4. Where, as between two or more Contracting Parties, mutual assistance in criminal matters is practised on the basis of uniform legislation or of a special system providing for the reciprocal application in their respective territories of measures of mutual assistance, these Parties shall, notwithstanding the provisions of this Convention, be free to regulate their mutual relations in this field exclusively in accordance with such legislation or system. Contracting Parties which, in accordance with this paragraph, exclude as between themselves the application of this Convention shall notify the Secretary General of the Council of Europe accordingly.

Article 27

1. This Convention shall be open to signature by the members of the Council of Europe. It shall be ratified. The instruments of ratification shall be deposited with the Secretary General of the Council.

2. The Convention shall come into force 90 days after the date of deposit of the third instrument of ratification.

3. As regards any signatory ratifying subsequently the Convention shall come into force 90 days after the date of the deposit of its instrument of ratification.

Article 28

1. The Committee of Ministers of the Council of Europe may invite any State not a member of the Council to accede to this Convention, provided that the resolution containing such invitation obtains the unanimous agreement of the members of the Council who have ratified the Convention.

2. Accession shall be by deposit with the Secretary General of the Council of an instrument of accession which shall take effect 90 days after the date of its deposit.

Article 29

Any Contracting Party may denounce this Convention in so far as it is concerned by giving

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notice to the Secretary General of the Council of Europe. Denunciation shall take effect six months after the date when the Secretary General of the Council received such notification.

Article 30

The Secretary General of the Council of Europe shall notify the members of the Council and the government of any State which has acceded to this Convention of:

- a) the names of the signatories and the deposit of any instrument of ratification or accession;
- b) the date of entry into force of this Convention;
- c) any notification received in accordance with the provisions of Article 5 — paragraph 1, Article 7 — paragraph 3, Article 15 — paragraph 6, Article 16 — paragraph 2, Article 24, Article 25 — paragraphs 3 and 4, Article 26 — paragraph 4;
- d) any reservation made in accordance with Article 23, paragraph 1;
- e) the withdrawal of any reservation in accordance with Article 23, paragraph 2;
- f) any notification of denunciation received in accordance with the provisions of Article 29 and the date on which such denunciation will take effect.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 20th day of April 1959, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to the signatory and acceding governments.

PART 2

TEXT OF FIRST ADDITIONAL PROTOCOL TO 1959 CONVENTION

The member States of the Council of Europe, signatory to this Protocol, Desirous of facilitating the application of the European Convention on Mutual Assistance in Criminal Matters opened for signature in Strasbourg on 20th April 1959 (hereinafter referred to as “the Convention”) in the field of fiscal offences; Considering it also desirable to supplement the Convention in certain other respects,

Have agreed as follows:

Chapter I

Article 1

The Contracting Parties shall not exercise the right provided for in Article 2.a of the Convention to refuse assistance solely on the ground that the request concerns an offence which the requested Party considers a fiscal offence.

Article 2

1. In the case where a Contracting Party has made the execution of letters rogatory for

search or seizure of property dependent on the condition that the offence motivating the letters rogatory is punishable under both the law of the requesting Party and the law of the requested Party, this condition shall be fulfilled, as regards fiscal offences, if the offence is punishable under the law of the requesting Party and corresponds to an offence of the same nature under the law of the requested Party.

2. The request may not be refused on the ground that the law of the requested Party does not impose the same kind of tax or duty or does not contain a tax, duty, customs and exchange regulation of the same kind as the law of the requesting Party.

Chapter II

Article 3

The Convention shall also apply to:

- a) the service of documents concerning the enforcement of a sentence, the recovery of a fine or the payment of costs of proceedings;
- b) measures relating to the suspension of pronouncement of a sentence or of its enforcement, to conditional release, to deferment of the commencement of the enforcement of a sentence or to the interruption of such enforcement.

Chapter III

Article 4

Article 22 of the Convention shall be supplemented by the following text, the original Article 22 of the Convention becoming paragraph 1 and the below-mentioned provisions becoming paragraph 2:

“2 Furthermore, any Contracting Party which has supplied the abovementioned information shall communicate to the Party concerned, on the latter’s request in individual cases, a copy of the convictions and measures in question as well as any other information relevant thereto in order to enable it to consider whether they necessitate any measures at national level. This communication shall take place between the Ministries of Justice concerned.”

Chapter IV

Article 5

1. This Protocol shall be open to signature by the member States of the Council of Europe which have signed the Convention. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. The Protocol shall enter into force 90 days after the date of the deposit of the third instrument of ratification, acceptance or approval.

3. In respect of a signatory State ratifying, accepting or approving subsequently, the Protocol shall enter into force 90 days after the date of the deposit of its instrument of ratification, acceptance or approval.

[Deputy Brian Lenihan.]

4. A member State of the Council of Europe may not ratify, accept or approve this Protocol without having, simultaneously or previously, ratified the Convention.

Article 6

1. Any State which has acceded to the Convention may accede to this Protocol after the Protocol has entered into force.

2. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect 90 days after the date of its deposit.

Article 7

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Protocol shall apply.

2. Any State may, when depositing its instrument of ratification, acceptance, approval or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Protocol to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect six months after the date of receipt by the Secretary General of the Council of Europe of the notification.

Article 8

1. Reservations made by a Contracting Party to a provision of the Convention shall be applicable also to this Protocol, unless that Party otherwise declares at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession. The same shall apply to the declarations made by virtue of Article 24 of the Convention.

2. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it reserves the right:

a) not to accept Chapter I, or to accept it only in respect of certain offences or certain categories of the offences referred to in Article I, or not to comply with letters rogatory for search or seizure of property in respect of fiscal offences;

b) not to accept Chapter II;

c) not to accept Chapter III.

3. Any Contracting Party may withdraw a declaration it has made in accordance with the foregoing paragraph by means of a declaration addressed to the Secretary General of the Council of Europe which shall become effective as from the date of its receipt.

4. A Contracting Party which has applied to this Protocol a reservation made in respect of a provision of the Convention or which has made a reservation in respect of a provision of this Protocol may not claim the application of that provision by another Contracting Party; it may, however, if its reservation is partial or conditional claim the application of that provision in so far as it has itself accepted it.

5. No other reservation may be made to the provisions of this Protocol.

Article 9

The provisions of this Protocol are without prejudice to more extensive regulations in bilateral or multilateral agreements concluded between Contracting Parties in application of Article 26, paragraph 3, of the Convention.

Article 10

The European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the application of this Protocol and shall do whatever is needful to facilitate a friendly settlement of any difficulty which may arise out of its execution.

Article 11

1. Any Contracting Party may, in so far as it is concerned, denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

3. Denunciation of the Convention entails automatically denunciation of this Protocol.

Article 12

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to the Convention of:

- a) any signature of this Protocol;
- b) any deposit of an instrument of ratification, acceptance, approval or accession;
- c) any date of entry into force of this Protocol in accordance with Articles 5 and 6;
- d) any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 7;
- e) any declaration received in pursuance of the provisions of paragraph 1 of Article 8;
- f) any reservation made in pursuance of the provisions of paragraph 2 of Article 8;
- g) the withdrawal of any reservation carried out in pursuance of the provisions of paragraph 3 of Article 8;
- h) any notification received in pursuance of the provisions of Article 11 and the date on which denunciation takes effect.

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In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 17th day of March 1978, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.”.

Amendment agreed to.

Deputy Brian Lenihan: I move amendment No. 86:

In page 215, line 2, to delete “modified” and substitute “applied by Instrument of 14 July 2005”.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I thank the Deputies who contributed to a very constructive debate on this Bill. A number of amendments were brought forward which were of considerable assistance to the Parliamentary Counsel. In addition, the debate both here and in committee put a focus on the essential meaning and purpose of these legal provisions.

Question put and agreed to.

An Ceann Comhairle: The Bill, which is considered to be a Bill initiated in the Dáil in accordance with Article 20.2.2° of the Constitution, will be sent to the Seanad.

Sitting suspended at 6.35 p.m. and resumed at 7 p.m.

Private Members Business.

Capitation Grants: Motion (Resumed).

The following motion was moved by Deputy Eamon Gilmore on Tuesday, 11 March 2008:

That Dáil Éireann notes with grave concern the serious financial crisis facing many primary schools and calls for the doubling of the capitation grant with effect from the school year 2008-09.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“recognises the major improvements that have been made in improving funding levels for primary schools over recent years including:

- an 86% increase in the rate of the standard primary capitation grant since 2001;
- an increase of almost 100% in the ancillary services grant since 2001, providing schools with more resources to pay for support staff such as caretakers and secretaries;
- improvements announced in the last budget which taken together mean that primary schools are getting €330 per pupil this year to meet their day-to-day running costs — €21 more than they received in 2007;
- the payment of enhanced rates of capitation grant in respect of pupils with special educational needs of between €457 and €880 per pupil — an average increase of about 42% since 2006; and
- the provision of significantly enhanced levels of funding for schools serving disadvantaged communities under the DEIS Action Plan.

supports the commitments in the five-year Programme for Government to:

- increase day-to-day funding for our schools in real terms and double the capitation grant for primary schools by 2012; and
- significantly increase the value of grants paid to schools for the employment of support staff such as secretaries and caretakers.”

—(Minister for Education and Science).

Deputy Brian Hayes: I wish to share time with Deputy Ulick Burke. I endorse the Labour Party motion and I congratulate the party for putting it on the Order of Business. There is something entirely dysfunctional about an education system where the State defines a school as a charity, yet that is exactly what is happening. In information that I recently received from the Minister for Finance, 420 schools, representing about 10% of the total number in the country, have obtained from the Revenue Commissioners charitable tax designated status for the purposes of raising money from charitable donations. Are we happy that this should be the case? Have people really thought through the implications of this new departure? Schools are now being forced to describe themselves as charities simply to obtain funds to keep afloat.

It is arguable that the 10% of schools that have obtained this tax status are probably from the wealthiest parts of the country. That in itself highlights the growing two-tiered nature of primary education, where wealthier parents can effectively subsidize their children's education, thereby giving them a considerable head start over other children. The segregation that has become such a feature of post primary education in recent years is now becoming very evident within primary education. If this goes unchecked for much longer, the entire strength of our national school system will be dismantled as segregation becomes the order of the day.

If schools are to obtain special tax status due to charitable donations, then at the very least those schools should have to demonstrate to the Department of Finance and to the Revenue Commissioners where exactly the public benefit comes from the status they enjoy. Crucial questions need to be asked. Is the school open to all? How many children from a special needs background are within that school? Are the school's facilities open or available to the wider public? What is the enrolment policy of such a school? If a new public benefit test is not employed when granting tax designation, it is fair to say the gap will continue to widen, as new benefits can only be enjoyed by a small selection of schools.

As a rich country we have been getting our education system on the cheap for too long. The spectacle of schools surviving on weekly lotto draws is a kind of embarrassing and tacky admission that education in Ireland is funded on the basis of leftovers. Schools are asked to make

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ends meet on bits or scraps. The Government really believes that much of what goes into education should be provided on a voluntary basis. We even witnessed the spectacle yesterday where Government backbenchers stated on the national airwaves that parents enjoy fund-raising activities. What planet are they on?

Listening to the Minister for Education and Science last night, there is no sense that she is fully engaged with the hand to mouth financial operation that school managers have to encounter on a daily basis. Listening to her, one could get the impression that it is really the fault of the school that seems unwilling to recognize the great strides that we have made, according to the *Pravda* like announcements from the current Government. She lives in a parallel universe where the quality of propaganda and spin from her Department is more important than the quality of the funding we make available to our schools. It is time that era of spin was brought to an end.

While I accept that tonight's motion is focused on providing a proper financial footing for schools, there are other things that need to be done. There needs to be a review of the time of the year that capitation grants should be paid, rather than the current regime where massive overdrafts have to be entered into by schools. There needs to be additional supports for schools in disadvantaged areas where fund-raising is not an option, as well as a review of the school start-up grant which is woefully inadequate. We need to review how waste and water charges can be removed from schools' running costs and to investigate the feasibility of the State Claims Agency taking a role in providing insurance for schools, currently one of their biggest annual costs. I cannot understand why the State cannot underwrite insurance in all our schools, rather than asking each school to pay for the insurance cost. Have we not got the capacity, through the State Claims Agency, to develop a model of insurance which allows a small premium to be paid by all schools or no schools at all? Such a model exists for other State buildings and throughout the public sector. Finally, we need to examine the possibility of extending VAT relief to schools, as they cannot be described as businesses but must pay VAT at 21%. Can we redesignate schools for the purposes of reducing their VAT bill so they can at least get relief on the claims they make?

We also need an independent commission, free of political and departmental interference, with the power to assess and recommend capitation levels. A proper comparative study needs to be published which will show our funding arrangements in comparison to other EU school funding arrangements and whether we meet international best standards. I have been calling for this for the past six months. We need an independent international commission which will report to this House within six months on what should be paid by the Government and the kind of funding mechanism that needs to be employed. With schools falling into debt and parents propping them up, a whole new way of thinking about education funding is needed. That can begin with the establishment of an independent commission, and I make that proposal.

Deputy Ulick Burke: Ba mhaith liom i dtosach mo bhuíochas a ghabháil leis an Teachta Brian Hayes as ucht a chuid ama a thabhairt dom. Cuirim fáilte roimh an rún agus tugaim mo thacaíocht leis.

I dtosach, fáiltím roimh an deontas a cheadaigh an t-Aire Oideachais agus Eolaíochta don phobal scoil nua i Glenamaddy an tseachtain seo caite tar éis cruinniú 500 tuismitheoirí a bhailigh sa halla sa bhaile mór sin, agus tar éis na daoine a bhuail leis an t-Aire i nGaillimh dé hAoine seo chaite chun an ceist seo a phlé.

Ar an taobh eile, áfach, níl mé sásta beag ná mór leis an gcaoi a bhfuiltear ag déileáil leis na bunscoileanna i ndáilcheantair Gaillimh Thoir. Iarraim ar an Aire athbhreithniú iomlán a dhéanamh ar an scéal agus go háirithe ar na deontais caipitíochta atá le fáil ag na bunscoileanna. Níl sé ceart ná cóir go mbeadh ar na tuismitheoirí airgead a bhailiú le n-íoc as na gnáthriachtanaisí scoile, mar shampla, solas, árachas agus seirbhísí eile.

Anuas ar sin tá an scéim tógála curtha siar arís agus arís eile. Tá níos mó ná cúig bhunscoil i mo cheantair ag fanacht le dea-scéal le fada an lá, agus i gcás amháin i Killimor, tá deich mbliana caite ó thosaigh an chaint ar obair thógála. De thoradh seo tá an scoil i Craughwell ag cur thar maoile, agus creid nó ná creid, i gcás Eachroime tá an bothar nua idir Bhéal Átha na Slua agus an Gaillimh ag dul tríd an láthair a bhí leagtha amach mar suíomh na scoile sin.

Tuigim go bhfuil airgead á chaitheamh ar scoileanna i mBaile Átha Cliath, ach impím ar an Aire cothrom na féinne a thabhairt dúinn i gContae na Gaillimhe agus féachaint chuige go gceadófar láithreach an obair thógála atá ag taisteál le fada an lá.

The Minister for Education and Science is well aware that research over the past 30 years has shown that the quality of education deteriorates significantly in class sizes of more than 20. Class size is closely linked to the issue of capitation. It is an indictment of the Minister and her failure to deliver on many of her promises on education that charitable organisations must subsidise the running of schools and provision of services.

Deputy John Curran: I wish to share time with Deputies Charlie O'Connor, Niall Blaney and Martin Mansergh.

While I welcome the opportunity to contribute to this debate, I do not support the motion. Reading a print-out of the text of this week's Private Members' business in my constituency office on Friday afternoon, I was taken aback by its lack of detail. One of the shortest motions to come before the House, its content will be popular given that no school would refuse a 100% increase in its capitation grant. It states that "many", although not all, schools have financial difficulties but does not attempt to estimate or evaluate the scale of these difficulties.

Deputy Seán Sherlock: The Deputy obviously has not visited schools lately.

Deputy John Curran: I will address that issue. The solution, according to the motion, is to double the capitation grant without trying to evaluate the scale of financial difficulty.

Deputy Ulick Burke: The Government made a promise to double the grant.

Deputy John Curran: Its promise is to double the capitation grant within the lifetime of the Government, not within one year.

The cost of the measure proposed in the motion is in the region of €80 million. Is that the best value for money or return on expenditure we can achieve in the education system?

Deputy Kathleen Lynch: Yes.

Deputy John Curran: Many speakers did not make that argument. The previous speaker, for example, did not focus specifically on increasing capitation grants. Instead, he would like additional money spent elsewhere, specifically on reducing class sizes. This would not be achieved by increasing capitation grants.

Deputy Seán Sherlock: The two objectives are not mutually exclusive.

Deputy John Curran: We must determine how the money being spent will have the greatest impact and achieve the best outcome. The motion, as framed, does not consider this aspect. I am often lectured by Opposition Deputies on the fact that the most recent Fine Gael-Labour Party coalition was the first Government to return a budget surplus.

Deputy Ulick Burke: This Government squandered it.

Deputy John Curran: Did it increase capitation grants? The Opposition frequently calls on the Government to index link various increases. The Government has gone further and introduced increases in capitation grants in primary education well in excess of inflation. Other grants are also available. The motion should have considered the issue in much greater detail.

Deputy Kathleen Lynch: Would the Deputy have voted for it in that case?

Deputy John Curran: No. Even in the current year, with much talk of less money being available and the economy not growing at the same rate as in previous years, the education budget has been increased by almost €700 million or 8%, which is ahead of inflation and in excess of the increases allocated to many other Departments. These additional funds are being spent in a variety of ways.

To address a point made by Deputy Ulick Burke, it is noteworthy that in the period from 2001 to 2008, the Government increased the number of primary school teachers by 7,000.

Deputy Ulick Burke: It is sacking them now.

Acting Chairman (Deputy Johnny Brady): Please allow the Deputy to continue without interruption.

Deputy John Curran: With the education budget increasing, choices need to be made as to where these additional resources should be allocated.

Deputy Ulick Burke: Forty schools are losing teachers.

Deputy John Curran: The motion calls for the capitation grant to be doubled. Not every school is in financial difficulty and their difficulties are not always of the scale the Deputies suggest. For this reason, the motion is incorrect. I am in favour—

Deputy Kathleen Lynch: Is the Deputy suggesting some children should be treated differently? Should we introduce a sliding scale?

Acting Chairman: Please allow Deputy Curran to continue without interruption.

Deputy John Curran: I am suggesting that not all schools need the rate of increase proposed in the motion.

Deputy Seán Sherlock: I will bring the Deputy to some rural schools in my constituency. Why do parents constantly have to fund-raise to cover the costs of educating their children?

Deputy John Curran: I will address those questions. The capitation fee is not the only funding provided to schools to cover their day-to-day expenses. Reading the motion, one could arrive at that conclusion. They also receive the ancillary services grant of €150 per student per annum, a substantial amount, and the capitation grant of €178 per pupil per annum.

Deputy Seán Sherlock: Capitation grants are being used to pay water and heating bills.

Deputy John Curran: Even in the current year, the capitation grant increased by €15 or 9%.

Deputy Ulick Burke: The Government withdrew two other grants.

Deputy John Curran: The rate of increase far exceeds the inflation rate. The Government will meet its commitment to double the capitation grant by 2012, albeit not in one year as suggested by the Labour Party.

Several hundred schools in disadvantaged areas receive additional funding through the DEIS project and enhanced capitation rates are available for special schools or classes in schools.

Deputy Ciarán Lynch: They have higher insurance costs.

Deputy John Curran: A range of additional financial supports are available.

I reject Deputy Brian Hayes's suggestion that the Minister is not fully engaged with hand-to-mouth school finances. My contribution is made on the basis of my experience for more than a decade of being a member of the board of management of a school in Clondalkin, which is not a particularly affluent area of Dublin. The school, which has 300 pupils, has experienced significant improvements as the rate of capitation grant has increased. While we have made tough choices and have not engaged in fund-raising as it would not make a significant impact to do so, the board of management runs the school within the resources allocated to us. We engaged in a fund-raising project once, about ten years ago, when it was decided to introduce computers. The decision was taken before grants were available for this purpose and we have since replaced many of these computers using grants that have since become available.

I know many principals and members of boards of management of schools which are experiencing difficulties and I accept the need to address these problems. However, doubling the capitation fee alone would achieve this purpose. The motion makes a factually incorrect assumption that every school is grossly under-funded when this is not the case.

Deputy Ulick Burke: The Deputy should take a walk outside Clondalkin.

Deputy John Curran: All schools would gladly accept a 100% increase in the capitation grant, although this would cost €80 million. Other issues raised by Deputies are also worthy of consideration but are being omitted by the very nature of the motion.

Deputy Seán Sherlock: The Deputy should visit rural areas to see how real people live and parents struggle.

Deputy John Curran: Years of neglect have meant that some schools have inherent problems and have high heating bills and maintenance costs. It would be possible to run them more efficiently if other remedies were implemented, such as major improvements in the fabric of the buildings. A range of projects and issues need to be addressed. Doubling the capitation grant is a popular proposal but would not deliver a good return on the additional expenditure required from the Department's Vote.

Public representatives are contacted by schools seeking additional school buildings, classrooms, teachers and so forth. The motion ignores these issues and assumes all schools do not live within the financial constraints imposed on them.

Deputy Ulick Burke: The Minister ignored those issues for ten years.

Deputy Charlie O'Connor: I welcome the opportunity to make a brief contribution to this important debate and compliment our colleagues in the Labour Party on giving us that opportunity. I am pleased to see so many prominent members of the Labour Party, including future leaders, in the Chamber to hear my contribution. I appreciate their support.

In her fine contribution last night the Minister said she was glad to take the opportunity to outline to the House her commitment and that of the Government to improving day to day funding arrangements for primary schools. That is the core issue before us.

We all have issues we want to raise. My colleague, Deputy Curran, made several references to Clondalkin. Therefore, I will not be apologetic about mentioning Tallaght, Firhouse, Greenhills——

Deputy Ciarán Lynch: We are counting, Charlie.

Deputy Charlie O'Connor: ——Templeogue, Bohernabreena and Brittas.

In preparation for this debate I decided to be up and about early this morning and visited Holy Rosary national school in Ballycragh, which was a great experience because——

Deputy Ulick Burke: What did the Deputy promise them?

Deputy Charlie O'Connor: I did not promise them anything. I went to see the school to have the opportunity to talk to the young people, teachers and community.

Deputy Kathleen Lynch: Is that where there are more children in prefabs than in the school?

Acting Chairman: Deputy O'Connor to continue without interruption.

Deputy Charlie O'Connor: I thank the Acting Chairman for protecting me. He will be interested to know that in all the classes——

Deputy Kathleen Lynch: Prefabs, Charlie.

Deputy Charlie O'Connor: The Deputy should let me make the contribution. I will represent the school in Ballycragh.

Deputy Kathleen Lynch: Prefabs.

Acting Chairman: Please, Deputy Lynch.

Deputy Charlie O'Connor: In a number of classes the principal asked pupils if they knew who I was and, thank God, they did; they knew other colleagues also.

Deputy Ulick Burke: That is why the Deputy went there.

Deputy Charlie O'Connor: I ask the Acting Chairman not to tell anyone this story but in one particular class the principal asked the youngsters if they knew who I was.

Deputy Ciarán Lynch: We all know the Deputy.

Deputy Charlie O'Connor: One hand went up and the youngster said, “Yes, I know who he is.” The teacher asked the child the name and the child replied, “Charlie Lenihan”.

(Interruptions).

Deputy Kathleen Lynch: What a burst of genius.

Deputy Charlie O'Connor: It is a true story.

Deputy Conor Lenihan: They are very united. It is called branding.

Acting Chairman: Deputy O'Connor to continue without interruption.

Deputy Charlie O'Connor: I am determined to make a number of serious points.

Deputy Ulick Burke: The Deputy has just made a very serious one.

Deputy Charlie O'Connor: Holy Rosary national school in Ballycragh has a large international population. Deputy Lynch said — I do not deny it nor am I afraid to say it — that they are taught in prefabs. Other schools in other regions have overtaken it in terms of permanent accommodation.

Deputy Kathleen Lynch: There are more children in prefabs than in classrooms.

Deputy Charlie O'Connor: I say from the Government benches and have said to the Minister directly that this is the type of school that should be facilitated. The community should not have to wait for this.

I have often made the point that there should be more joined-up thinking between the local authorities — in my case South Dublin County Council in Tallaght — and the planners in the Department of Education and Science. We should not allow so many houses to be built without also providing for proper educational and other infrastructure. It is happening in Ballycragh and other communities. People talk about the need for new schools in County Meath and Drogheda but I am making a strong case for Ballycragh, as I would always do for my community.

As I go about my business — I am aware this is the case everywhere else — I hear many schools lament the fact that funding has not been provided this year for summer works. I have told the Minister that it is important she understands that such funding should be provided.

I want to talk about my local school. I live in Springfield in Tallaght and mention it because——

Deputy Ciarán Lynch: The Deputy should put his telephone number on the record also.

Deputy Ulick Burke: What do they call the Deputy there?

Deputy Charlie O'Connor: ——the local school is a good example of what happens in many others. There are 1,100 pupils in St. Mark's, a school that was founded in 1973 and opened on the day Erskine Childers died in 1974. It is unique because almost 500 pupils come from 48 countries. I have heard Deputy Burton and others talk about the particular demands in certain areas. This is the type of school that should be receiving special attention because it faces even more challenges than many other schools. It has been helped by the appointment of special language teachers — six in our case — and has received other funds but it needs more for IT. It is the type of school — I will bring Deputy Lynch there some day if she would like to visit it — that should receive even more attention and assistance. What happens there can happen in the rest of the country.

Deputy Kathleen Lynch: Extra funding is not being provided in the rest of the country.

Deputy Charlie O'Connor: I could be on the Opposition benches having a more comfortable life but I am on the Government benches and not afraid to highlight the concerns of my community. I will continue to do so. I look forward to more such debates. I support the Government amendment.

Deputy Mary Upton: Support the motion.

Deputy Niall Blaney: I am pleased to have an opportunity to speak to the motion. I thank my colleagues, Deputies O'Connor and Curran, for sharing time with me.

I am baffled as to the reason the motion is before the House because this sector has seen increases year on year well ahead of inflation. School funding has dramatically increased under the Government, with increases never dreamed of ten years ago. There will always be negativity in the House, regardless of what the Government achieves in whatever Department.

Total expenditure on education this year will be in excess of €9.3 billion. That is inclusive of the additional €690 million provided in this year's budget. That is a huge slice of the overall Government budget and one that should not be derided.

Focusing on primary schools funding, approximately €167 million will be paid to meet day-to-day running costs. On the subject of capitation grants, the standard rate has been increased by almost 100% since 2001, with schools currently receiving almost €179 per pupil compared to a little over €95 in 2001. A total of €97.4 million will be expended by the Department of Education and Science this year under the capitation grants scheme. As all Members are aware, the amount of grant paid to a school is determined by the enrolment in the school, subject to a minimum grant in the case of a school with less than 60 pupils, which, to be parochial for one moment like my colleague, would be the case in many schools in my constituency of Donegal North East. It is also worth noting that gaelscoileanna outside Gaeltacht areas also receive an additional €25.39 per pupil. Enhanced rates of capitation funding are also provided in respect of children with special educational needs who attend special schools or special classes attached to mainstream schools. The current rates range from €457 to €880 per pupil.

Ancillary services grants have also seen a significant rise in recent years, providing more funding for schools to cover the cost of secretaries and caretakers. This grant is also based on pupil numbers, with primary schools receiving just over €151 per pupil. In addition to the funds mentioned, each primary school with full recognition receives a minor works grant composed of a €5,500 basic grant plus €18.50 per mainstream pupil and €74 per special needs pupil on the rolls on 30 September of the year prior to issue of the grant.

Under the DEIS, the Government is striving to ensure those suffering from disadvantage will be looked after. Some 873 schools were invited to participate in the programme, of which 670 are primary schools and 203 second level schools. A large number of schools in my constituency of Donegal North East come under the DEIS plan and I see at first hand the benefits enjoyed by the children attending these schools. Almost €14 million in additional grant assistance was issued to primary schools to address educational disadvantage in November 2007. In addition to this extra financial assistance for schools participating in the DEIS, other benefits are also provided for them by way of pre-school intervention, reduced pupil-teacher ratios etc.

The programme for Government commits to increasing day-to-day funding for our schools and will double capitation grants for primary schools over five years. It also commits to increase grants to schools significantly for the employment of support staff. It sets out our commitment to continue providing top-class education for our children. There have been problems with class sizes, special needs etc., but the Minister is making progress on these issues. The Minister

must be commended on the positive changes she has brought about in education during her tenure.

Like in other counties, some schools are waiting on extensions and renovations in County Donegal. The most pertinent sites are St. Eunan's College in Letterkenny, Lurgybrack, Glen-swilly and the Boys School national schools in Letterkenny. The Minister has been working with me for some time on these issues. I hope in due course the extensions and new buildings for these schools will be delivered, like the Minister has done for other schools in County Donegal.

Deputy Ulick Burke: They will be on the way in time for the next general election.

Deputy Niall Blaney: That is a cheap comment from the other side. The people of Donegal appreciate what the Minister has done for schools there.

Deputy Ulick Burke: They are still waiting.

Deputy Niall Blaney: The list for school renovations is much shorter than what it used to be when Deputy Burke's party was in Government.

Deputy Ulick Burke: It is nearly as long if not longer.

Deputy Niall Blaney: We have come such a long way in the past several years with school buildings and education facilities. Some €104.5 million was provided for major school building and modernisation projects in County Donegal between 1998 and 2006.

I am proud that €35 million was invested in the Letterkenny Institute of Technology between 1997 and 2007, resulting in the college being one of Donegal's finest assets.

Deputy Jan O'Sullivan: What has this to do with primary schools?

Deputy Niall Blaney: I had first-hand experience of that as I attended the college. The facilities on offer are incredible.

Deputy Emmet Stagg: The Deputy is a good product of the college.

Deputy Niall Blaney: Over €7.4 million was invested in adult and further education in Donegal in 2006. No Member needs to be told of the major changes that have been brought about by this. This is a small snapshot of the good times we have experienced over the past ten years.

Deputy Ulick Burke: It is all gone now.

Deputy Niall Blaney: It is important to consider the wider picture. We do have more to do but we have done a lot, more than many could have imagined.

There are no instant fixes for funding issues that arise. We have very capable Ministers who will bring about the steady and progressing changes necessary to solve issues. With the global economic crisis we are facing, it is important the reform necessary in all Departments is brought about with care. Deputy Hanafin is the most progressive Minister for Education and Science for a long time. She will bring about changes necessary in the education system, be it funding or otherwise.

Deputy Martin Mansergh: No area is more important for our future than education. I welcome this debate.

Deputy Emmet Stagg: Despite the Minister's lies on the matter.

Deputy Martin Mansergh: There is no more worthwhile investment. We have long ceased to be a cheap location for employment, so our advantages will reside chiefly in the skills and intelligence of our young people.

The capitation grant for primary schools has trebled from the equivalent of €57 in 1996-97 to €178 this year.

Deputy Emmet Stagg: Fianna Fáil promised to double it in the past three elections. Promises were made in three general elections in a row and still nothing has been done

Deputy Martin Mansergh: An enhanced special needs capitation has applied since 2002 and a salary services grant in place of community employment schemes since 2001.

Deputy Emmet Stagg: Fianna Fáil was telling lies to the public.

Acting Chairman: Deputy Stagg will get his opportunity to contribute to the debate.

Deputy Martin Mansergh: There is also an additional capitation for gaelscoileanna. I accept costs have increased, especially water charges and energy bills. Even with the best management, most school finances are very tight.

Deputy Ciarán Lynch: We could have a whip-round.

Deputy Kathleen Lynch: Better still, we could have a dig-out.

Deputy Martin Mansergh: The commitment in the programme for Government, reflected in the Fianna Fáil election manifesto to double capitation grants over the lifetime of this Government is certainly needed.

Deputy Emmet Stagg: How about a cake sale?

Acting Chairman: Please, Deputies, allow Deputy Mansergh without interruption.

Deputy Martin Mansergh: Progress will depend on broader economic conditions and the State's finances. In our election manifesto, it was explicitly stated Fianna Fáil will put responsibility first.

Deputy Emmet Stagg: The Minister for Finance, Deputy Cowen, did not.

Deputy Ulick Burke: That is the sting.

Deputy Emmet Stagg: Fianna Fáil did not say that before the election.

Deputy Martin Mansergh: All the commitments made in this are dependent on our country's economic prosperity which we will never put at risk.

Deputy Emmet Stagg: Three elections in a row and still nothing has been done.

Deputy Martin Mansergh: Against the backdrop of current conditions, a 12% increase in the capitation grant in 2008, which translates into 9% for each individual pupil, and given the increasing numbers of children enrolled, is quite generous.

There are increased costs and the Government does not want to remove all incentives to manage scarce resources like energy and water responsibility by blanket subsidisation of all costs incurred.

Deputy Emmet Stagg: That is about paying for the product not subsidisation.

Deputy Martin Mansergh: At the same time capitation should cover all basic running costs at a reasonable rate.

Deputy Ulick Burke: Let the parents continue fund-raising.

Acting Chairman: Deputy Stagg's party is losing time with this.

Deputy Martin Mansergh: Does Deputy Stagg have no respect for other speakers? No, he does not.

Deputy Emmet Stagg: The Deputy is being dishonest. He should not be telling more lies.

Deputy Martin Mansergh: As the Minister pointed out in her speech last night——

Acting Chairman: Deputy Stagg will withdraw that remark and the term "lies".

Deputy Emmet Stagg: I withdraw it in favour of the term "dishonest". The Deputy is being dishonest.

Deputy Martin Mansergh: Some imaginative arrangements have been devised for national schools, particularly in areas where there is a substantial immigrant school population. Most people will be pleased that the existing school system is to be adapted rather than abolished. I wish to pay particular tribute to the Archbishop of Dublin, Dr. Martin, for his imaginative and flexible response to the new pressures being faced in certain areas.

Deputy Emmet Stagg: What about the money? Show us the money.

Deputy Martin Mansergh: Voluntary community or parish involvement in school support and management is a good development and preferable to a purely and exclusive State system of schooling which may be somewhat soulless. This does mean small contributions are likely to be required from parents, largely outside areas of social disadvantage. In many areas, parents who actively want to enhance facilities for their children are only too glad to participate in local fund-raising——

Deputy Emmet Stagg: They pay their taxes too.

Deputy Martin Mansergh: ——and sometime make contributions in kind.

Acting Chairman: Allow Deputy Mansergh without interruption.

Deputy Martin Mansergh: The goodwill should not be exploited or taken advantage of by the State and should not be in lieu of basic supports.

Deputy Ulick Burke: What about the Society of St. Vincent de Paul?

Acting Chairman: Deputy Burke was not interrupted when he made his contribution.

Deputy Martin Mansergh: The Minister has provided additional funding for schools serving areas of social disadvantage.

The tradition that education Ministers in the main are former teachers has been vindicated by Deputy Hanafin. I pay tribute to her concentrated effort to prioritise social disadvantage and inclusion. Even ten years ago such services were underdeveloped. Now, nearly every school has access to resource teachers and special needs assistants which can increase strains on space in older buildings. The previous Government gave this priority over the reduction of the pupil-teacher ratio. Some reduction in the ratio did take place.

Deputy Emmet Stagg: Accidentally.

Deputy Martin Mansergh: While many areas of the country are having to wait, there is some understanding of the short-term priority the Minister has given to tackling acute demographic pressures, partly due to migration into the counties surrounding Dublin.

Deputy Conor Lenihan: I must leave but I trust the Acting Chairman will contain the Ballymagash element in the Chamber.

Deputy Martin Mansergh: One of the most important pledges made in the general election by my party was to increase the number of primary teachers by 4,000.

Deputy Ulick Burke: What did the Minister do last week?

Deputy Martin Mansergh: The Minister informed the House last night that not only has the pledge been kept but it is ahead of target with half the number delivered in the first two years, which is very welcome.

I pay tribute to the excellent work done in providing new schools or building extensions. The quality is high and it probably increases the demand for better facilities from other neighbouring schools. The €390 million capital application for primary schools is broadly at the same level as 2007.

Deputy Emmet Stagg: It is way less than promised by Fianna Fáil.

Deputy Martin Mansergh: The comparable figure in 1997 was the equivalent of €44 million.

Deputy Emmet Stagg: When will it be reviewed?

Deputy Martin Mansergh: As a result of the success of the Celtic tiger economy, expectations on the delivery of projects in quality and quantity have been transformed. A senior cleric in my church recently expressed the view that modern national schools are so good, he does not understand why parents would choose to go private. In truth, few do, although sometimes there can be issues other than educational ones in that choice.

Many schools are looking forward to the resumption of the excellent summer works scheme where their applications have been frozen until funding is resumed. There are provisions to tackle emergencies.

A particular issue in south Tipperary is the long promised provision of a site for the gaelcoil in Clonmel which was identified as promised by the Minister last May. We hope this will lead on to a new building.

Deputy Emmet Stagg: It will start with two prefabs and then have to wait another eight years.

Deputy Martin Mansergh: An excellent new gaelcoil was opened by the Minister in Tipperary town three years ago.

Listening to the contribution of the Fine Gael spokesperson on education, I cannot agree with two of his suggestions. It is not good or viable fiscal practice to have special VAT regimes for particular sectors such as schools. Nor do I agree with the establishment of outside commissions, often at considerable expense, to determine what we ought to be doing on the level of capitation grants. This can only be done by the Government in the overall budget context.

I look forward to a rise in the volume of education expenditure, not just to cope with demographic pressures but to improve the quality of provision——

Deputy Emmet Stagg: Show them the money.

Deputy Martin Mansergh: ——and to make the task of teachers easier.

Deputy Emmet Stagg: Money and profit.

Deputy Martin Mansergh: Last Tuesday morning a man came up to me on the street in Tipperary and in the course of a short conversation he remarked, quite unprompted, that the Minister, Deputy Hanafin, is doing a good job. I could only agree.

Deputy Emmet Stagg: Up Fianna Fáil.

Deputy Brian Hayes: They must be related.

Deputy Martin Mansergh: No.

Deputy Jan O'Sullivan: I wish to share my time with Deputies Ciarán Lynch, Kathleen Lynch and Seán Sherlock.

I commend my colleagues in the Labour Party on tabling this motion. As Deputies are aware, I have dealt with the area of education over a number of years and have had contacts with a variety of schools. This is an issue that has been brought up consistently by schools across the country.

One of the things I consider to be totally unfair about the system is that schools must raise money for the essentials of running a school, whether it be insurance, heating or water. There is a variety of services that should not need to be obtained through fund-raising, particularly in schools in which the parents cannot afford to provide extra funding. What this means is that the money obtained by schools through fund-raising is going on essentials and they do not then have the necessary funds for extras. Extras can make a major difference in terms of early advantage for young people, particularly such extra-curricular activities as drama, extra languages, sports, school bands and so on. Ideally, schools should be able to do these things with money raised from parents. Instead, they have to use this money for the basic essentials of running the schools. That is the ultimate equality at the core of our education system, which is there from the very start of the primary sector. It means schools that do not have sufficient funds from parents are at a disadvantage from the start compared to schools in better off areas where parents can afford to raise money. Ultimately, young children lose out.

I just spoke on the phone with a teacher in a DEIS school. Deputy Blaney referred to the fact that schools in DEIS areas receive extra funding. This teacher was telling me that she and

[Deputy Jan O'Sullivan.]

her colleagues cannot bring the children to matches or do other basic things for the children in the school because they simply cannot ask the parents for the funding. They know the parents do not have the money. This is a basic inequality within the primary education system.

The Government has promised to double the capitation grant and we want to see that promise fulfilled. We also want to see its other promises fulfilled. The Minister promised to provide 4,000 extra teachers in order to reduce class sizes to the specific reduction targets on which a commitment was given before the last general election but one. No sooner had the Minister, Deputy Hanafin, come into office than she said she was sorry but she would not be able to fulfil the promises made during the election campaign. Now the Government is in office after another election and we are already being told, again, that it will not be able to fulfil its promises about class size. This is not acceptable. In classrooms with a large number of students per teacher it is impossible to give every child the attention he or she needs. These promises on capitation grants and class sizes should be fulfilled. It is not acceptable for the Government to turn around shortly after being elected and say it is sorry but it cannot fulfil its promise.

Deputy Mansergh, in his totally disingenuous speech, seemed to be saying that it was just that the finances are not right, that the Government did not really mean its promises and that it really meant it would fulfil them only if there was lots of money available. However, the voting public believed what it was told, as did parents and the people running the schools. The Government then came into office and said it was sorry, but it was not going to happen. That is not good enough.

The Labour Party did a survey a couple of years ago on the cost of running schools in the course of which we sent a letter to all schools in the country. I would like to give some examples of what was written in reply.

Our school account is presently running a €14,000 overdraft! Cheques bounce from time to time and we are often phoned by our Bank Manager.

Another quote is as follows:

It is impossible to keep the heating at a comfortable level. The school is very cold today and I have just been informed that there is no oil! This (the cost of oil) has not been pencilled in to the overdraft (€20,000) I negotiated.

Another letter stated:

I am angry and frustrated. We pulled out of a twinning project with an English and a Dutch school because of EMBARRASSMENT! ... We visited their schools (wonderfully clean and bright facilities) and we hung our heads in shame when they came to us. We found we spent all our time apologising for the poor conditions!

The last quote may be of some relevance here: "Imagine if the TD in the Dáil had to sell raffle tickets to pay for their office to be painted!"

That is the reality of what is going on in schools around the country. It must stop. We can afford to give our children the best possible start. We can afford to give them proper conditions in schools. We can afford to give them class sizes that allow them to learn. We can afford to give them equipment for sport. Something I feel strongly about is that many schools around the country, apart from having no equipment, do not even have PE halls. The children can only exercise if the weather is appropriate for going outside.

As many people have already said in the course of this debate, parents are being forced to shop in certain shops to raise money for equipment for the schools. This is not acceptable. It is not appropriate that children in this country do not have access to PE, particularly in view of the growing rate of obesity among young people. If they do not get that start in primary school and become used to physical activity and being involved in sport, they are much less likely to take it up at a later stage. This applies particularly to girls, who are consistently under-represented in sport. We need to address this issue.

With regard to the cancellation of the summer works scheme, Deputy Mansergh was, again, playing with words when he said he was looking forward to its being restored. The summer works scheme is gone. Schools used to use this scheme for all sorts of repairs and minor works that needed to be done during the summer holidays. It was very much appreciated by schools. I do not understand why it is gone, because it was one of the most effective schemes run by the Department of Education and Science. This is another cut about which the public was not warned before the general election.

I am concerned about the difficulties being experienced by parents in obtaining needs assessment and the support they require for children with special needs in schools. There are waiting lists of up to two years to see educational psychologists and so on. Again, the children are not getting the start they deserve. Children with special needs, more than any other children, need that.

Deputy Ciarán Lynch: I will begin by asking a question. Does the education of a child have a value or a price? It does with this Government. It is €173 per year or, to be more precise, 70 cent a day. That is the value placed on education by the Government. What are the costs of this? The attitude is “save now and pay the bills later”.

In 1999 an OECD report was carried out which showed that Ireland had one of the worst literacy rates in the developed world. A total of 25% of the adult population had basic reading and writing difficulties. That is one in four adults. One in four adults has to take a back seat every time an opportunity comes his or her way. One in four adults does not seek that promotion in case he or she will have to do some written paperwork. One in four adults avoids getting involved in the local community for fear he or she would have to write the minutes at a meeting. One in four adults dreads the thought of his or her child coming home each day asking for help with homework. These parents suffer further anguish due to the distress of seeing their own problems repeated in their children. These adults have come through our primary education system. This is an indictment of our education system. Despite what we say about it, we have one of the worst literacy rates in Europe.

These are the problems and challenges that parents and teachers should be working together to resolve. We know these problems are caused by underfunding and overcrowding in our primary school sector. Surely the goodwill and energy shown by parents and teachers in raising funds on a day to day basis would be better expended resolving these problems, rather than wasted buying paper clips and sundry items needed daily. How does the Minister find it acceptable that teachers and parents expend this energy making up the shortfall that currently exists in the capitation grant? I would like the Minister to state whether she finds it acceptable that parents must run pub quizzes, race nights and raffles to fund schools. Does the Minister see this as part of mainstream education in the primary sector?

Speaking recently on this matter the chairman of the Irish Primary Principals Network, Mr. Larry Fleming, said eight out of ten primary schools in Cork are wasting valuable teaching time and energy by fund-raising to keep themselves afloat, as they struggle with the current 70

[Deputy Ciarán Lynch.]

cent per child, per day capitation grant. He went on to say that financial debt causes principals headaches and affects the education of all primary school-age children. The network's research identifies that Government funding only covers half of the bills facing schools; these bills, on average, come to €30,000 per year for most schools. The capitation grant falls far short of covering this.

Every parent with a school-going child is only too familiar with the additional costs involved in sending a child to school and they know that the concept of free education is a myth. Parents must put their hands in their pockets every week to give money to schools as they pack lunches for their children. These parents know the work done by parents and teachers to meet the day to day costs of giving a child a decent education.

We all receive requests, letters, notices and invitations and we offer what support we can because every parent in the country is only too familiar with this problem. We make what donations we can towards schools because, like all parents, we want our children to get the best possible education. We are only too happy to give assistance when we are asked but, in fact, we are being held over a barrel in this regard because the Minister will not assist.

Parents constantly wonder why they and teaching staff are asked to spend so much time raising supplementary school income when the country is experiencing unprecedented wealth. Why, when the Exchequer's coffers were bulging, were parents expected to cover costs?

A more worrying development has seen schools seeking sponsorship from private businesses to buy materials and equipment. Businesses are supplementing the day to day running of the public school system. Children and families are increasingly bombarded with promotions by newspapers, supermarkets and fast food outlets promising to equip schools. These promotions mostly seek to fill gaps in the provision of PE equipment, IT equipment and so on but it is appalling that schools should find themselves in these circumstances. Does the Minister feel this situation is acceptable?

The examination of the voucher system amounts to more than an abstract educational point. The system clearly places a commercial agenda in our schools; children will become consumers rather than students and learning will be product focused rather than child focused. A major cultural change is taking place in our education system because of the voucher system. Pester power is a major factor in this as not only children and parents but friends, family members and work colleagues are pulled into the system to supplement basic, day to day requirements in schools. In the absence of action by the Minister for Education and Science on this matter this practice will continue. In the absence of a proper capitation grant, our children, instead of getting the best education possible, will be faced with a continuation of the voucher-based system. Free education is becoming token education.

It is time for the Minister to say enough is enough, examine this issue and come back before the House with an ambitious response from her Department, rather than hide behind the figures she threw at us yesterday.

Deputy Kathleen Lynch: Will the Acting Chairman inform me when I have one minute left to speak? I do not wish to use Deputy Sherlock's time as he will kick me.

Acting Chairman: I will tell him when he may do that.

Deputy Kathleen Lynch: The motion before the House is timely and the energy it has generated on the Government's side indicates this. This country has reached a positive stage at which people ask what one knows rather than who one knows. The issue of who one knows emerged

from a time in which one had to be connected to get a job but that is no longer the case. It is now a question of what one knows and that is a good point to be at in terms of how young people are perceived in Ireland and abroad.

What people know depends on the education they receive and, in an holistic sense, the type of person an individual becomes depends, to a large extent, on the type of primary education he or she receives. Primary school is the university we all attend. We may examine drop out figures relating to those who do not attend secondary school, those who do not sit the junior certificate, those who do not sit the leaving certificate and those who do not make it to third level and beyond but everyone attends primary school. The seeds are sown at primary school and one's ability to progress in life will depend a great deal on one's experience there.

I have listened to the contributions from the Government's side for the past two nights. One Deputy said that not all schools need this money, and that is true, but the overwhelming majority of schools do need it. The speakers on the other side of the House have suggested that money is available through Delivering Equality of Opportunity in Schools, DEIS, and other areas but I can only speak for Cork. I was asked to sponsor sports gear and I did, because the school had no other way of getting it, despite the fact that PE is part of the curriculum. I was asked to sponsor a team in a golf classic because the school had no other way to raise money. I have been involved in cake sales — thankfully I was not asked to bake, but I was asked to purchase, which I did. There have been club nights and pub quizzes. These events are not held to keep mothers busy because they have nothing else to do.

Being a member of a parents' committee in a school means being involved in a fund-raising committee. Fund-raising is not carried out for extra ballet classes or additional presents at Christmas; it is about paying for heating, roof repairs, replacement windows and equipment.

8 o'clock Teachers in infants classes buy presents from their own money to help young children learn. Children as young as five inform us of colours days, when they need not wear their uniforms but can wear their own clothes to school. For the privilege of doing this they must each bring €2 to school. One would give them that amount to go to the shop any day of the week. That €2 from every child in the school on that day, which is once a month, is the difference between whether that school functions properly for the rest of the year.

I will come back to what one knows as opposed to who one knows. What one knows depends on the grounding one gets at primary level. Some of the schools I know are not making the cut. No matter how hard they try they have not the finances necessary to provide the education that will allow those children when asked what they know, to stand up and say with confidence that they know as much as the other person. That is the difficulty.

I want to read something, after which I will sit down, because my colleague has far more important things to say than I do. A particular teacher who was in the Visitors' Gallery last night from a Dublin constituency e-mailed my party colleague today as follows:

I find it very upsetting that the Minister included the ancillary service grant in her reply, as if the salary, paltry that it is, of the secretary and caretaker can be used to pay the heating bills. It cannot. Also, she went on at some length about the extra funding that schools like ours are getting under DEIS. [I think the Minister should answer this in her reply]. However, this money is very clearly ring-fenced for us to reach our targets under the DEIS plan for literacy, numeracy, and must not be used for day to day spending. It is the type of spin that tells us that these moneys can be used and the type of spin that has frustrated and annoyed both parents and teachers.

Deputy Mary Hanafin: It should be like a correction.

Deputy Seán Sherlock: I thank Deputy Lynch for her excellent time keeping. I hope what I have to say will be equally and not more important than what she said in her contribution.

The Government stated last night, in the course of this debate, that in 2008 the Department of Education and Science will pay €167 million to primary schools to cover day-to-day running costs and that a €21 increase to €330 per pupil means primary schools receive unprecedented levels of funding per pupil to meet running costs. This belies a fundamental lack of understanding of the true nature of educational provision as our citizens understand it, as the parents understand it, and as the principals and teachers understand it.

When a parent sends a child to school, an unwritten social contract that is enshrined within the Irish psyche is entered into that the child will receive the best education possible. That social contract was not on the basis that the parent must also fundraise, take part in raffles, sing karaoke, hillwalk, play bingo and join in pub quizzes so that the child can have the benefit of water, electricity and a myriad other services within their school.

In real economic terms the costs of maintenance of schools has increased considerably in recent years and the burden now faced by schools to meet these additional costs ultimately places a further financial strain on parents of children who find themselves fundraising for schools on a constant basis.

Educational provision should not have to be subjected to this form of pressure. It is enough for any school in these times to have to educate and educate alone. That in itself remains the fundamental challenge and, arguably, it should be the only challenge. I acknowledge that the Government has increased the capitation grant since 1997. However, by doubling the capitation grant now, it does not have to come at the expense of providing extra teachers, a theory which has been posited elsewhere in this debate, and somewhat disingenuously.

The logic of our position is to ensure that the headache of maintenance and running costs is taken away from all schools so that they can concentrate on providing education and continue, in certain instances, to do battle with the Minister on the capital programme for the provision of adequate school buildings in places such as Castlelyons, Rahan, Grange and Midleton where no proper buildings have been provided for considerable periods. Not only have schools to raise funds, they also are operating in substandard buildings. This is the reason the Labour Party is raising this issue. If the capitation grant is increased, it will at least take some of those pressures away.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The Minister for Education and Science, Deputy Hanafin, said last night that the priority this Government attaches to providing quality education is evident from the fact that the education budget has increased by more than 70% since 2002 to more than €9.3 billion this year. The extra €690 million being provided for education in 2008, compared with last year's budget, represents a major achievement in the context of a tighter economic environment. It will enable us to consolidate the major improvements of recent years and to make further progress in a wide range of areas.

The Government is fully aware of the funding pressures on schools. We are committed to doubling the primary capitation grant by 2012 and to significantly increasing the value of the ancillary services grant used by schools for the employment of support staff, such as caretakers and secretaries. These commitments are a direct follow-on from the clear thrust of Government policy over recent years to improve the position of primary schools, in particular.

Since 2001 the standard rate of primary capitation grant has been increased by 86%. In the same period the value of the ancillary services grant has been almost doubled. In 2001 a primary school with 300 pupils was in receipt of less than €52,000 to meet its day-to-day running costs. That same school today is receiving almost €100,000. This excludes the salaries of teachers and

special needs assistants paid by the Department. By any standard, this is a very significant improvement within a relatively short period.

The cost pressures on schools are taken into account each year in determining the level of increases in the capitation and ancillary services grants. In 2008 primary schools are getting €330 per pupil in such grants, €21 more per child than they got last year. At a national level this adds up to an investment of approximately €167 million in standard day to day funding for schools. In addition, enhanced rates of capitation funding are paid in respect of children with special educational needs, who attend special schools or special classes attached to mainstream schools. Extra funding is also being targeted at schools serving disadvantaged communities. Funding for additional grants for the most disadvantaged schools increased by 15% this year, reflecting the Government's determination to prioritise those that most need extra resources.

Deputy Emmet Stagg: On a point of order, in case the Minister of State inadvertently misleads the House, his party specifically promised to double the capitation grant immediately after the election.

Deputy Mary Hanafin: No, in the lifetime of the Government.

Deputy Emmet Stagg: No, the Government did not any such thing.

An Ceann Comhairle: That is not a point of order.

Deputy Emmet Stagg: Just in case the Minister of State is inadvertently misleading the House——

Deputy Mary Hanafin: The programme for Government states during the lifetime of the Government. I would advise everyone to read it.

Deputy Emmet Stagg: As soon as the election was over the Government——

Deputy Seán Haughey: This Government has brought about a sea change in funding for schools. The huge improvement that we have delivered contrasts starkly with the meagre increases and stagnation that were the order of the day under the rainbow coalition.

Deputy Emmet Stagg: It was during the Famine.

Deputy Seán Haughey: It was not quite the Famine when the coalition was in power, although it seemed like that for many people. There is a lot of doublespeak.

Deputy Willie Penrose: Go back to 1916.

Deputy Seán Haughey: How much time do I have left?

Deputy Kathleen Lynch: Too long.

Deputy Seán Haughey: There is a lot of doublespeak from the Opposition. For the past week the Opposition criticised the Minister for Finance for not curtailing public expenditure, given the current economic environment.

Deputy Emmet Stagg: We did not say that. That was invented. Are there magicians in the Department of Education and Science?

Deputy Seán Haughey: In this debate, Opposition Members have called for an extra €80 million for school funding. The Labour Party's potential coalition partners, Fine Gael, said that. Maybe they are not the Labour Party's coalition partners.

Deputy Brian Hayes: On a point of order, it is a longstanding precedent in this House that when a Minister of State reads from a script, it is provided. Can we have a copy?

Deputy Mary Hanafin: Only for the opening debate.

Deputy Seán Haughey: I assure the Deputy that I am not speaking from a script. I am reiterating the points made by the Minister in her contribution. From where does the Opposition believe that €80 million could come?

Deputy Brian Hayes: What about St. Patrick's Day? The Government could start there.

Deputy Emmet Stagg: There was no problem before the election.

Deputy Seán Haughey: Before I conclude I wish to deal with criticisms regarding teacher numbers and school buildings. The Government is committed to providing 4,000 extra primary teachers by 2012. We are ahead of target in that regard. With the additional teachers in place this year, and those provided for in budget 2000, extra primary teachers will be provided in just two years.

Deputy Emmet Stagg: The Minister of State knows that is not necessary.

Deputy Seán Haughey: Record investment is being provided for school buildings. This year, capital investment at primary level will amount to €390 million compared to €140 million in 2001. This Government is committed to primary schools and its commitment is unprecedented. We intend to deliver significant improvements in the years ahead.

Deputy Emmet Stagg: Save money for the cake sale.

Deputy Seán Haughey: We have had a constructive debate over the course of last night and this evening. I am delighted to re-iterate the Government's commitment in the programme for Government and the commitments of the Towards 2016 agreement. We have made substantial progress in recent years.

Deputy Emmet Stagg: The Government is breaking its promise for the second time in a row.

Deputy Seán Haughey: Our commitments are for the lifetime of this Government. In 2002, there was an economic setback but the commitments made prior to the 2002 election were implemented during the course of the Government.

Deputy Joan Burton: Not on class sizes.

Deputy Brian Hayes: What about the proposal on class sizes for under nine year olds?

Deputy Seán Haughey: We must be conscious of the economic situation that prevailed in the second half of the year. Statistics show that the economic downturn occurred in the second half of the year and it would be irresponsible of the Government not to be conscious of that. Our commitments are there and refer to education generally. Our record can be seen and some €9.3 billion will be spent on education this year. In particular the increase was €690 million, despite a serious economic situation that presented to us at the time of the Estimates. I commend the amendment to the House.

Deputy Emmet Stagg: The Minister for Finance, Deputy Cowen, did not give the money to the Department.

Deputy Willie Penrose: I propose to share time with Deputy Burton. This is one of the most important and timely motions. I thank my colleagues and party leader for tabling it. Unless

one is in an ivory tower or travelling with blacked out windows, it is clear that a significant number of primary schools are facing a serious crisis. Many schools try to innovate with regard to the fund-raising ventures they must pursue to bridge the gap between what is received by way of capitation grant and what is required for the upkeep and maintenance of the school.

The Government should do us favour: it should spare us the platitudes, using the single transferable speech, and focus on what it has done, including the abandonment of the educational establishments in the State. The Government did away with the summer works scheme. I copped onto it and had to tell many teachers that it was gone. They did not realise it.

Deputy Mary Hanafin: It was announced in the budget.

Deputy Willie Penrose: One would need a magnifying glass to find it. The Minister should not try that. She is the most political Minister with responsibility for education that I have ever met in this House.

Deputy Mary Hanafin: I personally announced it.

Deputy Willie Penrose: She runs around with bits of paper to her people while the Labour Party is fighting to get schools. She runs around to some of her own Deputies who hardly know where is the school. The Minister should not try that racket with me. She reneged on the pupil-teacher ratio commitment.

I blame the INTO as well. They always play nice ball with every Fianna Fáil Deputy they meet. The Labour Party tells the truth. Every Fianna Fáil candidate tells the INTO that they love it and embrace every teacher. They promise to reduce the pupil-teacher ratio, which must be the fault of the Labour Party. It was in Government 40 years ago and that is the reason for the current pupil-teacher ratio. It is all our fault. The Labour Party is a proponent of public expenditure for productive purposes and where could be more productive than the education system and where more productive than at primary school level?

I remember free education as a young person in the 1960s. It is not free now. People are running around the place, at race nights, bingo drives and cake sales.

The Minister's Department is giving principals the runaround. They spend months trying to contact the architectural section trying to get details of what would satisfy the requirements imposed by the Department for school buildings. I can prove that the Minister will not give them a reply. Perhaps she will get someone to telephone principals, who must expend much time doing work that is not really their job. Boards of management are running around fund-raising. Parents' associations and teachers are misled as to the school project that is going ahead. When the plug is pulled, it is not a cutback but it is said the school misunderstood the letter it was sent. Everyone must be stupid. I read the letters and I am not stupid. I had to raise holy war in the Dáil. Some Fianna Fáil councillors who ran suggested I was totally off the wall. Clonmellon was supposed to go ahead in October. Gainstown was supposed to go ahead belatedly, but what about Sonna and Loughegar national schools? They were put on the back burner but now the Minister does not have the guts to face them. There will be another announcement that will drag it into 2009 and 2010. The Minister must think we came up the River Liffey in a banana boat, with a goose pulling it.

Why are there so many prefabs in the country? It has taken two months to count them and the Department does not know how many there are. It is scandalous that nobody can give a straight answer to a straight question. Free education is a myth and the Labour Party illustrated how Ireland lags behind the OECD in terms of expenditure on education. It is no surprise that on the ground significant deficits arise. Parents' associations, boards of management, principals and other stakeholders are compelled to go begging to pay the costs of heating, electricity, repairs, insurance and cleaning. Could the Minister not try to help them?

[Deputy Willie Penrose.]

The State Claims Agency operates on behalf of the State. Why can we not have centralised insurance payments?

Deputy Brian Hayes: Hear, hear.

Deputy Willie Penrose: There could be negotiations with the large insurance companies, such as Church and General Insurance, to receive a major discount. Imagine every primary and secondary school going to the major insurance company and negotiating. Would that not save a few quid? It would save having to hold events at stalls. I could go on for a long time but we will return to this issue because the Minister will not pull the wool over our eyes even if she can pull it over the eyes of 40% of the population.

Deputy Joan Burton: As every school child knows, the Proclamation of 1916 promises proudly to cherish all children of the nation equally. As Easter approaches and the Minister for Education and Science heads to the annual round of teacher conferences, her report card for this year will consist of an endless line of broken promises and a big black mark. I will remind her of the promises she has broken this year alone, namely, failure to provide adequate capitation grants for primary schools as promised by Fianna Fáil before the general election, the abandonment of the solemn election promise to reduce class sizes — the INTO arranged monster meetings in every town and Fianna Fáil promised solemnly that class sizes would be reduced to give children room to learn in the modern primary school — the axing of the summer grants scheme of special and emergency repairs and the long-fingering and axing of many school extension programmes and prefab replacements.

Deputy Emmet Stagg: Hear, hear.

Deputy Joan Burton: With Fianna Fail safely back in office, does the Minister care? She may believe that she has had the last laugh, particularly on the INTO and the various educational interests. Such is her arrogance that the abandonment of the promise on class sizes was announced via a website notice. Many principals are discovering that their promised extensions have slipped from being urgent to some undefined time in the future as the Minister seeks to take the axe to significant elements of the capital programme for school extensions and refurbishments and the replacement of prefabs.

The basic costs faced by schools — water charges, refuse collection and insurance — are all escalating dramatically. Schools across the country are struggling to provide a basic service, to keep the heating on, the water running and the doors open. This is a far cry from the idyllic digital school of the 21st century referred to on the website, not even taking into account computers, physical education gear and school books. In a modern education system, these should not be optional extras.

The Minister's failure to fund primary schools properly stands alongside her other great failure to introduce a proper system of preschool education. While primary education is maintained by her as the Cinderella of the education system, there is not even a chance that children, particularly those from disadvantaged backgrounds, will get the type of preschool education that all of the research shows pays dividends for life for the child, the family and society. It is remarkable that the Early Start system introduced by her predecessor, the Labour Party Minister for Education, Niamh Breathnach, when resources were tighter and the Celtic tiger was growing, remains as a lonely project in giving poorer children a head start.

Fund-raising for primary schools is a long established and even cherished tradition in this country. Ambitious boards of management and parents' associations hold Christmas fairs, Easter fairs and race nights — name it and they do it — to improve their children's access to the best education possible. This fund-raising, which has been an important bonding element

for school communities down the decades, is meant to be for extras such as computers, sports facilities, gardens, music, landscaping school grounds and so on. Some years ago, the Taoiseach spoke of his admiration for Mr. Robert Putnam, the author of *Bowling Alone*, and about the need to create social connections and social capital in an increasingly alienated society. In many ways, fund-raising by school communities is almost a model of that type of social community, but for the Minister to rely on the social capital of school communities for fund-raising for essential expenses is to abuse the endless goodwill of parents, never mind the burden it imposes on school principals.

Since the Minister took control of the Department of Education and Science, school principals are busier as they cope with the never-ending increase in the mountain of paperwork that she has instructed her Department to demand of them. Just as drowning schools in paperwork is becoming less fashionable in the UK because of the time it takes away from teaching and learning, our Department decided that this paper chase would be a fabulous way of slowing down demands for educational resources so that principals, teachers and boards are left chasing extensions. How does the Minister expect principals and boards of management to fund-raise to meet core expenses when they are already too busy dealing with the paperwork for special needs applications for children, not to mention the section 29 appeals by parents who cannot get their children into local schools because there are not enough places to cater for those in the thousands of houses that have been built in growing areas such as my constituency of Dublin West? I called on the Minister to sit down with all of the parties involved in education in areas such as Dublin West and to plan how to best use resources to give all of our children a head start in education.

The situation of school planning, site acquisition and budgetary provision can only be described as a dog's dinner. Schools that have been promised extensions, such as St. Brigid's in Beechpark in Castleknock, have been dropped from the urgent list to some indefinite time in the future. At a time when the Minister expresses concern about a developing obesity crisis among school children, Castleknock Community College's gymnasium, which has been promised for more than nine years by Fianna Fáil, seems to have disappeared from the urgent list.

Just as the building boom collapses and house building stops in Dublin West, the Minister and her Department refuse to discuss with local principals school enrolment requirements on a reasoned basis. Last year, the Minister presided over the late formation of two schools for international children only, one in Castleknock — Scoil Colm — and the Educate Together school in Balbriggan. Recently, the Minister sent copies of Diarmaid Ferriter's biography of de Valera to schools around the country, but de Valera, Collins, James Connolly or Pádraig Pearse could not have envisaged doing as the Minister has done, that is, "cherishing" our children so that newcomer and immigrant children would be kept apart from local Irish children in schools reserved for them only. Shame on the Minister for not having the courage to sit down and discuss this issue.

Just a few weeks ago, the Minister defied in the House the just demands of parents of autistic children for access to applied behaviour analysis. This week we learned that 17 schools are waiting for the Minister and her counterpart in the Department of Health and Children to sort out resourcing for the special autism units in primary schools. Castleknock Educate Together, a fine school, is lying locked and empty.

Deputy Mary Hanafin: Not for want of educational resources.

Deputy Joan Burton: The Minister blames the board of management, the principal and the teachers.

Deputy Mary Hanafin: All of the other 17 schools are open.

Deputy Joan Burton: The Minister is not a teenager and should take responsibility. As a Minister, she has led a charmed life in terms of promises for education. However, I have a feeling that her record is beginning to catch up with her. As economic horizons narrow, hard decisions must be made. Children should not be the soft targets of reducing expectations. The Labour Party's proposal to double the capitation grant would cost only €82 million per year, less than 1% of the total education budget.

Deputy Mary Hanafin: From where would the Deputy like us to get it?

Deputy Joan Burton: By increasing the education budget by just 1%, primary schools around the country could be put on a sound financial footing and parents, principals and teachers could concentrate on children learning. If parents wanted to fund-raise, it would be for extras, not necessities.

I am proud of what our teachers, boards of management, principals and parents are doing for children in the primary school education system. Some of the best and brightest in Ireland work in primary education. They deserve to be able to give our children the best and I am proud to commend this motion to the House on behalf of the Labour Party.

Amendment put.

The Dáil divided: Tá, 65; Níl, 57.

Tá

Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Byrne, Thomas.
 Calleary, Dara.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Kelly, Peter.
 Kenneally, Brendan.

Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Mansergh, Martin.
 McEllistrim, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Ryan, Eamon.
 Sargent, Trevor.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 D’Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Lynch, Ciarán.

Lynch, Kathleen.
 McCormack, Pádraic.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O’Donnell, Kieran.
 O’Dowd, Fergus.
 O’Mahony, John.
 O’Shea, Brian.
 O’Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P.J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Tuffy, Joanna.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Emmet Stagg and Paul Kehoe.

Amendment declared carried.

Question put: “That the motion, as amended, be agreed to.”

The Dáil divided: Tá, 65; Níl, 57.

Tá

Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Byrne, Thomas.
 Calleary, Dara.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.

Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Mansergh, Martin.
 McEllistram, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.

Tá—*continued*

Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.

O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Ryan, Eamon.
 Sargent, Trevor.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Lynch, Ciarán.
 Lynch, Kathleen.

McCormack, Pádraic.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P.J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Tuffy, Joanna.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Emmet Stagg and Paul Kehoe

Question declared carried.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Finance and the Public Service has concluded its consideration of the following revised Estimate for public services for the service of the year ending on 31 December 2008 — Vote 10.

Adjournment Debate.

Hospital Services.

Deputy Kathleen Lynch: I appreciate the opportunity to raise this issue. This week is national brain injury week. The Ceann Comhairle and I, coming from a part of the country that is some

distance from the National Rehabilitation Hospital in Dún Laoghaire, know the difficulties experienced by people who acquire brain injuries. I attended a talk today in the audiovisual room in Leinster House on acquired brain injuries, the definition of which is an injury to the brain that is acquired after birth. An interesting throwaway comment made by one of the speakers was: “Look after your head because your head looks after your mind.”

With a serious head injury, immediate intervention is essential to ensure the person returns to normality, if normality can be achieved. A number of years ago, a huge amount of work was put into bringing an outpatient section of the rehabilitation service to the Cork area. In fact, its location was already earmarked, namely, St. Mary’s orthopaedic hospital, which has significant grounds, but the plan came to nothing — it simply did not happen. Yet, not a week goes by without public representatives in the southern region receiving phone calls from the parents, wives or siblings of someone who has acquired a brain injury and needs to be in the National Rehabilitation Hospital.

It is conservatively estimated that there are 10,000 new brain injuries every year in this country. When one considers the level of car accidents, building site accidents and assaults at the weekends, we know what is causing them. There are just 110 beds in the Republic to deal with these people. In any man’s language, it is not possible to treat 10,000 new cases every year with 110 beds. A recent report tells us that there are 20 neurologists in the country when for our population base there should be 42, and nine neurosurgeons when for our population base we should have 16. The Netherlands has 12 times the number of rehabilitation consultants per head of population than Ireland. At present, there are approximately 700,000 people with acquired brain injury and, because of the process of ageing and with people living longer, it is estimated that there will be 800,000 in ten years.

The stories, one after the other, are horrifying — I am sure we could all relate at least one or two. People with a brain injury may spend three years in a long-stay care bed but if they get the proper treatment and a proper rehabilitation process, they can be up and about, returning to normality and looking after themselves. Without doubt, this is where our resources should be invested because the impact a brain injury has on the individual and his or her family is immeasurable. The cost of keeping someone in long-term care is equally immeasurable when that person could be up and about and returning to productive life.

I raise this issue as a result of an incident that occurred in Cork in the past six months. In that case, the person was very lucky. As a result of persistent pressure, he got a bed in the National Rehabilitation Hospital and is still there and doing extremely well. The staff at the hospital are extremely professional and expert in what they do but for every one person the hospital can accommodate, it is turning away at least ten. We need a rehabilitation service in the south and we need at least double the number of beds that are available at present.

Minister of State at the Department of Health and Children (Deputy Brendan Smith): I thank Deputy Lynch for raising this important issue. I am replying to this matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney.

The National Rehabilitation Hospital in Dún Laoghaire is a 120-bed hospital which provides treatment and rehabilitation for patients with spinal cord injuries, head injuries, amputation, traumatic and non-traumatic brain injury, strokes and neurological disorders. The hospital also provides wheelchair and mobility aids assessment, and pre-vocational and vocational training programmes involving a wide range of social, personal and work related skills with a view to enhancing opportunities for each individual for further training, employment and educational options. In addition, there is also a 12-bed hostel to enable patients from outside the greater Dublin area to access day services at the hospital and attend the vocational training unit.

[Deputy Brendan Smith.]

A new hospital is in the planning stages and once built will provide additional capacity at the hospital. This project will increase the bed capacity and the diagnostic capabilities of the National Rehabilitation Hospital. I understand a project team is working with an appointed design team to develop the brief for the new hospital and plan for the development of a new hospital.

The Health Service Executive has also informed the Department that a project team has just completed a needs assessment on the development of an acute medical rehabilitation unit of 25 beds which is recommended to be built at Beaumont Hospital. This unit would provide acute medical rehabilitation services and early rehabilitation for those suffering from brain injury who access the national neurosciences unit at Beaumont and who currently have to access services at the National Rehabilitation Hospital. In addition, plans have been prepared in some regional areas for rehabilitation facilities.

The Department and the HSE 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 will be considered in the context of a national strategy for rehabilitation services. The Department and the HSE are developing a national strategy for the provision of medical rehabilitation services. A number of issues will be considered, including an assessment of the need, the structure and location of facilities and services and the nature of the rehabilitation facilities, that is, whether they should be hospital-type, step-down, or preparation for independent living.

Increasing demand for neurology services with the rapid pace of technological advances in neurology were drivers for the strategic review of neurology services undertaken by the Health Service Executive. It was overseen by a multidisciplinary steering group, the aim of which was to identify the current level of service provision and future requirements for neurology and neurophysiology services. The specific objectives were to describe the epidemiology of neurological conditions in Ireland; evaluate current neurology services, including paediatrics and neurophysiology; review the evidence in regard to models of service delivery and make a recommendation on the preferred model for the health system; identify requirements for the development of neurology and neurophysiology services nationally and prioritise service requirements; and report to the director of the National Hospitals Office.

The HSE has advised the 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. In recognition of the need to develop services in this area additional development funding of €4 million was allocated to the HSE in 2007 to support the ongoing development of neurology, neurophysiology and neurosurgery services. This investment builds on the investment of €3 million additional revenue funding in 2006 for neurology and neurophysiology services.

The HSE has advised the Department that there have been improvements in the number of consultant neurology posts since the publication of a report in 2003 on neurology and neurophysiology by the former Comhairle na n-Ospidéal. There are 24 approved posts of consultant neurologist, an increase of ten posts since the publication of the report. In addition, there are seven approved posts of consultant clinical neurophysiologist, which represents a doubling of the number of posts since 2003. I thank Deputy Lynch for raising this important issue.

Deputy Tom Hayes: I wish to share time with Deputy Mattie McGrath.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Tom Hayes: I thank the Ceann Comhairle for the opportunity to raise this important issue for my constituents in south Tipperary. A 23-bed unit that was completed in July 2007 lies idle. This is an utter disgrace. It is one of the issues which has been highlighted in the debate on the HSE. Why would anybody spend money on developing a unit only to leave it idle when patients lie on trolleys in South Tipperary General Hospital week in, week out? This is an abuse of public money. It is unfair of the HSE and the Minister to allow this to happen. I impress on the Minister the urgency with which the Department needs to handle this issue. It is unfair to expect HSE officials and management in the hospital in south Tipperary to continue to have to put patients on trolleys. That is unfair and unjust and totally wrong. This unit could deal with asthma patients or patients with chest pains. It could be the first point of care after patients are admitted to the hospital through the accident and emergency department. It could also be a backup unit for the medical and surgical units and for patients with pneumonia, who have had a stroke and a range of illnesses.

Limerick Regional Hospital which is not far away has a unit only one quarter the size of this unit which is left idle. The unit has been fitted out with new equipment. This is a blatant abuse of taxpayers' money. I hope that as a result of my raising the issue jointly with my colleague, Deputy McGrath, something will be done with this unit.

Deputy Mattie McGrath: I also thank the Ceann Comhairle for allowing us to raise this matter tonight. I further thank my colleague for sharing his time with me.

I, too, am extremely concerned about the situation in South Tipperary General Hospital where a new state-of-the-art 23-bed acute unit lies idle, although it was designed and constructed to the highest possible standards and is fully equipped. I pay tribute to the hospital staff who, from the receptionist at the front door to the top surgeons, are under pressure in trying to deal with the awful conditions under which they operate. Many patients are on trolleys or wait for hours to be seen while this unit lies idle. There are similar cases around the country. I condemn out of hand the HSE's lack of joined-up thinking and the inability of senior HSE staff to visit hospital management to explain why the unit remains closed. It is unbelievable that this unit which has been designed and built to the highest standards is allowed to lie idle. It is a travesty that millions of euro have been spent on it unit but it remains idle. Significant investment has been made in the hospital in general in the past ten years since the decision to relocate all services to Clonmel. This unit was part of the package which the nursing staff, doctors and other medical staff bought into and which is now being renegeed on.

I call on the Minister to visit the hospital and meet senior management to give a date when this magnificent service can be put into operation. This would allow staff to deal with patients on a daily basis in the conditions to which they are entitled. A total of 790 staff work in the hospital. We have 247 beds in addition to those in this unit. The staff are doing a top quality job and in need of our support. People in south Tipperary do not need such confusion, which is leading to morale being at an all-time low in the hospital. I do not know how staff continue to work there on a daily basis with decisions like this.

Another outstanding issue is the provision of palliative care beds which were promised but have not been delivered. The situation is unfair to all concerned and the public which supports the hospital. The catchment area includes approximately 80,000 people. I plead with the Minister to come and see the unit for herself at first hand.

Deputy Brendan Smith: I thank Deputies Hayes and McGrath for raising this issue. I am taking this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Harney.

[Deputy Brendan Smith.]

The provision of services at South Tipperary General Hospital and across the south-east region in general is the responsibility of the Health Service Executive. The Government is committed to providing a high quality service for all patients. South Tipperary General Hospital is a key element of hospital services, as outlined by both Deputies Hayes and McGrath. It has 253 beds providing acute services for the south Tipperary population of 82,000 people. It also provides services for the bordering areas of north Tipperary and west Waterford, thus increasing the catchment area to in excess of 100,000 people.

Activity in South Tipperary General Hospital in 2007 included 12,346 inpatients discharged; 4,907 day cases seen; 39,004 outpatient attendances; and 28,139 emergency department attendances. The number of births in the hospital, at 1,138, was the highest recorded since 1987 when 1,202 babies were born.

Following the amalgamation of Our Lady's Hospital, Cashel and South Tipperary General Hospital, Clonmel, in January 2007, major capital development was required to facilitate the transfer of accident and emergency services, general surgery and oncology services from Our Lady's Hospital to Clonmel. The Government has facilitated this strategic development with capital funding of €30 million. Phase 1 of the development included the new radiology unit; the medical emergency room; an ongoing refurbishment programme to upgrade wards, including the maternity ward, and the refurbishment of the new areas for the laboratory and pharmacy services. Other capital works to facilitate the amalgamation of the hospitals included the extension and refurbishment of the staff restaurant, the temporary outpatients building and the extension of car parking facilities for patients and staff.

I understand the national capital steering group will meet shortly to consider the extension of the emergency department and the addition of a ten-bed medical assessment unit. The commissioning of services flowing from the capital developments completed in the recent past, including the 23-bed acute care unit in South Tipperary General Hospital, will be considered within the HSE's overall budget. The National Hospitals Office of the HSE must operate within budget, in common with the entire health service. The HSE will continue to do all it can to ensure the provision of a high quality, patient-focused, service for the people of south Tipperary.

I will bring the contents of the Deputies' contributions on the Adjournment to the attention of the Minister.

Sports Capital Programme.

Deputy Olwyn Enright: I am sure the Ceann Comhairle will be interested in this issue. This is an attempt to get clarity on this problem and reach a solution. The situation has been explained to me by a particular club in my constituency but it affects several clubs to which I have spoken and my Fine Gael colleague Deputy O'Mahony has told me the issue has been brought to his attention by several clubs around the country. The Minister will be aware of how the sports capital programme operates. The club I am using as an example applied for funding in 2006 and was successful in obtaining a grant of €120,000, for which it was very grateful. It delivered on its project on time and on budget, which is as much as we can ask of any club. It was given permission to apply for grant aid for further development in 2007. It applied and was granted €100,000. It followed all the rules, put in its three tender bids and got approval to proceed with the lowest bid. Again, it completed on time and within budget, paid the developer and applied to draw down the grant. Then it hit the problem.

Under the rules, if a total grant aid comes to more than €150,000, a deed must be procured from the Chief State Solicitor's office to ensure that the State would have a hold over the asset

if the club is ever sold. I have no difficulty with this as part of the sports capital funding, but the time involved in obtaining this is causing difficulty. In this instance the club has been tied up for months. The club was very conscious of the Department's vigilance in ensuring clubs drew down the funding on time in the same tax year and on completion of the work. However, as a result of following the rules this club is servicing a loan of €100,000. That was originally a bridging loan, and the Minister will be aware of the cost of bridging finance. However, realising the length of time involved the club has switched to an interest-only loan, which is not as expensive but is still a large draw on a voluntary resource.

The other problem is that this is eating up the club's funds so that it is starved of development funding and as a result is unable to apply under this year's programme. I appreciate that strict criteria are required, it is taxpayers' money and it is important that money can be reclaimed if facilities are sold on. This makes sense. However it is unfair that clubs must foot a significant cost as a result. I also appreciate how busy the Chief State Solicitor's office is. I ask the Government to engage with the Chief State Solicitor's office so the problem which affects many clubs around the country can be resolved as the only winners are the banks charging interest. Nobody in the House will disagree that all the clubs do invaluable voluntary work catering for people of all ages and abilities and this places an unnecessary extra burden on very limited voluntary resources.

Deputy Brendan Smith: I thank Deputy Enright for raising this important issue. I am taking this adjournment debate on behalf of the Minister for Arts, Sport and Tourism, Deputy Brennan, who is unavoidably absent.

The social and economic benefits of sport are acknowledged by this Government and are reflected in the unprecedented level of Government funding for sport. The level of funding available for spending on sport in 2008 is €336 million, compared to just €17 million in 1997. The commitment by Government to sport was further emphasised by the publication of the National Development Plan 2007-2013 which included a commitment to provide €991 million for sporting infrastructure during the period up to 2013. This increased investment in sport in recent years has supported the promotion and development of Irish sport and the provision of a modern sporting infrastructure, with high quality facilities catering for the participation, coaching, training and competition needs of all levels and types of sport.

Under the sports capital programme, which is administered by the Department of Arts, Sport and Tourism, grants are allocated to sporting, voluntary and community organisations for the provision of sports and recreational facilities and equipment. Since 1998, more than 6,700 projects have been funded, providing a range of essential sports facilities throughout the country, bringing the total allocation of sports capital funding in that time to €568 million. In addition, more than €107 million has been allocated towards the development of Croke Park. The success of that programme is evident when any of us have the opportunity to visit that world-class stadium.

Applications under the 2008 sports capital programme were invited by way of advertisement in the national press on Sunday, 13 and Monday, 14 January this year. The deadline for paper-based applications was Friday, 29 February at 5 p.m. and the deadline for receipt of on-line applications was Friday, 7 March at 5 p.m. The Department of Arts, Sport and Tourism is sorting the applications received. My colleague, the Minister for Arts, Sport and Tourism, Deputy Brennan, will announce the projects to be funded after his officials have completed the assessment of the applications.

The House will appreciate that the scale of these investments warrants protection of the State's interests, as Deputy Enright adverted to. Under the terms and conditions of the sports capital programme, grantees — other than those solely seeking sports equipment — in receipt

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of funding over a cumulative total of €150,000 must enter into a deed of covenant and charge to protect the Minister's and taxpayers' interest and to ensure that the property remains in sporting use. This places a charge on the grantee's property, which depreciates over the course of fifteen years.

The Minister understands that the Chief State Solicitor's office issues a comprehensive legal pack to all solicitors acting on behalf of grantees, which includes all necessary documents. When the documents are returned they are checked by the Chief State Solicitor's office and, if in order, the deeds can be sent to the Department for sealing. A proportionate amount of time is required for legal documents to be checked by the Chief State Solicitor's office. If the documents are not in order the grantee's solicitors will be notified.

There can be a number of reasons for a delay in the process such as delays on the part of the clubs in having the deed of covenant and charge put in place or delays in the submission of fully completed paper work or the provision of a prompt response to queries raised. The State must ensure that the legal formalities are complied with by the clubs otherwise the necessary securities will not be available to the State. This necessity to ensure that the requisite security is provided inevitably results in delays from time to time. The Department's officials have a very good working relationship with the Chief State Solicitor's office and together they are constantly trying to improve the operation of the programme to assist clubs in meeting these necessary conditions required to protect significant Government investments. In this context, grantees are informed that they should not start any work in advance of the completion of the deed and other procedural requirements of the programme. This is to protect the grantees as no payment can be made until these requirements are met. If the Deputy is aware of projects where a serious delay is occurring, the Minister would be happy for his officials to raise the matter with their counterparts in the CSSO.

I am sure Deputy Enright will join me in complimenting our Ceann Comhairle on the outstanding success of the programmes he ran as Minister for Arts, Sport and Tourism over several years. Many facilities around the country owe a great deal of gratitude to our Ceann Comhairle.

Deputy Seán Haughey: Hear, hear.

Deputy Olwyn Enright: They certainly do.

An Ceann Comhairle: I second that.

School Enrolments.

Deputy Niall Collins: I am grateful for the opportunity to raise this important issue and the wider issue of catchment boundaries which is causing a dilemma for many parents and their children. In County Limerick and up and down the country the boundaries as presently constituted are outdated. They were drawn up 20, 30 or 40 years ago and do not reflect the demographics, geographical spread of people and population centres in County Limerick. Many parents who work long and hard are severely affected by the effect on school transport of the catchment boundaries.

I have been contacted by the parents and friends association of Caherconlish national school in county Limerick with their concerns on their location within the catchment areas in County Limerick and its impact on Limerick city catchment areas. Approximately 12 km from Limerick city, Caherconlish is growing as a population centre. At the 2002 census it had a population of 618 people and this is predicted to rise to approximately 2,200 people by 2011. Approximately 90 children attend the school in the village but this number is predicted to rise substantially in the near future. In the past year there were approximately 60 baptisms in the parish. That gives

an indication of the present and predicted size of the population centre. Caherconlish is in the Limerick city catchment area but the parents feel that due to the admissions policy of the various schools in the Limerick city area, it is almost impossible for children from the Caherconlish area attending national school in Caherconlish to access appropriate second level education in Limerick city. Parents from Caherconlish and the wider area feel that competition in the Limerick city schools placement process is not on a level playing pitch at the moment, and they are seeking change. Children from Caherconlish currently seem to attend secondary school in Doon and Cappamore, which are approximately 20 km to 30 km from the village. They also attend Saint John the Baptist Community School in Hospital, which is approximately 10 km from the village. As they are not part of the catchment area of that school, there is no provision for transport for children from the Caherconlish area. The parents must rely on the goodwill of neighbours and must plan transportation themselves, which impacts greatly on their daily lives. They asked the Oireachtas Joint Committee on Education and Science to seriously consider the idea of extending the catchment area of the school to include Caherconlish, so that the pupils from Caherconlish could have the opportunity to avail of school transport. They should not have to rely on concessionary arrangements which arise whenever there is spare capacity in the transport provided.

I have been asked to raise this issue on behalf of the parents and friends association of Caherconlish National School. It is a very important issue and it mirrors quite a number of areas around County Limerick and probably up and down the country. In my home parish of Patrickswell, I have a number of constituents who are in a similar situation as they live outside the catchment area of Coláiste Chiarán in Croom. We would be grateful if the Minister and the Department could give consideration to this through the review process of the catchment areas, which is also being conducted by Deputy Paul Gogarty in the Joint Committee on Education and Science. I hope the process adequately reflects the demographic on the ground in County Limerick.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I thank the Deputy for raising this matter as it provides me with an opportunity to outline the position on the commitment in the programme for Government to review the school transport system, including catchment boundaries.

Before I address the issue, I will provide an outline of the extent of the school transport service. School transport is a very significant operation managed by Bus Éireann on my Department's behalf and covers more than 82 million km annually. Around 135,000 children, including more than 8,500 children with special needs, are transported in more than 3,800 vehicles on a daily basis to primary and post-primary schools throughout the country. This includes more than 9,000 school children who travel on scheduled bus and rail services, including those operated by licensed private contractors.

Government investment in the scheme has increased very significantly over the years. Expenditure in 1998 stood at just over €51 million, while this year's allocation is just over €175 million. This investment has been targeted towards the development of new services, improvements in the quality of service and extensions and alterations to existing services, mainly relating to transport for children with special needs.

In 2001, the following improvements were made to the school transport scheme. The number of pupils required to establish a new primary school service was reduced from ten eligible pupils to not less than seven eligible pupils. The threshold for maintaining a post-primary service was reduced to four eligible pupils, provided there is a minimum of six fare-paying pupils using the service. At post-primary level, the combined daily travelling and waiting times were reduced from a maximum of three hours to two and a half hours. The distance require-

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ment for the remote area grants for primary pupils was reduced from 4.8 km to 3.2 km, and the distance requirement from the nearest route was reduced from 4.8 km to 3.2 km in respect of fully-eligible post-primary pupils.

Further significant improvements were made since 2005. The three for two seating arrangement was phased out on post-primary services by December 31 2005 and on primary services by December 31 2006. Bus Éireann was given approval to acquire 161 buses, including 50 new buses. In addition, more than 300 extra vehicles were hired from the private sector. All buses in the school transport scheme have been equipped with safety belts.

A major focus of the increased investment is the provision of improved services for children with special needs. It is estimated that more than 30% of the financial allocation for school transport is now being expended on transport services and grants for such children, who account for about 6% of the overall number of children carried. Costs are high in this area because it is not always possible to accommodate these children on regular school transport routes and special transport has to be provided, such as minibuses, wheelchair-adapted vehicles and taxis.

This substantial expansion and improvement in school transport services is best illustrated as follows. The total number of vehicles in the school transport fleet went up from more than 2,400 in 1998 to more than 3,800 in 2007. In the same period, taxis were introduced as a new category of school transport and now more than 550 are in service. Taxi services are primarily for special needs children, for whom transport by car is often the most appropriate option. The number of mini-buses in service during that period went up by almost 250, again reflecting the expansion in the special needs area. A further enhancement has been the funding provided for escorts to accompany some children with special needs. More than 1,000 of those escorts are now employed at a cost of more than €13 million per annum.

At post-primary level, eligibility for transport is based on both distance and residence in a particular catchment area. These areas have their origins in the establishment of free post-primary education in the late 1960s and were determined following consultation with local educational interests. The programme for Government includes a commitment to review the school transport system, including catchment boundaries. My Department is currently developing proposals to progress this commitment and the intention is to make substantial progress during the current year. However, I cannot pre-empt the outcome of the review by giving commitments on any specific changes to particular catchment boundaries.

My Department is conscious of the complexities involved in the review and the challenges likely to arise. Nonetheless, we intend to approach the task constructively and with an open mind. Furthermore, we propose to use the opportunity to consult relevant interested parties and to tease out the issues involved. Consultation with Deputy Collins should occur in that process. I again thank the Deputy for raising the issue and for giving me the opportunity to outline my intentions.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 13 March 2008.

Written Answers.

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

Questions Nos. 1 to 26, inclusive, answered orally.

Questions Nos. 27 to 78, inclusive, resubmitted.

Questions Nos. 79 to 85, inclusive, answered orally.

Telecommunications Services.

86. **Deputy Shane McEntee** asked the Minister for Communications, Energy and Natural Resources the progress with Eircom's proposal for structural separation; the consultation processes or advisory forums that have been held; if he and his Department are in favour of the proposal; if regulatory changes have been considered or agreed to facilitate such separation; and if he will make a statement on the matter. [10683/08]

121. **Deputy Joe Costello** asked the Minister for Communications, Energy and Natural Resources his views on the merits of functional or structural separation of Eircom; his preference in relation to same; the position regarding the local loop unbundling situation here; and if he will make a statement on the matter. [10557/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 86 and 121 together.

Eircom is a private company and is entitled to implement the corporate structure that best meets its needs provided that appropriate engagement takes place with the Commission for Communications Regulation (ComReg) on any regulatory issues that might arise in a separated company. I understand ComReg has engaged consultants to assist in the review of eircom's proposals for structural separation and this work is already underway. I have no specific role in relation to any form of restructuring of eircom.

However, as the roll out of high quality, competitive broadband infrastructure is a key priority for Government and as eircom operates an extensive network in this regard, their investment and organisational plans are of major interest to me. I have met the Chairman and Senior Executives of eircom since taking up office and eircom's plans for the future, including the possibility of structural separation, have been discussed. At that meeting, and in a follow

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up letter from me, eircom's commitment to investment was welcomed, and eircom was advised about the Government's draft policy paper on Next Generation Networks which will set out the Government's policy framework in this area. eircom was invited to contribute to the consultation process that will follow on this policy paper shortly. It was also made clear to eircom, that regulatory issues arising from their proposals were a matter for ComReg, who are independent.

The Deputy may be aware that EU Commission's proposals for reform of the legislative framework for the sector, which were published in November, include adding functional separation to the remedy tool-box of national regulators. Such a remedy would be used only where there is clear evidence that the usual remedies have been tried and failed. There is some debate around whether customers would be best served by functional opening of the network or by a structural split between the retail and network divisions of the business, but I think the key issue is the implementation of the operational model that provides the optimum competitive environment and promotes investment and innovation by all telecoms providers.

EU Directives.

87. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources if he has reservations regarding Ireland's commitment to the biofuels directive in view of ethical concerns regarding land use for biofuels, particularly in developing countries; and if he will make a statement on the matter. [10578/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): As the Deputy will be aware, on the 23rd January 2008 the Energy Commission published its proposals for a new Directive on the promotion of the use of energy from renewable sources, which include the minimum mandatory target of 10% market penetration of biofuels in transport, in all Member States by 2020. In establishing these targets, the Commission recognises that while biofuels could offer opportunities for developing countries, sustainability in the production and use of biofuels would be critical. The Commission's proposals set out a range of environmental sustainability criteria, which would be mandatory and subject to verification.

The Slovenian Presidency has set up an ad hoc group to coordinate a position on the sustainability criteria for biofuels. Ireland is represented on this Group by my Department and in close consultation with the Department of Environment, Heritage and Local Government. The first meeting of the Group was held on 29 February 2008. The group will continue to meet on a regular basis with the aim of having a final position by April. Our objective is to ensure that the conclusions reached by this group will strike a careful balance to ensure the optimum outcome in terms of reducing Greenhouse Gas Emissions in transport, providing real opportunities for developing countries based on robust sustainability criteria and at the same time minimising risks in terms of food production and increasing our security of fuel supplies.

Ireland's national biofuels obligation will take full account of EU developments in relation to biofuels and related sustainability concerns and I have no reservations regarding Ireland's commitment to the Biofuels Directive in this regard. Ireland will be working closely with other Member States in the negotiation of the Directive to ensure that all biofuels placed on the European and Irish market are produced in line with all appropriate sustainability criteria.

Alternative Energy Projects.

88. **Deputy Tom Hayes** asked the Minister for Communications, Energy and Natural Resources the plans he has in place to deal with the situation where there are almost 8000MW of wind energy projects in the queue for the gate three connection process; his views on whether it will be necessary to prioritise some of these projects over others in order to maximise the

benefit to the country; his further views on the criteria on which he will grant some projects priority over others; and if he will make a statement on the matter. [10673/08]

111. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources the changes in financial arrangements or tariffs to the onshore wind sector in recent months; if, in view of recent announcements, offshore is the preferred option for wind energy; his views on the 8000 MW of wind applications to the grid at the present time; the position regarding these applications; if the onshore providers awaiting access to the grid will be given less favourable status than offshore wind applicants; and if he will make a statement on the matter. [10564/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 88 and 111 together.

The processing of applications for connections to the electricity network is a matter for ESB Networks or EirGrid in the first instance. Any dispute in relation to connection requests and decisions, including the processing of Gate Three applications, are matters for the Commission for Energy Regulation. I have no statutory function in the matter.

Projects which have secured a connections offer and planning permission can apply to my Department's Renewable Energy Feed-in Tariff (REFIT) programme. The programme offers guaranteed prices to projects across a variety of renewable energy technologies. As the Deputy is aware, I have added a number of technologies to REFIT in recent weeks. The different prices under the various REFIT categories do not indicate any preference or priority for any technology over another. The REFIT programme does not favour any one technology or category over another. It does not set out to pick winners in that sense but does aim to reflect the differing investment costs for the various technologies.

The provision of a higher price in any category over another is indicative of the higher average production costs in that category and the level of payments required to ensure the completion of projects in the higher cost technologies. My recent announcement of a higher price for offshore wind projects reflects both the higher investment costs and operating costs in that category.

European Council Meetings.

89. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources if he will report on the EU 27 energy Ministers meeting on 27 February 2008 which discussed the Commission's controversial proposal to split up energy firms; and if he will make a statement on the matter. [10584/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The EU Commission published its third internal energy market legislative package in September 2007, which aims to further liberalise EU electricity and gas markets. A fundamental feature of this package is the Commission proposal for the full and effective separation of supply and production activities from transmission ownership and operations in both the electricity and gas sectors. At the recent EU Energy Council my Ministerial colleagues from all Member States and I discussed progress to date with Commissioner Piebalgs and the Slovenian Presidency. There are still differing opinions among Member States on the most effective model for achieving meaningful unbundling.

A bloc of Member States including the UK, Sweden, the Netherlands, Denmark, Spain and Ireland support the Commission's proposals. A bloc of other Member States including France, Germany and Austria are still pressing for a further compromise. Minister Andrei Vizjak as

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President of the Council fairly reflected the views around the table in concluding that there had been progress but that there was still much work to be done and that negotiations should continue intensively with a view to reaching political agreement on the package by June. Ireland will cooperate fully with the Presidency, the Commission and Member States to achieve that outcome, taking full account of the Spring 2007 European Council Conclusions.

Question No. 90 answered with Question No. 85.

Electricity Transmission Network.

91. **Deputy Eamon Gilmore** asked the Minister for Communications, Energy and Natural Resources if he will report on his intention to transfer the ownership of the transmission assets from ESB to EirGrid; the timeframe for publication of this legislation; and if he will make a statement on the matter. [10558/08]

108. **Deputy Shane McEntee** asked the Minister for Communications, Energy and Natural Resources if he will provide a detailed timetable of the steps which will lead to the transfer of ownership of electricity transmission assets from the ESB to EirGrid by the end of 2008 as stated in the programme for Government; if a complete transfer of ownership of all assets is still planned; the plans he has in place to ensure the strategic future of both EirGrid and ESB as strong viable semi-State entities as stated in a previous reply; the factors he sees as possibly affecting the strategic future in the case of the ESB; and if he will make a statement on the matter. [10684/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 91 and 108 together.

The Programme for Government reaffirms the commitment in the Energy Policy White Paper to the transfer of ownership of the electricity transmission network assets from ESB to EirGrid by end 2008. The Government has also reaffirmed that we will keep the electricity and gas networks as strategic national assets in state ownership and these assets will never be privatised. Transfer to EirGrid, the State's Transmission System Operator, of ownership of the assets will have a range of legislative, commercial, legal and financial dimensions, and also involves a comprehensive process of consultation and engagement with ESB and EirGrid management and unions.

The drafting and publication of the necessary legislation will be a key step in the process and will be the subject of a full Regulatory Impact Analysis. The legislation is also likely to include a range of amendments to existing electricity legislation to fully reflect the new arrangement. The advice of the Attorney General on the precise parameters of the legislation will determine the scoping of legislation, as will the outcome of the Regulatory Impact Analysis. In line with successive Partnership Agreements, I am firmly committed to a full process of transparent and meaningful engagement with the management and unions of both ESB and EirGrid on all issues inherent in implementation of the transfer of the asset ownership function. This process is ongoing and will also include engagement on legitimate concerns of the ESB's Employee Share Ownership Trust (ESOT). These direct stakeholders all have pivotal roles to play in the process of engagement and in achieving outcomes, which are satisfactory for all parties concerned and in the interests of the economy and consumers.

Government policy is clear in relation to ensuring the strategic future of both EirGrid and ESB as strong viable Semi State entities with key roles to play in delivering national objectives for emissions reduction, renewables and energy efficiency as well as security of supply and competitiveness.

Telecommunications Services.

92. **Deputy Noel J. Coonan** asked the Minister for Communications, Energy and Natural Resources if he will set ambitious targets on average speeds, availability and penetration rates to be achieved within set time-frames in the short and medium term; if he will report in detail to the Joint Committee on Communications, Energy and Natural Resources every six months on these targets; if not the reason for same; and if he will make a statement on the matter. [10645/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Broadband services are provided in the Irish market by the private sector, with appropriate regulation from the Commission for Communications Regulation (ComReg). The role of Government is to ensure that the appropriate regulatory regime is in place and to also invest directly in the case of market failure such as the proposed National Broadband Scheme. The latest figures from the OECD show that Ireland experienced the fastest growth in broadband take-up in the OECD and had a penetration rate per capita of over 18%. ComReg has found that 40% of Irish households had a broadband connection at the end of September 2007. I expect that ComReg data for the current quarter will confirm that we are now at the 50% household penetration mark.

The broadband challenge is now moving to ensuring more widespread access becomes available to provide quality services over ever increasing bandwidth. Internationally, telecommunications is moving to next generation broadband to deliver greater quality, speed and service to the consumer. This is happening where there is strong competition and incentives to innovate. There is evidence on the supply side of greater band width being made available at lower prices such as the recent offerings by two companies of 12Mbps and 15Mbps at €40 and €45 per month. Our ambition is for Ireland to make a quantum leap forward in this new digital communications environment. The development of faster and cheaper broadband products will be an important part of that change.

An advantage may also come to those countries which adapt their telecoms infrastructure to the fast changing computer and media industries. These industries are evolving rapidly as new network formats such as “cloud computing” and new mobile platforms become available. While bandwidth speed is important the crucial development in adapting to this new ICT world may be the widespread availability of access through wireless, mobile, fixed line, cable and fibre. Such ubiquitous access should provide the right environment for existing broadband applications to thrive and newer, better applications to evolve. The accumulation of such new applications can then help the commercial development of faster broadband connections. As a country with a very dispersed rural population it will be hard for us to overtake other countries that are already rolling out fixed fibre connections to the home.

However, as a location of many leading global technology companies and with a very active software and digital media industry we could get a real head start in adapting to this fast changing digital world. Our next generation policy paper will be published shortly, setting out the regulatory, investment, demand stimulation and other measures that the Government will consider in an attempt to assist such a progressive development.

93. **Deputy Dinny McGinley** asked the Minister for Communications, Energy and Natural Resources if he has plans to supply ComReg with powers to fine Eircom for line faults, in the context of that company’s universal service obligation and the continuing high levels of faults and problems with data being supplied to ComReg; and if he will make a statement on the matter. [10686/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I wish to inform the Deputy that the Commission for Communications Regulation (ComReg), already has enforcement powers under the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2003, as amended, concerning eircom's performance in relation to the provision of its universal service obligations. ComReg may specify parameters for the provision of universal service obligations, including repair of line faults and require the designated universal service provider to publish information concerning same. ComReg may also set performance targets to be met in respect of certain universal services, as it deems appropriate from time to time. The Regulations permit enforcement action in the event of failure to comply with a direction issued by ComReg following persistent failure to meet performance targets.

Alternative Energy Projects.

94. **Deputy Emmet Stagg** asked the Minister for Communications, Energy and Natural Resources the grants available to businesses and domestic users who provide renewable energy through private wind turbines; and if he will make a statement on the matter. [10561/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am firmly committed to the development of micro-generation in line with the Programme for Government and the Energy Policy White Paper. Work is ongoing to provide for a distributed grid connection system to encourage the development of micro-scale renewable power supplies and the introduction of smart electricity meters which can facilitate exports of electricity to the network from micro-scale plants. A successful micro-scale support programme requires a soundly based operational and regulatory environment and Sustainable Energy Ireland (SEI) is working in conjunction with the Commission for Energy Regulation (CER) to deliver this environment with the objective of launching a micro generation support programme in the coming months.

In addition to cooperating with the CER, ESB Networks and the suppliers, to roll out the national smart-metering programme, SEI will be implementing a number of micro-scale electricity generation projects as part of its Dundalk Sustainable Energy Zone programme, which will deliver real time data to assist in the design and delivery of the wider micro-scale support programme.

Broadcasting Legislation.

95. **Deputy Deirdre Clune** asked the Minister for Communications, Energy and Natural Resources when the Broadcasting Bill is due to be published; if he will provide further detail on what will be contained in the Bill; if he will elaborate on his comments in the media recently in which he referred to the need for RTÉ not just to chase ratings and to broadcast less foreign programming at prime time; and if he will make a statement on the matter. [10641/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In September 2006 the draft general scheme of the Broadcasting Bill was submitted to the Joint Oireachtas Committee on Communications, Marine and Natural Resources for the purposes of public consultation under the eConsultation initiative. The essential elements of the draft general scheme of the Broadcasting Bill included:

- The establishment of a single content regulator for commercial, community and public service broadcasters to be known as the Broadcasting Authority of Ireland (BAI) which would encompass the existing regulatory functions of the Broadcasting Commission of Ireland, the Broadcasting Complaints Commission and the RTÉ Authority.

- The provision of a statutory mechanism for the oversight of public funding of RTÉ and TG4, and
- The amendment of the existing public service remits of RTÉ and TG4 to allow them use public funding for the purposes of developing new broadcasting services using web-based technologies.

It is proposed to publish the consequent Broadcasting Bill in April 2008 in the light of the Joint Oireachtas Committee's conclusions on the outcome of the eConsultation process and the recent agreement with the European Commission in respect of mechanisms for the oversight of public funding of RTÉ and TG4.

In relation to RTÉ's remit, it is my intention that they would continue to inform, educate and entertain by showing a broad range of programmes. The Joint Oireachtas Committee published its conclusions on the draft general scheme in April 2007. The Broadcasting Bill has been prepared with a view to ensuring the appropriate regulatory and organisational structures for the growth and development of public service, commercial and community broadcasting in Ireland.

Electricity Transmission Network.

96. **Deputy Bernard Allen** asked the Minister for Communications, Energy and Natural Resources his views on threats by ESB unions to impede roll out of smart meters; if the roll out will be funded by the ESB as originally planned; if he will change his position on the transfer of ownership of electricity transmission assets from the ESB to EirGrid in response to the threats; if he is still committed to such complete transfer by the end of 2008 as stated in the programme for Government; and if he will make a statement on the matter. [10620/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Management of industrial relations within ESB is, in the first instance, a matter for the board and management of the company. I am aware of the ballot undertaken by a number of the unions within ESB last November. I am also aware of recent comments from a representative of one of the constituent unions with regard to Smart Metering. My Department is continuing to monitor the situation closely. The roll out of smart meters, as committed to in the Government's Energy Policy Framework and in the Programme for Government, is a central component of our strategy to improve management of demand for electricity and to achieve greater energy efficiency through use of the latest technology.

The delivery of smart metering requires a collective response. That is why I have made it a priority for my Department to work intensively as part of the Steering Group overseeing the roll out. The group is chaired by the CER and consists of Sustainable Energy Ireland, ESB Networks, ESB Customer Supply and independent suppliers. There are also four working groups examining the complex technical aspects of smart metering including, Tariffs, Billing/Data Services, Networks and Customer Behaviour. It remains the position that the smart meter programme will be financed under the ESB Networks Investment Programme. The recognised potential of smart metering in terms of increased energy efficiency, reduced costs, reduced harmful emissions, facilitation of micro and distributed generation and improved customer service, will deliver tangible benefits to all consumers of electricity.

In relation to the transfer of ownership of the electricity transmission network assets from ESB to EirGrid, the Programme for Government reaffirms the commitments in the Energy Policy White Paper. As I have stated before, and in line with successive Partnership Agreements, there is an ongoing process of engagement with the management and unions of both

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ESB and EirGrid on all issues inherent in implementation of the transfer of the asset ownership function.

Energy Resources.

97. **Deputy John Deasy** asked the Minister for Communications, Energy and Natural Resources his views on the fact that of the total of 24 measures with specific 2007 deadlines in the energy White Paper, 15 have not been done, and only six were done on time; his further views on whether this is an acceptable level of achievement; and if he will make a statement on the matter. [10655/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Energy White Paper sets out over 200 policy actions, measures, goals and targets that are designed to deliver on security of supply, sustainability and competitiveness over the period to 2020. We are making fundamental changes to the way we provide and use energy. Ireland's sustainable energy future depends on it. The Programme for Government underlines the imperative to secure long term energy security and sustainability and a low carbon future for Ireland. The urgent and massive challenge of climate change underscores this imperative. The comprehensive policy actions under way in the White Paper, together with the additional commitments in the Programme for Government, will result in a transformed landscape for the Irish energy sector.

The ambitious policy actions and measures in the White Paper have different timelines and challenges. We are working to deliver on them all in a timely manner. I am working in partnership with my Government colleagues and with all stakeholders to deliver that change. Action is already under way across all the key deliverables. I have launched a range of initiatives in relation to accelerating delivery of renewable energy targets, energy efficiency, distributed generation and demand side management including the National Smart Meters Programme. The review of the all-island energy market development framework is underway with Northern Ireland colleagues and we successfully launched the Single Electricity Market in November 2007. I am satisfied that very significant progress is being made across the measures in the Energy Policy Framework and the Programme for Government.

98. **Deputy Brian Hayes** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that in 2006, the last year for which figures are available, over 90% of Ireland's total energy requirement was imported, and 66% was imported from the UK; the consequences this would have in the event of an energy crisis affecting the UK in particular; the detail of the contingency plans he has in place to deal with such a scenario; and if he will make a statement on the matter. [10672/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The statistics in relation to reliance on energy imports underline the imperative for contingency planning but crucially underline the imperative need to reduce our dependence on fossil fuels. The Government is committed to delivering on our targets for the accelerated development of renewable energy in the electricity, heating and transport sectors which will progressively reduce our dependence on imported oil and gas.

The Government's Energy Policy Framework identifies the need to develop longer term strategies to reduce over-reliance on gas imports from the UK. The actions set out in the Framework include long term strategic planning by the Commission for Energy Regulation (CER) in relation to security of gas supply and working within the European Union to deliver fully integrated regional gas markets for Northern Europe and diversification of supply. The

CER has granted a gas storage licence to Marathon Oil Ireland Ltd to make available to third parties the full capability of its depleted Kinsale facility, which has a capacity of 7 billion cubic feet (bcf). This is the first such storage facility in Ireland and BGÉ has contracted to use over 5 bcf of it. At current levels, BGÉ's Kinsale reserves can supply 50% of non-daily metered customer requirements, that is, small business and domestic, for up to 50 days.

Shannon LNG, a wholly owned Irish subsidiary of Hess LNG Ltd is planning the construction of liquefied natural gas (LNG) import terminal near Tarbert on the Shannon Estuary. The project is being considered from a planning perspective under the Planning and Development (Strategic Infrastructure) Act. The project could potentially provide up to 40% of Ireland's gas requirements and may also have a positive impact on the security of our gas supply by improving our connectivity to the global gas market. The All-Island Energy Market Development Framework identified the need for a North/South approach to natural gas storage and LNG. My Department and the Department of Enterprise, Trade and Investment for Northern Ireland, jointly commissioned a study last year to assess the medium to long-term position with regard to security of natural gas supply on an All-Island basis and the scope for an all-island approach to natural gas storage and LNG. The outcome of the study, which has recently been completed, is currently being assessed by both Departments. The connection of the Corrib gas field will also reduce our dependence on gas imports over its lifespan.

The robustness of existing gas interconnection and the planned electricity interconnection between Ireland and Britain, are critical for Ireland's security of energy supply. The current interconnection capacity with the UK Grid (through Northern Ireland) of 300 MW, will be increased by 500 MW with the delivery of the new East West electricity interconnector between Ireland and Wales by 2012. Enhanced interconnection, in both electricity and gas, will also integrate Ireland into the wider EU regional energy market.

In 2006, the latest year for which figures are available 66% of Ireland's oil imports were sourced from the UK with crude accounting for 8% and products accounting for 92% of these imports. In the same year Norway accounted for 28% of our oil imports, of which crude accounted for 91% and products 9%. The Irish downstream industry is fully privatised, liberalised and deregulated. My Department has commissioned a strategic review of the security of Ireland's access to commercial oil supplies. My Department has in place contingency arrangements to deal with oil supply disruptions. As a member of the International Energy Agency (IEA) Ireland would be entitled to its share of available IEA oil stock in the event of a significant oil supply disruption.

In relation to contingency planning, Bord Gáis Networks, as National Emergency Manager for the gas network, has detailed arrangements in place to maintain supplies in the event of a shortage of gas imports from the UK. Bord Gáis also works closely with the ESB and EirGrid, under the direction of the CER, to ensure coordination between the emergency arrangements for both the gas and electricity networks. My Department is working to finalise implementation of EU Directive 2004/67 on measures to safeguard security of natural gas supply. This will clearly define the roles and responsibilities of gas market players relative to security of supply in the context of the liberalised natural gas market. Bord Gais participates in the UK arrangements for gas emergencies, which ensures that we are informed of both the procedures in place in the UK and the potential impact that any curtailment of gas supply in the UK could have on Ireland.

Telecommunications Services.

99. **Deputy Michael Noonan** asked the Minister for Communications, Energy and Natural Resources if he will confirm that, as he said in a speech to the Dáil, if an area is not covered

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by 1 July 2008, it will get broadband under the national broadband scheme; his views that this will not be the case because of State aid problems; his further views on whether the scheme will fall far short of achieving 100% coverage; the other plans he has to achieve 100% coverage; and if he will make a statement on the matter. [10694/08]

109. **Deputy Pat Rabbitte** asked the Minister for Communications, Energy and Natural Resources his views on whether the data on broadband coverage is adequate; his further views on a recent programme (details supplied) that found many areas that appear to have broadband in the Government's coverage map do not have sufficient coverage; and if he will make a statement on the matter. [10566/08]

129. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources the position regarding the tendering process for the national broadband scheme; and if he will make a statement on the matter. [10576/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 99, 109 and 129 together.

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 by the independent Commission for Communications Regulation (ComReg). The widespread provision of broadband services continues to be a priority for the Government. There are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. In order to address this issue the procurement process for a National Broadband Scheme (NBS) is currently under way. The NBS will provide broadband services to areas that are currently unserved and will ensure that all reasonable requests for broadband in unserved areas are met.

A complex mapping exercise was undertaken in order to identify all areas where broadband services are and are not available. My Department and ComReg contacted service providers and requested details of their current and planned broadband coverage. The decision with respect to areas that are not currently served but are expected to be served in the near future will be made in July 2008. Any area not served by 1 July 2008, will fall under the scope of the NBS. Entering in to an area already covered by the private sector would result in Ireland being in breach of the EU Commission's State Aid decision. The procurement process is being undertaken pursuant to the European Communities, (Award of Public Authorities' Contracts), Regulations 2006, using a competitive dialogue procurement process.

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. Following the withdrawal of the IFA/Motorola Consortium as a candidate, the remaining three candidates have now commenced "Competitive Dialogue" with my Department and are developing their proposed solutions to meet my Department's requirements for the delivery of broadband to the unserved areas of the country. It is anticipated that a preferred bidder will be selected and appointed in June 2008, with roll out to commence as soon as possible thereafter.

100. **Deputy Kathleen Lynch** asked the Minister for Communications, Energy and Natural Resources the timeframe for developing and delivering a new tougher regulatory system with regard to mobile texting costs; his views on incorporating RegTel into ComReg; and if he will make a statement on the matter. [10574/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I intend for RegTel to be under the aegis of ComReg and details of this will be outlined in the Broadcasting Bill which I will present to the House in the coming months.

Regulatory Bodies.

101. **Deputy Olivia Mitchell** asked the Minister for Communications, Energy and Natural Resources if he has plans to make the regulators in his brief more accountable; and if he will make a statement on the matter. [10689/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Programme for Government includes a commitment to instigate a Review of the Economic Regulatory Environment. An Interdepartmental Group, chaired by the Department of the Taoiseach and including a representative from my Department, has been tasked by the Government with advancing work in this area. An independent review is being commissioned by that Group to address the need for stronger international data and benchmarks in order to assess the comparative effectiveness of key Irish economic Regulators. The Review is expected to make recommendations on improving regulatory structures in Ireland, drawing on international models of regulation. Tenders for the Review are currently being assessed and it is anticipated that the Review will commence shortly and last approximately six to 9 months.

The Interdepartmental Group is also currently examining a range of measures to enhance accountability and the transparency of Regulators' operations and arising from its recommendations, the Joint Oireachtas Committee on Economic Regulatory Affairs was recently established. The Committee's terms of reference focus on the operational efficiency of Regulators in key economic sectors such as: Energy; Communications; Transport; Health and Safety; and Financial Services. The Committee has already been briefed by officials of my Department on the Review of the Economic Regulatory Environment. The Committee have also met with the Commission for Communications Regulation (ComReg), in pursuance of its Terms of Reference. More generally both ComReg and the Commission for Energy Regulation (CER) meet from time to time with the Oireachtas Committee on Communications, Energy & Natural Resources.

A continuing balance must be struck to insure that our regulatory bodies remain accountable to our democratically elected political system while at the same time maintaining their necessary independence in the carrying out of their regulatory functions. I expect that the work of the Interdepartmental group and the new Oireachtas committee will help keep that balance in place.

Telecommunications Services.

102. **Deputy Mary Upton** asked the Minister for Communications, Energy and Natural Resources if he will extend the universal services obligation to broadband; and if he will make a statement on the matter. [10590/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I have no plans to extend the universal services obligation to broadband. However, 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

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the National Broadband Scheme (NBS) which will provide broadband services to areas that are currently unserved, and will ensure that all reasonable requests for broadband are met.

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 will commence as soon as possible thereafter.

Broadcasting Services.

103. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources his views on the effects of the closedown of analogue television in Wales on Counties Wexford, Waterford, Wicklow and Dublin; the timescale of this impact; his views on the consequences of this signal shutdown; and if he will make a statement on the matter. [10565/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The UK Government is planning to close down analogue broadcasting services in Wales in 2009 and replace them with digital broadcasting services. When the analogue services are switched off, TV viewers in the South East of Ireland who currently receive UK channels through overspill, will lose reception of these analogue channels. TV viewers will, of course, continue to receive the Irish analogue terrestrial TV channels after this date. The decision to cease analogue broadcasting in Wales is a matter for the UK government. It is expected that there may be some overspill of the digital broadcasting services but this is likely to be less than analogue overspill.

The closure of analogue terrestrial broadcasting services is happening all over Europe and it is expected that by 2012, all analogue terrestrial broadcasting services throughout Europe will have ceased. These services are being replaced by digital broadcasting services which are more efficient and which provide opportunities for more services. The Broadcasting (Amendment) Act 2007 has provided for the introduction of Digital Terrestrial Television in Ireland. Under this legislation RTE must provide Digital Terrestrial Television services throughout Ireland with space to carry RTE, TG4 and TV3. The BCI has been given the authority to provide for commercial Digital Terrestrial Television services. The RTE development of Digital terrestrial services is underway and it is anticipated that by 2009, Digital Terrestrial Services will have started to roll out in Ireland.

Greenhouse Gas Emissions.

104. **Deputy Ruairí Quinn** asked the Minister for Communications, Energy and Natural Resources the number of times he has met with the Department of Transport to discuss the increasing level of emissions associated with the transport sector; and if he will make a statement on the matter. [10571/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I hold regular meetings with the Minister for Transport and his department officials at which various issues are discussed including those related to the impact of energy on climate change policy.

Postal Services.

105. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources the position regarding the implementation of postcodes; if he has the results of any cost benefit analysis; and if he will make a statement on the matter. [10562/08]

119. **Deputy Olivia Mitchell** asked the Minister for Communications, Energy and Natural Resources the progress to date on implementing a postcode system here with a detailed time-scale for the next few months that will lead to implementation; and if he will make a statement on the matter. [10690/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 105 and 119 together.

The National Postcode Project Board (NPPB) presented its recommendation as to the most appropriate postcode system for Ireland, the costs and benefits arising from its introduction along with a detailed implementation, promotion and maintenance plan. A proposal concerning the introduction of postcodes went to Government in May 2007 and Government decided that, prior to the introduction of postcodes, further analysis to quantify the wider economic and societal benefits should be carried out. My Department is currently carrying out this analysis, in order to establish the wider costs and benefits. This work will be completed shortly following which I intend to revert to Government.

Telecommunications Services.

106. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources when he envisages that County Kerry will have full broadband access. [10393/08]

125. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the steps he is taking to provide broadband access outside the main urban centres; and if he will make a statement on the matter. [7471/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 106 and 125 together.

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 fixed line, wireless, cable, satellite, and more recently, mobile in many areas of the country. My Department operates a dedicated website, 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 Kerry, 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. Following the withdrawal of the IFA/Motorola Consortium as a candidate the remaining three candidates have now commenced “Competitive Dialogue” with my Department and

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are developing their proposed solutions to meet my Department's requirements for the delivery of broadband to the unserved areas of the country. It is anticipated that a preferred bidder will be selected and appointed in June 2008, with roll out to commence as soon as possible thereafter.

Energy Resources.

107. **Deputy Jan O'Sullivan** asked the Minister for Communications, Energy and Natural Resources if he has plans for extra provision of storage facilities similar to Turlough Hill; his views on whether additional storage would permit far higher levels of generation from renewable sources; if he will commission a study that considers increased storage as a mechanism for facilitating greater generation from renewable sources; and if he will make a statement on the matter. [10568/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Any future decisions in relation to the development of additional energy storage will be informed by analysis by EirGrid and ESB, research and development as necessary and the views of the Commission for Energy Regulation, taking into account the findings of the All-Island Grid Study and the needs of the energy sector.

Question No. 108 answered with Question No. 91.

Question No. 109 answered with Question No. 99.

Telecommunications Services.

110. **Deputy Joe Costello** asked the Minister for Communications, Energy and Natural Resources his views on the fact that Northern Ireland has achieved 100% broadband penetration; the lessons to be learned from its example; and if he will make a statement on the matter. [10556/08]

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 by the independent Commission for Communications Regulation (ComReg). The widespread provision of broadband services continues to be a priority for the Government. There are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. In order to address this issue the procurement process for a National Broadband Scheme (NBS) is currently under way. The NBS will provide broadband services to areas that are currently unserved and will ensure that all reasonable requests for broadband in unserved areas are met.

The Northern Ireland model was examined along with the methods used in other jurisdictions to address gaps in coverage during the planning phase of the scheme. Department officials met with their Northern Ireland counterparts to explore the approach in detail. 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. Following the withdrawal of the IFA/Motorola Consortium as a candidate the remaining three candidates have now commenced "Competitive Dialogue" with my Department and are developing their proposed solutions to meet my Department's requirements for the delivery of broadband to the unserved areas of the Country. It is anticipated that a preferred bidder will be selected and appointed in June 2008, with roll out to commence as soon as possible thereafter.

Question No. 111 answered with Question No. 88.

112. **Deputy Kieran O'Donnell** asked the Minister for Communications, Energy and Natural Resources if he will undertake an immediate audit of all broadband telecommunications infrastructure under public and private ownership nationwide, in particular an audit of all ducting infrastructure capable of carrying fibre-optic cable; if not, the reason for same; and if he will make a statement on the matter. [10695/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department has prepared a draft Policy Paper on Next Generation Broadband and has recently completed a successful meeting of the expert International Advisory Forum to examine the issues, options and recommendations for future policy. There are a number of options available to Government which are considered in the policy paper, including how to make the optimum use of state infrastructure, such as ducting, to facilitate the private sector investment. The Forum has critiqued the paper and provided robust commentary on the approach the Irish Government should adopt. My Department will incorporate the advice of the Forum and I intend to publish the paper shortly for consultation with all stakeholders. I would encourage and welcome the views of all interested parties on the paper.

Broadcasting Services.

113. **Deputy Michael D. Higgins** asked the Minister for Communications, Energy and Natural Resources his Department's readiness for the digital terrestrial television switch over; and if he will make a statement on the matter. [10581/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Digital Terrestrial Television (DTT) is progressing on a number of fronts. The 2007 Broadcasting (Amendment) Act introduces a framework for the licensing of DTT in Ireland and assigns responsibilities to ComReg, RTE and the BCI. ComReg is responsible for ensuring there is sufficient spectrum for DTT broadcasting. RTE is responsible for developing a national DTT service with capacity for RTE, TG4 and TV3 as a matter of priority. The BCI is responsible for the development of commercial DTT services and is presently holding a competition to award contracts to commercial broadcasters.

My Department has made it clear to all stakeholders involved in the development of Digital Terrestrial Television that 2012 is the date by which switch-over from the analogue to digital terrestrial services should be achieved. ComReg, RTE and the BCI are aware that they each have a role to play in providing for this. The BCI process is due to be finalised during the summer and at this time there will be additional clarity around the development of both national and commercial DTT services.

Telecommunications Services.

114. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the action he has taken directly or in conjunction with his EU colleagues to improve Ireland's standing in the field of information technology with particular reference to the immediate availability of high speed broadband and general state of the art communications technology here with particular reference to the critical requirements of industry, commerce, education and medicine; if his attention has been drawn to deficiencies in these areas at present; the degree to which Ireland has fallen behind its EU colleagues in this regard; if he will address the underlying cause or causes; and if he will make a statement on the matter. [10699/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of telecommunications services, including broadband, is 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 latest OECD statistics show Ireland in first place in terms of per-capita subscriber growth over the year to end of June 2007, with Ireland adding 6.6 subscribers per 100 inhabitants during the past year, far ahead of the OECD average of 3.65 per 100 inhabitants.

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, investment in Metropolitan Area Networks (MANs) and the Broadband for Schools Programme. 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, 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. Following the withdrawal of the IFA/Motorola Consortium as a candidate the remaining three candidates have now commenced “Competitive Dialogue” with my Department and are developing their proposed solutions to meet my Department’s requirements for the delivery of broadband to the unserved areas of the Country. It is anticipated that a preferred bidder will be selected and appointed in June 2008, with roll out to commence as soon as possible thereafter.

My attention is now firmly fixed on next generation broadband networks. My Department has prepared a draft policy paper on Next Generation Broadband Networks which considers the optimum role for Government in facilitating the roll out of high speed broadband networks. Both in Europe and internationally, there are varying views about the optimum approach to next generation broadband roll-out and the technologies to be employed. This is a challenge for all concerned and Ireland is not lagging in tackling these challenges.

Energy Conservation.

115. **Deputy Eamon Gilmore** asked the Minister for Communications, Energy and Natural Resources the position regarding the greener homes schemes; the number of applicants waiting to receive grants; his views on the recent problems with wood pellet boilers in County Wexford; if his attention has been drawn to similar problems elsewhere; and if he will make a statement on the matter. [10559/08]

118. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the steps he is taking to promote the use of domestic renewable energy; and if he will make a statement on the matter. [7470/08]

122. **Deputy Dan Neville** asked the Minister for Communications, Energy and Natural Resources if he is satisfied that the greener homes scheme will have sufficient funding in 2008; if he has plans to increase the funding available over the course of the year; and if he will make a statement on the matter. [10691/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 115, 118 and 122 together.

The Greener Homes Scheme provides support to homeowners to invest in a range of domestic renewable energy heating technologies including solar panels, biomass boilers and stoves and heat pumps. There has been a strong interest in the scheme since it was launched in March 2006. On foot of the achievement of the scheme targets a full three years ahead of schedule, Phase I of the Greener Homes Scheme was closed on 3 September 2007. Phase II of the scheme was opened on 1 October 2007.

The objective in Greener Homes Phase II is to consolidate the market, underpinning it with quality standards and training and providing for a long-term future that is not grant dependent. The aim is to ensure that the market for these products, services and fuels continues to develop strongly in a robust manner and that consumers continue to be guided towards discerning choices. Continuing the scheme will help secure a range of objectives including more competitive offerings, revised product standards, improved training standards and stable growth across the renewable heating industry.

Sustainable Energy Ireland (SEI) is administering the scheme on behalf of my Department. I understand that there are approximately 500 applicants awaiting grant approval at any one time. Applications are processed and decisions issued within a matter of weeks of receipt. The Greener Homes Scheme will continue to be kept under review and will continue to evolve in light of maturing technologies and market developments. I am satisfied that sufficient funding is available to meet the commitments under the scheme in 2008.

The Wexford County Council development at Oylegate is one of the 128 developments which received funding support through SEI's House of Tomorrow Programme. SEI contributed funding of €140,000 for the sustainable energy design and technology features in this development and Wexford County Council in conjunction with its contractors managed the design, construction and installation of all elements of the development. The SEI funding contributed to the cost of the sustainable energy measures incorporated in the houses, including superior insulation, glazing, solar water heating system and a wood pellet stove heating system.

I am aware that certain difficulties subsequently arose in relation to a small number of wood pellet stove installations in the development and I am advised that Wexford County Council has taken action to resolve these issues. As SEI had no operational role in the construction of the houses, the installation of the energy technology features or any subsequent actions, it would be inappropriate for me to comment on the specific actions taken by Wexford County Council. I understand that the development is continuing to achieve the target of energy savings in excess of 40% when compared to similar houses built to the Building Regulations applicable at the time the development was constructed.

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 relating to either poor installation biomass boilers and stoves or disappointment with system performance versus expectations. Such instances, while very unsatisfactory, are diminishing and the quality of installations, nearly two years on, has improved. This reflects the quality assurance and training initiatives put in place by SEI.

Greenhouse Gas Emissions.

116. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources the position regarding the assessment of the prospects for geological storage of carbon here; and if he will make a statement on the matter. [10586/08]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Tony Killeen): The assessment of the prospects for geological storage of carbon in Ireland is at a relatively early stage. A study, due in September 2008, by Sustainable Energy Ireland, Environmental Protection Agency (EPA), Geological Survey of Northern Ireland and Geological Survey of Ireland (GSI) is examining the potential for such storage on the island of Ireland. In addition, an EPA–GSI project in the next two years, due in January 2010, will evaluate the prospect for potentially favourable sites in the Moneypoint region. Research under the Griffith Geoscience Research Awards has just begun, which will document the subsurface characteristics of potential sites in this region.

However, we are some considerable distance from implementing any storage solution, even if all these studies have positive results. GSI intends to affiliate to an active European network on geological storage of carbon to ensure we are fully aware of best practice on technical options relevant to Ireland. The Department is also participating in other EU and international fora where the potential for carbon capture and storage is being progressed. The question of legislative underpinning for geological storage of carbon will be kept under review in light of developments.

Energy Policy.

117. **Deputy Brian O’Shea** asked the Minister for Communications, Energy and Natural Resources the publication date of the joint study on natural gas storage and liquefied natural gas on an all-island basis; and if he will make a statement on the matter. [10585/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In February 2007, my Department, in conjunction with the Department of Enterprise, Trade and Investment for Northern Ireland (DETINI), commissioned a joint study on a common approach to All-Island natural gas storage and liquefied natural gas (LNG). The report was completed and submitted to both Departments in December.

The study assesses the medium to long-term position with regard to security of natural gas supply on an all-island basis, considers the scope for a common approach on natural gas storage and LNG with a view to optimising that position and makes recommendations accordingly. The recommendations of the study are currently being jointly examined by both Departments, North and South, the Commission for Energy Regulation and the Northern Ireland Authority for Utility Regulation. A date for joint publications will be agreed between us shortly.

Question No. 118 answered with Question No. 115.

Question No. 119 answered with Question No. 105.

Question No. 120 answered with Question No. 84.

Question No. 121 answered with Question No. 86.

Question No. 122 answered with Question No. 115.

Broadcasting Legislation.

123. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources the timeframe for publication of the Broadcasting Bill; and if he will make a statement on the matter. [10572/08]

280. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his preferred option for the development of the broadcasting industry; the dis-

cussions he has had with service providers in this regard; and if he will make a statement on the matter. [10987/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 123 and 280 together.

The draft general scheme of the Broadcasting Bill, submitted to the Joint Oireachtas Committee on Communications, Marine and Natural Resources in September 2006 for the purposes of public consultation under the eConsultation initiative, is intended to ensure the establishment of the appropriate regulatory and organisational structures for the growth and development of public service, commercial and community broadcasting in Ireland. The Joint Oireachtas Committee published its conclusions on the draft general scheme in April 2007. It is proposed to publish the consequent Broadcasting Bill in April 2008 having considered the Joint Oireachtas Committee's conclusions on the outcome of the eConsultation process.

In the context of the development of broadcasting policy my officials and I have cause, on a regular basis, to meet with the various interests that comprise the broadcasting sector including but not limited to commercial broadcasters, public service broadcasters and independent producers.

Fuel Poverty.

124. **Deputy Jan O'Sullivan** asked the Minister for Communications, Energy and Natural Resources the timeframe for publication of the findings of the Fuel Poverty Action Research Project; the most recent figure for the number living in fuel poverty; the number of people who benefited from the warmer homes scheme; the budget available for that scheme; and if he will make a statement on the matter. [10569/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am advised that the final report of the Fuel Poverty Action Research Project is scheduled for publication in mid 2008. There are currently no national statistics available on the number of people experiencing fuel poverty in Ireland. The EU Survey on Income and Living Conditions which is carried out by the Central Statistics Office each year, measures the number of households that have gone without heating at least once over the previous year due to lack of money. The most recent figures available from this survey indicate that in 2006 some 5.7% of households in Ireland went without heat at some stage during the year, a slight reduction on 2005.

Sustainable Energy Ireland's Warmer Homes Scheme was introduced in 2003. Up to the end of 2007, some 7,652 people on low incomes benefited from substantial energy efficiency improvements to their homes under the Warmer Homes Scheme. The number of beneficiaries has been rising steadily each year. SEI's Low Income Housing Programme was in operation for many years previous to the Warmer Homes Scheme and aided many vulnerable households. I have made available some €2.5m to SEI in 2008 to continue the very valuable work of the Warmer Homes Scheme. In the first two months of this year a further 600 families had the energy performance and comfort conditions of their homes permanently improved under the Scheme.

Question No. 125 answered with Question No. 106.

Broadcasting Services.

126. **Deputy Pat Rabbitte** asked the Minister for Communications, Energy and Natural Resources his views on providing a channel dedicated to the democratic discussions in Dáil

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Éireann and making it available on terrestrial television; and if he will make a statement on the matter. [10567/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am in favour of the establishment of a new Oireachtas channel which could provide for extended free-to-air television coverage of the proceedings which take place in the Houses of the Oireachtas and in other democratic fora. The programme for Government contains a commitment in this regard.

I have attended meetings with the Ceann Comhairle and the Joint Oireachtas Committee for the administration of the Houses where the details required for the establishment of such a channel were discussed. I believe that the establishment of a new Digital Terrestrial Television transmission system, which is being co-ordinated by my department, should provide for the Oireachtas channel, commencing in the second half of 2009. I believe the transmission and editing and production costs involved in such a channel are a matter for the Oireachtas commission in the first place.

Telecommunications Services.

127. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the position regarding the value for money and policy review on phase one of the MANs programme; when he will decide on the progression of a further phase of MANs; the position in relation to the current status of MANs; the number of towns it has been delivered to; and if he will make a statement on the matter. [10579/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of broadband services is a priority for the Government. In this context, the primary 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 broadband market in Ireland is fully liberalised and regulated, where appropriate, by ComReg, the independent Commission for Communications Regulation.

However, where markets fail in the telecommunications and broadband sectors, Government must act. Government infrastructure policy addresses market failure through investment in international connectivity and regional backhaul, the construction of the open-access Metropolitan Area Networks (MANs), part-funding rural broadband access networks under the Group Broadband Scheme (GBS) and under the upcoming National Broadband Scheme. The MANs Programme involves the construction of high-speed, open-access Metropolitan Area Networks (MANs) in towns and cities nationwide in partnership with local and regional authorities. Phase I of the MANs Programme saw the construction of open access duct and fibre networks in 27 cities and towns that are now offered to telecommunication service providers on a wholesale basis to allow them to provide services without the need to build their own networks.

A total of 94 towns were selected for investment under Phase II. There have been a number of developments since the decision to proceed with Phase II was made. All towns selected for investment under the MANs Programme now have at least one broadband provider competing over multiple technology platforms — DSL, wireless, mobile and satellite. In addition, the Department of Communications, Energy and Natural Resources commenced a Value for Money and Policy Review of Phase I of the MANs Programme last year. This report is almost complete and will be published in the coming weeks.

The Department has also prepared a draft policy paper on Next Generation Broadband Networks, which will review current communications infrastructure policy and will provide options on the optimum future role for Government in facilitating the roll out of high speed broadband networks. An International Advisory Forum, made up of international experts in the electronic communications sector, met two weeks ago to critique the draft policy paper. The paper will soon be published for public consultation. In these circumstances, I decided that it would be prudent to delay the signing of contracts for the construction of new networks, until I have had an opportunity to consider and assess the implications of the value for money report and the outcome of the consultation on the Next Generation Broadband policy paper. In the meantime, the MANs that are under construction in 66 towns are proceeding as planned.

128. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources if he has plans to give more powers to ComReg to enforce LLU; his views on whether the powers given to OfCom in the UK in this regard, especially in terms of the levels of the fines it can impose, could be used as a model; and if he will make a statement on the matter. [10688/08]

130. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he has plans to enhance ComReg's enforcement powers; if he is satisfied that the regulator is empowered to regulate the broadband sector effectively at present; and if he will make a statement on the matter. [10573/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 128 and 130 together.

The provision of electronic communications services, including broadband is primarily a matter for private sector operators. Statutory responsibility for the regulation of electronic communications service providers and the implementation of local loop unbundling rests with the Commission for Communications Regulation (ComReg). Open access for service providers is critically important and ComReg's recent resolution of outstanding issues around Local Loop unbundling is a very welcome development. I understand that a fit-for-purpose LLU product range is now available to alternative operators who wish to avail of the services.

In relation to ComReg's enforcement powers, the Deputy may be aware that these were substantially enhanced by the Communications Regulation (Amendment) Act 2007 including:

- The creation of new summary, indictable and continuing offences for breaches by operators of obligations imposed by ComReg;
- Conferring on ComReg, competition law powers, to allow it to investigate and prosecute anti-competitive behaviour or abuse of dominance in the electronic communications sector; and
- Providing ComReg with increased information gathering powers and power to Investigate overcharging.

I have no further plans in this regard.

Question No. 129 answered with Question No. 99.

Question No. 130 answered with Question No. 128.

Question No. 131 answered with Question No. 85.

Fisheries Protection.

132. **Deputy Michael Ring** asked the Minister for Communications, Energy and Natural Resources the time frame for funding Leader companies under his Department's new scheme; the criteria for drawing down funding; the way the scheme will benefit coastal community groups; the way this scheme will directly benefit fishermen who have signed up to the hardship scheme following the banning of drift net fishing; and if he will make a statement on the matter. [5463/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I published details of the Community Support Scheme on Friday 7 March 2008, details of which can be viewed on the Department's website at www.dcenr.gov.ie The Community Support Scheme, amounting to €5 million, will be made available to those affected by the cessation of the mixed stock salmon fishery in 16 fishery districts through 15 LEADER companies and Comhdháil Oileáin na hÉireann, in respect of island communities and Meitheal Forbartha na Gaeltachta Teoranta, in respect of the Gaeltacht areas.

This Scheme is not ordinarily directed at commercial salmon fishing licence holders, who have had the opportunity to avail of payments from the €25 million Salmon Hardship Scheme but rather at the development of additional economic opportunities for crews and employees in the processing and ancillary sectors in the communities where commercial salmon fishing has been a well-established activity and where its withdrawal demonstrably impacts on the economic and social fabric, for example Gaeltacht areas.

The scheme is to be administered by the LEADER companies under the supervision of the Department of Communications, Energy and Natural Resources, in conjunction with the Department of Community, Rural and Gaeltacht Affairs. Available funds will be allocated to those affected fishery districts, proportionately to the impact of the cessation of the mixed stock fishery. It will focus on retraining of the affected labour force, diversification into non-salmon fishing activity and projects to promote the quality of the local environment. The closing date for receipt of applications by the LEADER companies is 31 December 2008 and all projects must be complete by November 2009.

Broadcasting Services.

133. **Deputy Joan Burton** asked the Minister for Communications, Energy and Natural Resources his proposals for banning junk food advertising aimed at young people; his time-frame for this proposal; and if he will make a statement on the matter. [10582/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Section 19(1)(c) of the Broadcasting Act, 2001, provides that the Broadcasting Commission of Ireland shall, upon being directed by the Minister to do so, prepare a code specifying standards to be complied with, and rules and practices to be observed, in respect of advertising, tele-shopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service which relate to matters likely to be of direct or indirect interest to children. The Broadcasting Commission of Ireland is an independent statutory organisation responsible inter alia, for the development of codes.

Under the newly adopted Audiovisual Media Services Directive, Member States and the European Commission are required to encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communication, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.

While Member States have until December 2009 to transpose this requirement I propose to consider the opportunity afforded by the forthcoming Broadcasting Act 2008 to bring forward proposals in this regard.

Alternative Energy Projects.

134. **Deputy Willie Penrose** asked the Minister for Communications, Energy and Natural Resources his views on the fact that only €13.2 million of the €150 million provided in the national development plan for energy research was allocated in budget 2008; his further views on whether this is sufficient; and if he will make a statement on the matter. [10589/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The National Development Plan makes provision for an envelope of €149m in the Energy Research sub-programme over the period 2007-2013. This subprogramme includes energy research capacity building and applied sustainable energy research, development and demonstration projects including the fields of ocean energy and the building environment. It will also address further priorities which will arise from the Energy Research Strategy. This Strategy is due to be finalised at the end of March. Actual annual allocations in the respect of Energy Research, as with any other spending programme, are determined in the Annual Estimates process in the normal way.

The conduct of energy research, like all research, essentially takes place over the long-term. Accordingly, associated funding is usually provided for in a multi-annual context. For instance, in the area of energy research capacity building, the first major tranche of the total spend of c. €20m on the Charles Parsons Awards was paid out in 2006. The second and third major elements of expenditure on the awards are due in 2010 and 2013 respectively, subject to the contractual arrangements in place being fully and satisfactorily met. In much the same way, the investment of €26m in Ocean Energy which I recently announced is due to be spent in 2008, 2009 and 2010.

The capacity building element of energy research will be augmented by the announced expansion of the remit of Science Foundation Ireland (SFI) to include energy, as provided for in the Programme for Government. This will bring the SFI's considerable experience and track record in building world class research teams and developing Strategic Research Clusters and Centres to capacity building in the energy area.

135. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources the position of Ireland in relation to each one of the targets on energy commitments (details supplied); the targets set out for the year 2008; and if he will make a statement on the matter. [10577/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government has set targets for the development of renewable energy resources which mirror or exceed existing targets set by the EU. In the electricity market we will increase the contribution by renewable energy sources to at least 15% by 2010 and 33% by 2020 of electricity consumed and work towards the higher lever of renewables indicated as being possible in our all island grid study. Between 2003 and 2006 the contribution doubled from 4.3% to 8.6% and is expected to have increased to 10% when data is available for 2007.

In Biofuels for transport we have committed to sustainable delivery of a target of 5.75% by 2010 and to a further target of 10% by 2020. Delivery of these targets will be underpinned by the Biofuels Obligation which will be introduced in 2009. In the heat sector, targets of 5% and 12% market penetration by 2010 and 2020 respectively are being delivered through the Greener Homes, ReHeat and Combined Heat and Power grants programmes, as well as measures put

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in place by my colleague the Minister for Agriculture, Fisheries and Food to encourage the growing and processing of energy crops.

Postal Services.

136. **Deputy Emmet Stagg** asked the Minister for Communications, Energy and Natural Resources the progress that has occurred in preparation for the transposition of the forthcoming third postal directive into Irish law by 31 December 2010; if he will undertake a comprehensive review and consolidation of all legislation affecting the postal sector as part of this process; if so, the time scale involved; the impediments he envisages as affecting the prospects of achieving end-to-end competition in the postal market here; and the action he will take to address them. [10560/08]

140. **Deputy Dinny McGinley** asked the Minister for Communications, Energy and Natural Resources if he will provide a detailed timescale for implementation of the third postal directive, including the length of time the public consultation will last; if it will include strict deadlines; when he expects the directive to be transposed; and if he will make a statement on the matter. [10685/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 136 and 140 together.

The Third Postal Directive was published in the Official Journal of the European Union on 20 February 2008 and is currently being reviewed by officials in my Department. I intend to hold, shortly, a public consultation process examining the key issues arising from the Directive. I anticipate that the consultation will be held over an eight-week period, with a definite deadline for receipt of submissions in place. The results of this process will assist my thinking with respect to the transposition of the directive into Irish law, including any possible consolidation of existing postal legislation, which is currently under consideration. The deadline for transposition of the Directive is 31 December 2010 and, at this time, I am not aware of any reason that would delay transposition.

With respect to the development of competition, Ireland's dispersed population pattern means that even in the event of market opening, competition will not necessarily develop immediately. It is unlikely that a competitor would establish an end-to-end solution to compete directly with An Post on a nationwide basis, a view that is supported by a number of international studies. However, this issue, will be examined in full in the context of the transposition of the postal directive.

Electricity Generation.

137. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which he anticipates Ireland to generate electricity by alternative means in the next five years; the methods of generation most favoured; the extent to which he expects the use of fossil fuels for such purposes to be reduced in the next five years; the European country he expects to emulate in this regard in terms of total electricity generation; and if he will make a statement on the matter. [10698/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government's targets for electricity generated from alternative and renewable energy sources in Ireland are 15% of electricity consumed in 2010 and 33% in 2020. The dominant technology providing the required new capacity will be wind powered both onshore and offshore with

additional capacity provided by biomass, small hydro and wave and tidal projects. We are also committed to accelerating delivery on the potential for ocean energy in an ambitious timeframe.

Our targets and underpinning programmes reflect the specific challenges and opportunities for Ireland in energy terms which are different in many key respects to other EU Member States; where we can adapt and learn from other European experiences we are doing so. Sustainable Energy Ireland estimates a displacement of approximately 13,500 GWh of fossil energy in 2012 based on a prediction of 6,500 GWh of renewable energy sourced electricity generating at that time.

138. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources the reason, in view of the publication of the All Ireland Grid Study, he has not set a target of 42% of electricity to be obtained by renewable sources by 2020; and if he will make a statement on the matter. [10587/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The All-Island Grid Study concluded that it is feasible to generate 42% of electricity on the island of Ireland from renewable energy sources by 2020. The study shows that we have the potential to do more than reach the Government target of 33% renewables which should be considered as the base rather than the limit of our ambitions. Achieving existing targets and aiming higher again is our central objective therefore. This is a complex challenge requiring major investment in our electricity transmission network and very significant investment from the renewables sector itself.

I have announced a range of initiatives since publication of the Grid Study to further support and underpin delivery of our renewable energy targets. We are putting in place the necessary strategies to deliver on our national and EU targets as well as crucially looking beyond those in terms of ambition. We will also be continuing to work closely with Northern colleagues as we both work to fulfil renewable energy ambitions for our respective systems.

Question No. 139 answered with Question No. 85.

Question No. 140 answered with Question No. 136.

Mining Industry.

141. **Deputy Mary Upton** asked the Minister for Communications, Energy and Natural Resources if he is satisfied that sufficient funding is provided in 2008 to meet Government commitments in relation to the remediation works at Silvermines, County Tipperary; and if he will make a statement on the matter. [10591/08]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Tony Killeen): The funding provided in 2008, is sufficient to allow works to commence at the Tailings Management Facility at Gortmore; the first site in the rehabilitation project. I am advised that tenders will be invited from a shortlist of suitable contractors for this phase of the project in the very near future with a view to work commencing on site in quarter two of this year. Given the phased nature of the project, work is scheduled to take place at the Gortmore site in 2009 and 2010. Work is continuing on finalising the detailed designs for the other old mine sites to be rehabilitated at Silvermines.

Energy Policy.

142. **Deputy Joan Burton** asked the Minister for Communications, Energy and Natural Resources his views on the proposal in the programme for Government to remove regulatory

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barriers to combined heat and power and district heating systems; the position in relation to this proposal; and if he will make a statement on the matter. [10583/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In line with the commitment in the Programme for Government, my Department and Sustainable Energy Ireland are in discussion with the Commission for Energy Regulation with a view to identifying and removing barriers including regulatory barriers, to the deployment of high efficiency CHP and district heating. I hope to be in a position to publish proposals in April.

Tax Code.

143. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance if a joint initiative has been set up between Ireland and England regarding the imposition of credit card stamp duty (details supplied); and if he will make a statement on the matter. [10753/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that stamp duty of €30 (reduced from €40 in Budget 2008) is chargeable in respect of credit card accounts maintained by a financial institution at any time during the twelve month period ending on 1 April. The financial institution is entitled to pass the charge on to the account holder (section 124 of the Stamp Duties Consolidation Act, 1999). A credit card issued by a foreign financial institution to an individual with an address in the State is liable to stamp duty. The location of the card issuer is irrelevant. The Revenue Commissioners have advised me that their officials have been in direct contact with a number of financial institutions in the United Kingdom and elsewhere regarding their obligations in this area.

Flood Relief.

144. **Deputy Paul Connaughton** asked the Tánaiste and Minister for Finance if consideration is being given to the continuation of a pilot project for remedial work such as the removal of blockages on the Shannon river near Meelick, County Galway, to help minimise the risk of localised flooding; if funding has been earmarked for this project in 2008; and if he will make a statement on the matter. [10789/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): Potential measures to further reduce the risk of summer flooding in the area concerned are currently being pursued. Funding will be made available in 2008 for any measures that are deemed socially, economically and environmentally acceptable.

Tax Code.

145. **Deputy Michael Lowry** asked the Tánaiste and Minister for Finance if he plans to reduce VAT rate from the current level of 21% to 13.5% on defibrillators as many of these are purchased by community, sporting and voluntary organisations; and if he will make a statement on the matter. [10808/08]

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 case, there is no provision in EU law that would permit the removal or reduction of VAT based on the social or economic status of the consumer.

In relation to the VAT rate that applies to defibrillators, the position is that under the VAT Directive, Member States may retain the zero rates on goods and services which were in place on 1 January 1991, but cannot extend the zero rate to new goods and services. The zero VAT rate cannot therefore be applied to defibrillators which are subject to the standard rate. In addition, Member States may only apply the reduced VAT rate to those goods and services which are listed under Annex III of the VAT Directive. While Annex III does include the supply of medical equipment for the exclusive personal use of a disabled person, it does not include defibrillators for general use. The reduced rate cannot be applied to the supply of defibrillators. Therefore the only rate of VAT that can apply to the supply of defibrillators is the standard VAT rate which in Ireland is 21%.

Tax Yield.

146. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the amount of revenue received from the construction industry each year over the past ten years reflecting the amount of VAT, site, labour and profit taxes. [10815/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that, as the information furnished on tax returns does not generally require the yield from a particular sector or sub-sector of economic activity to be identified, the precise figures of net yield of tax revenues from the construction industry cannot be readily identified. Information in relation to VAT, Income Tax and Corporation Tax can, however, be provided as to the estimated gross amounts of taxes paid (i.e. before allowing for repayments) by taxpayers in the construction industry.

In considering this data, it is important to bear in mind the specific assumptions that have been made and are set out in the notes under the table below. Also, it is important to bear in mind that the figures provided are estimates. Finally, the figures given below are revisions to figures provided in reply to earlier Parliamentary Questions. The revisions are as a result of the updating of tax records, such as amending relevant codes, having a retrospective effect on historical figures for tax yields. The gross yield of VAT (not including VAT on imports), PAYE/PRSI, Income tax non-PAYE and Corporation tax from taxpayers in the construction industry within the tax head is estimated as follows:

Tax head	2004	2005	2006	2007
	€m	€m	€m	€m
VAT	2,041	2,465	2,977	3,043
PAYE/PRSI	1,878	2,161	2,378	2,610
Income Tax non-PAYE	244	341	469	445
Corporation Tax	404	496	610	582

The figures for 2007 are preliminary and subject to revision. Data for previous years is not readily available.

Notes:

These figures are gross receipts as provided by the Revenue Commissioners and differ slightly from the Exchequer receipts.

“Income Tax (non-PAYE)” includes direct Income Tax and PRSI payments received from self-assessed taxpayers and the estimated Relevant Contracts Tax not offset to other taxes, attributable to the construction industry but excludes certain “deduction” taxes such as Deposit

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Interest Retention Tax, Withholding Tax on professional fees, Dividend Withholding Tax as well as yields from audit and other back duty settlements. The sector identifier used on the tax records is based on the 4 digit “NACE code (Rev. 1)” which is an internationally recognised economic activity code system. The NACE codes are not essential for the assessment and collection of taxes and duties and the correct allocation and maintenance of these codes is subject to the limit of available resources. While the accuracy of the NACE codes on tax records is sufficient to underpin broad sector-based analyses there will undoubtedly be some inaccuracies at individual level. This should be borne in mind when considering the information provided. The figure provided for the estimated gross yield from the construction industry has been expanded to include the yield from activities and businesses which are related, either in whole or in part, to the construction sector. An example of these would be architecture, engineering and the manufacture of products used in construction, but not real estate activities.

Stamp Duty

The breakdown of yield from Stamp Duty on residential and non-residential property for the years 1998-2007 is set out in the following table:

Year	Residential Property	Non-Residential Property
	€m	€m
1998	213	174
1999	263	288
2000	282	392
2001	265	406
2002	349	317
2003	528	547
2004	752	709
2005	945	1,056
2006	1,311	1,679
2007	1,018	1,363

Tax Code.

147. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance if he will allow women who were taxed while receiving maternity benefit to claim an income tax rebate in respect of maternity periods which occurred more than four years ago (details supplied); and if he will make a statement on the matter. [10863/08]

148. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance if he will quantify the number of women who received maternity benefit in each of the past six years but did not get an income tax rebate in respect of that income; and if he will make a statement on the matter. [10864/08]

149. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance the plans he has to make it easier for employees to claim an income tax rebate (details supplied). [10865/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that maternity benefit is not subject to income tax, so that the question of a tax rebate in respect of such income should not normally arise. I am further advised that payroll arrangements in operation while an employee is on maternity leave and in receipt of maternity

benefit may vary depending on particular circumstances and different contracts of employment. Revenue has given guidance to employers (in Chapter 7 of the Employer's Guide to PAYE) on the different payment/recovery scenarios involved, including where the employer recovers maternity benefit and continues to pay wages, and the appropriate PAYE treatment to be applied in each set of circumstances.

Revenue became aware last year that some employers have been treating maternity benefit incorrectly for taxation purposes. Revenue wrote to the employers concerned (as well as others that may have been in the same situation): (a) reminding them of the correct PAYE treatment; and (b) requesting details of any employees affected for the years 2003 to 2007 (the years for which, at that stage, a rebate claim was still in time in accordance with section 865 of the Taxes Consolidation Act 1997). I am advised that the replies received from these employers are still being examined by Revenue to try to identify the cases of apparent incorrect tax treatment and to determine the best approach to carrying out reviews of the cases concerned. However, it will be necessary for Revenue to seek further details from some of these employers before a full picture of the numbers affected can be established. I am assured by Revenue that this work will be completed in the shortest time possible.

In relation to the four-year time limit on tax rebate claims, the background is that provisions introduced in the Finance Act 2003 (which amended section 865 of the Taxes Consolidation Act 1997) gave taxpayers for the first time a general right to repayment of tax overpaid, subject to a four-year claim limitation period. This became effective for all claims received on or after 1 January 2005. At the same time, the right of the Revenue Commissioners to raise assessments and make enquiries was also reduced to a four-year period, apart from cases where fraud or neglect is suspected. The Finance Act 2003 scheme was devised after careful and detailed consideration. It was designed to achieve the necessary balance between establishing a fair and uniform system for taxpayers, including parity of treatment between PAYE and self-employed taxpayers, while, at the same time, providing the necessary protection for the Exchequer from exposure to claims going back many years.

Hospitals Building Programme.

150. **Deputy Emmet Stagg** asked the Minister for Health and Children if she will ensure that phase 3C of Naas General Hospital is added to the Health Service Executive draft capital plan for 2008 which is with her Department for approval, in view of the shortage of beds at the hospital, the large number of patients regularly left on trolleys at the hospital and the fact that the tender process was completed in 2007 and a preferred contractor was recommended. [11099/08]

177. **Deputy Áine Brady** asked the Minister for Health and Children the programme to complete phase 3C and phase 3D of the development at Naas Hospital, County Kildare; and if she will make a statement on the matter. [10870/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 150 and 177 together.

Over recent years, considerable funding has been made available for the completion of capital projects at Naas General Hospital. In drawing up its capital plan, the Health Service Executive is required to prioritise the projects to be progressed within its overall capital funding allocation. The HSE has been finalising its capital plan over recent weeks on this basis. A revised draft of the plan has been completed and has been made available to the Department, for consideration and approval in the normal way. The draft capital plan reflects the HSE's commitments and priorities. The HSE is currently reviewing a number of options to enable it

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to progress further capital projects over the coming years and proposals in this regard are awaited by the Department. The capital plan will be published as a whole upon approval. It is not productive to release information about the status of individual projects in advance.

Cancer Screening Programme.

151. **Deputy Pat Breen** asked the Minister for Health and Children the number of women on the waiting list for mammograms at Limerick Regional Hospital; the length of time those women are on the waiting list; and if she will make a statement on the matter. [10732/08]

152. **Deputy Pat Breen** asked the Minister for Health and Children the number of mammograms carried out at Ennis General Hospital for the years 2005, 2006 and up to 3 July 2007; and if she will make a statement on the matter. [10733/08]

153. **Deputy Pat Breen** asked the Minister for Health and Children the number of women from County Clare who are awaiting mammograms at Limerick General Hospital; the length of time those women are on the waiting list; and if she will make a statement on the matter. [10734/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 151 to 153, inclusive, together.

The HSE has designated Limerick Regional Hospital and University College Hospital Galway as the two cancer centres in the Managed Cancer Control Network for the HSE Western Region. Waiting times for routine investigations can, and will be, reduced by making better use of the existing capacity. The National Cancer Control Director, Prof. Tom Keane has said that there are many unnecessary follow-up visits for breast cancer patients after treatment. Resources could be better used for initial investigations for new patients. He plans to eliminate such unnecessary follow-ups in developing clinical practice norms. Significant work has also been undertaken in the area of symptomatic breast disease services, supported by the Irish College of General Practitioners, in relation to referral criteria and the development of appropriate referral forms to allow for appropriate triage of urgent and non-urgent cases.

The HSE National Hospitals Office will transfer full responsibility for all symptomatic breast services to the National Cancer Control Programme by the end of this month. The Programme recently completed a detailed review of resource requirements to create capacity for the progressive transfer of all symptomatic breast cancer services to the eight designated cancer centres with the objective of completing 60% transfer by the end of this year and 90% by the end of 2009. Funding of €5.8 million has been allocated from the Programme across the eight centres, including Limerick Regional Hospital, to support additional staff, including Consultant, Radiography, Nursing and clerical posts. Funding has also been allocated for some necessary additional equipment. In parallel with progress under the National Cancer Control Programme, national roll-out of BreastCheck will significantly reduce the number of patients being referred to the symptomatic services as routine referrals. BreastCheck screening commenced in the Western Region last May and in the Southern Region last October.

The Deputy's specific questions in relation to mammography at Ennis General Hospital and Limerick Regional Hospital relate 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.

154. **Deputy Pat Breen** asked the Minister for Health and Children when the review of breast cancer services at Barrington's Hospital in Limerick will be completed; and if she will make a statement on the matter. [10735/08]

Minister for Health and Children (Deputy Mary Harney): Following disclosures about the provision of breast cancer services at Barrington's 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. Barrington's 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 Barrington's Hospital.

Hospitals Building Programme.

155. **Deputy Joe Carey** asked the Minister for Health and Children when the redevelopment of Ennis General Hospital will take place; the amount of money set aside to finance this project; what the upgrading works will provide in terms of facilities and services; and if she will make a statement on the matter. [10756/08]

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.

Ambulance Service.

156. **Deputy Joe Carey** asked the Minister for Health and Children the ambulance cover available in County Clare in terms of personnel and their qualifications; the plans in place to upskill staff; the budget set aside for same; and if she will make a statement on the matter. [10757/08]

157. **Deputy Joe Carey** asked the Minister for Health and Children the number of major trauma cases the ambulance service in County Clare attended to in the years 2003 to 2007; and if she will make a statement on the matter. [10758/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 156 and 157 together.

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 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.

Health Services.

158. **Deputy Terence Flanagan** asked the Minister for Health and Children the action she will take on the query from a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [10760/08]

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.

Hospital Accommodation.

159. **Deputy Niall Collins** asked the Minister for Health and Children her views regarding the mixing of male and female patients in bedded wards in public hospitals; and the policy in place on this particular issue. [10762/08]

Minister for Health and Children (Deputy Mary Harney): I take it that the Deputy is referring to public acute hospitals. My Department has been informed by the Health Service Executive in relation to public acute hospital services that gender mixing occurs in high dependency units such as intensive care, coronary care and accident and emergency departments as well as in small geriatric assessment units. Outside of these areas, gender mixing may occur as a result of emergency medical need where no alternative accommodation can be found at the time of admission. Therefore, it may not be possible to re-organise the accommodation arrangements for male and female patients on a day to day basis to correspond with the varied demand for male and female beds as some flexibility is occasionally required in order to ensure patient admission. In such circumstances patients are usually only mixed for short periods until alternative accommodation can be found. On such occasions it would be normal practice that patients would be screened off by the use of curtains etc. to ensure that a degree of privacy can be maintained.

Hospital Services.

160. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be given a bed in a hospital in Galway; and if the matter will be expedited in view of their age and medical condition. [10780/08]

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.

Hospital Accommodation.

161. **Deputy Paul Connaughton** asked the Minister for Health and Children the number of single bed rooms available to patients as a percentage of the total beds in acute hospitals; the number of single bed rooms available to patients as a percentage of the total beds available in community hospitals; and if she will make a statement on the matter. [10785/08]

162. **Deputy Paul Connaughton** asked the Minister for Health and Children the number of single bed rooms in acute and community hospitals as a percentage of the total beds available in the UK and any other EU country that such statistics are available for; and if she will make a statement on the matter. [10786/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 161 and 162 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 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.

163. **Deputy Paul Connaughton** asked the Minister for Health and Children if she is satisfied that all community hospitals caring for the elderly meet current fire safety standards; if her attention has been drawn to the gross overcrowding in some such institutions; and if she will make a statement on the matter. [10787/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): As the Deputy will be aware the age profile of older person in-patient facilities spans from the mid 1800s to the present day. The Health Service Executive has advised me that existing facilities are under continual review, and a programme of fire safety improvements has been on-going for many years. The HSE has further advised that all such facilities are regularly inspected for Fire Safety purposes. Fire safety training and evacuation exercises are part of the on-going fire safety provisions, and all have fire safety arrangements in place.

164. **Deputy Paul Connaughton** asked the Minister for Health and Children her plans in train to expand the number of beds at the Galway hospice; and if she will make a statement on the matter. [10788/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

165. **Deputy Paul Connaughton** asked the Minister for Health and Children the reason an application for grant aid towards the development of a crèche (details supplied) in County Galway has not been successful in view of the fact that the crèche has developed extensively since the original application for grant aid was submitted in 2006; if her attention has been drawn to the fact that this crèche has created four new staff positions and 23 new child care places since the first application was submitted, that the creche facilities are going to be increased by 67% due to the huge demand for child care places, and that from a value for money point of view the project with its revised increased child care places should be eligible for grant aid; and if she will make a statement on the matter. [10790/08]

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 Child care Investment Programme 2006 — 2010 (NCIP) which will invest €575 million over 5 years in developing child care services. I understand that the application in question for capital grant funding under the NCIP was not successful as it did not meet the value for money benchmark set under the NCIP. A request for a review of this decision has been received by my Office and has been forwarded

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to Pobal, which administers the day to day operation of the Programme on behalf of my Office. Following a further assessment, a recommendation will be made by the Programme Appraisal Committee chaired by my Office prior to a decision being made. The applicant will be notified of the decision as soon as possible thereafter. I understand that the applicant in question was previously approved capital funding for this facility of €49,210 under the Equal Opportunities Childcare Programme 2000-2006 (EOCP).

Mental Health Services.

166. **Deputy Dan Neville** asked the Minister for Health and Children if she will respond to the criticism of Judge David Anderson who questioned if the Health Service Executive was fit for purpose after a two year delay in providing psychiatric care for a person (detail supplied) facing 27 charges and who cannot access services at the Central Mental Hospital; her views on his describing the HSE as dysfunctional after it failed to send a representative to explain this to the court; the reason the CEO did not turn up to the scheduled court appearance. [10805/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Given the division of powers under the Constitution, it would not be appropriate for me to comment on any remarks made in court by a member of the judiciary. Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. The 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.

Services for People with Disabilities.

167. **Deputy Pat Rabbitte** asked the Minister for Health and Children if her attention has been drawn to the fact that there is a 19-month wait for speech therapy and that infant check-ups are being scheduled due to staff shortage at a health centre (details supplied) in Dublin 24; the steps being taken to address these problems; and if she will make a statement on the matter. [10809/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75m in both 2006 and 2007. This funding included monies to provide new and enhanced services for people with disabilities, to implement Part 2 of the Disability Act 2005, which came into effect on June 1st 2007 for the under 5's and also for the continuation of the implementation of the transfer of persons with intellectual disability from psychiatric hospitals and other inappropriate placements. The Government is also honouring its promise in relation to the Multi-Annual Investment Programme for people with disabilities, with a further €50m investment which was announced in the 2008 Budget.

The Deputy's 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.

Health Service Allowances.

168. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will approve health concessions for a person (details supplied) in County Cork. [10812/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

169. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if a bed will be made available for a person (details supplied) in County Cork. [10813/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

170. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if the health problem of a person (details supplied) in County Cork will be dealt with. [10814/08]

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. Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Health Services.

171. **Deputy Finian McGrath** asked the Minister for Health and Children the action she will take on a matter (detail supplied) in Dublin 3. [10854/08]

172. **Deputy Finian McGrath** asked the Minister for Health and Children the position on a project (detail supplied) in Dublin 3. [10855/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 171 and 172 together.

My Department is unable to identify the agency responsible from the information supplied by the Deputy. However, the HSE has confirmed that it is not aware of this premises being used for such services nor have individuals been referred there by the Executive.

Housing Aid for the Elderly.

173. **Deputy Olwyn Enright** asked the Minister for Health and Children the average time

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frame for processing applications under the housing aid for the elderly scheme in each Health Service Executive area; and if she will make a statement on the matter. [10862/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of the Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. The Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Nursing Homes Repayment Scheme.

174. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive payment of their claim under health repayment scheme. [10866/08]

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.

Hospital Waiting Lists.

175. **Deputy Róisín Shortall** asked the Minister for Health and Children if she will ensure that arrangements are made in order that a person (details supplied) in County Meath can be seen by a consultant at an earlier date in view of the fact that the person is in considerable pain. [10867/08]

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.

Services for People with Disabilities.

176. **Deputy Seymour Crawford** asked the Minister for Health and Children if her attention has been drawn to the fact that a new unit for eight intellectually disabled people is still idle for the want of staff at Milltown in Monaghan town and that a new building intended for six handicapped people is also idle at Billis, County Monaghan; if she will investigate the issue; and if she will make a statement on the matter. [10868/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75m in both 2006 and 2007. This funding included monies to provide new and enhanced services for people with disabilities, to implement Part 2 of the Disability Act 2005, which came into effect on June 1st

2007 for the under 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.

Question No. 177 answered with Question No. 150.

Health Service Staff.

178. **Deputy Enda Kenny** asked the Minister for Health and Children the position regarding the approval of posts (details supplied) for the Health Service Executive west area; and if she will make a statement on the matter. [10875/08]

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 health care professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the health care needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of the Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Cancer Screening Programme.

179. **Deputy Pat Breen** asked the Minister for Health and Children when BreastCheck mobile digital screen units will be rolled out in County Clare; and if she will make a statement on the matter. [10882/08]

Minister for Health and Children (Deputy Mary Harney): BreastCheck commenced the screening process in the Western Region last May, with the provision of a mobile unit on the grounds of Roscommon County Hospital. I officially opened the BreastCheck static unit for the Western Region at University College Hospital Galway last December. An additional €26.7 million capital funding was provided for the construction of two new static units, eight additional mobile units and the provision of state of the art digital equipment. A total of €15 million additional revenue funding has been allocated to cater for national roll-out of the programme. The full complement of 111 staff for roll-out has been approved and recruitment is underway. The screening sequence for roll out to individual counties will be dictated by BreastCheck's operational considerations such as maximising uptake, most efficient use of

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mobile and static units and radiographic personnel. The programme is designed to offer repeat screening within an interval of 21-27 months.

The Deputy's specific question in relation to the timeframe for roll-out of the programme to Co. Clare is the responsibility of the National Cancer Screening Service. Accordingly, my Department has requested the Chief Executive Officer of the Service to respond directly to the Deputy in relation to the matter raised.

Health Services.

180. **Deputy Michael Ring** asked the Minister for Health and Children the amount of the €6.78 million ring-fenced in 2007 toward the provision of services for people with cystic fibrosis that has been spent; and the way it was spent. [10896/08]

181. **Deputy Michael Ring** asked the Minister for Health and Children the number of consultants appointed for the provision of services for cystic fibrosis patients in 2007; and if she will make a statement on the matter. [10897/08]

182. **Deputy Michael Ring** asked the Minister for Health and Children the breakdown of the way the €6.78 million ring-fenced in 2007 for cystic fibrosis was spent. [10898/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 180 to 182, inclusive, together.

My Department is advised by the Health Service Executive that 44 additional staff have been recruited to date arising from the provision of additional revenue funding of €6.78m for the development of cystic fibrosis services. My Department has asked the Parliamentary Affairs Division of the Executive to reply directly to the Deputy on detailed application of this funding.

183. **Deputy Michael Ring** asked the Minister for Health and Children when the report from the Health Service Executive cystic fibrosis working group will be released; and if she will make a statement on the matter. [10903/08]

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 matters investigated and to have a reply issued directly to the Deputy.

Medical Cards.

184. **Deputy Michael Ring** asked the Minister for Health and Children if she will make a recommendation to the Health Service Executive to ensure that people with cystic fibrosis are automatically issued with a medical card; and if she will make a statement on the matter. [10904/08]

Minister for Health and Children (Deputy Mary Harney): At present, medical cards are granted primarily on the basis of means and individual circumstances. Under the Health Act, 2004, determination of eligibility for medical cards is the responsibility of the Health Service Executive. Persons aged seventy years and over are automatically entitled to a medical card, irrespective of means. Under Section 45 of the Health Act 1970, medical cards are provided

for persons who, in the opinion of the HSE, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants. This provision also entitles qualifying dependants to avail of a medical card. The HSE may also grant a person full eligibility for a particular service where the person would be unable, without undue hardship, to provide that service for themselves or their dependants.

In assessing an application for a medical card on behalf of a child, the HSE uses guidelines based on the means of the child's parent(s)/guardian(s), which includes their income after tax and PRSI, and takes account of reasonable expenses incurred in respect of rent or mortgage payments, child care and travel to work. The assessment process also takes account of other factors, such as medical or social need, which may impact on their ability to meet the cost of GP services. The HSE has discretion, in cases of exceptional need, to provide assistance to individuals where undue hardship would otherwise be caused.

I have no plans to provide for the granting of medical cards to any particular group as a whole. However, my Department is currently reviewing all legislation relating to eligibility for health and personal social services with a view to making the system as fair and transparent as possible. As part of this general review, a review of the eligibility criteria for medical cards in the context of economic/financial, medical and social need is being undertaken with a view to clarifying entitlement to a medical card, and is expected to be completed by Autumn, 2008.

Health Services.

185. **Deputy Michael Ring** asked the Minister for Health and Children if she will detail what is available for a sector of people (details supplied) under the home care package; and if she will make a statement on the matter. [10905/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social service 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.

National Service Plan.

186. **Deputy Richard Bruton** asked the Minister for Health and Children the extent to which output targets (details supplied) for 2007 were delivered. [11005/08]

Minister for Health and Children (Deputy Mary Harney): Under Section 31 of the Health Act 2004, the Health Service Executive must prepare and submit its National Service Plan (NSP) for the coming year to the Minister for approval. The NSP must, amongst other things, indicate the type and volume of health and personal services to be provided by the Executive for the resources provided in its Vote. The National Service Plan is focussed on providing quantifiable measurement data for the planned service outputs anticipated in respect of the inputs/resources being used. The NSP is regularly monitored through a series of monthly and quarterly Performance Monitoring Reports submitted by the HSE and which are examined by the Department.

The HSE National Service Plan 2008 was approved by the Minister on 10 December 2007 and subsequently laid before both Houses of the Oireachtas on 20 December, 2007. The NSP 2008 is also available on the HSE website (www.hse.ie) and contains provisional data (as of November 2007) on the outputs achieved during 2007. In addition to the NSP, the Department

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is also required to produce an Annual Output Statement which is a document which matches outputs and strategic impacts to financial and staffing resources for the financial year in relation to Votes 39, 40 and 41. This statement also reports on the finalised outputs achieved for 2007. The Annual Output Statement will be examined by the Select Committee on Health and Children as part of its consideration of the Estimates of the Health Group of Votes.

Under the National Childcare Investment Programme and the previous Equal Opportunities Childcare Programme, some 9,000 additional child care places were approved in 2007. Approximately 2,250 Mental Health Tribunal hearings were held during 2007. The further detailed information requested by the Deputy is a matter solely for the HSE as a corporate body. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to respond directly to the Deputy.

Proposed Legislation.

187. **Deputy Richard Bruton** asked the Minister for Health and Children the nature of the legal and constitutional difficulties which have arisen with the nursing home payment legislation to which the Minister for Finance recently referred on the Order of Business; and when she expects to be in a position to present the legislation. [11006/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): I presume the Deputy is referring to the legislation providing for the new nursing home support scheme, A Fair Deal. In the course of progressing the legislation, the Department has obtained legal advice in relation to a number of matters. Some of these matters are still the subject of consideration in the context of finalising the Bill. It would not be appropriate to comment further until the Bill has been brought before the Government for approval. Finally, my colleague, the Minister for Health and Children, hopes to be in a position to bring the legislation before the Houses of the Oireachtas as soon as possible following finalisation by the Attorney General and Government approval.

Hospital Services.

188. **Deputy Richard Bruton** asked the Minister for Health and Children the number of inpatient discharges, day case discharges, outpatient attendances and accident and emergency attendances in 2006 and in 2007. [11007/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social service was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

National Treatment Purchase Fund.

189. **Deputy Richard Bruton** asked the Minister for Health and Children the number of National Treatment Purchase Fund inpatient treatments, day case treatments and consultant appointments in 2006 and 2007. [11008/08]

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.

Coast Guard.

190. **Deputy Jack Wall** asked the Minister for Transport the position regarding the provision of a new maritime station; the number of staff that will become redundant as a result of the closure of Valentia and Malin Head stations; the provisions or plans he has to relocate such staff if necessary; the discussions he has had with the Department of Enterprise, Trade and Employment in relation to replacement employment for such staff, if necessary; the meetings he has had or is proposing to have with his EU counterparts in relation to such a decision; if the cost of the new station is to be funded by the national Exchequer or if funding is available from the EU in view of the international dimension of the new project; and if he will make a statement on the matter. [10794/08]

Minister for Transport (Deputy Noel Dempsey): It is my intention that the Irish Coast Guard and Maritime Administration will be strengthened to meet the needs of this country well in the 21st century. In relation to the west coast I have not finalised where that location should be but expect to be in a position to do so shortly. The review of locations is currently underway and the possibilities have narrowed to a choice between a site in the Limerick/Shannon area or Malin or Valentia. I want to stress that no officer will be forced to move or lose their jobs. Should the decision be to move from Malin or Valentia the possibility of keeping existing staff running their current watches from their existing stations is also under evaluation.

The Deputy will understand that the Coast Guard restructuring that is being worked on is aimed at improving the overall quality and efficiency of a key public service. The proposals will be considered in the context of the many comments I have received and also taking account of the Tanaiste's Budget Day request to each Department to undertake an efficiency review of expenditure. I have also met Government and Opposition representatives and members of local communities to discuss the issue. I have not discussed the question of the location of a station with my EU counterparts, however any new station should be capable of meeting our international obligations well into the future and these aspects are discussed at EU level. I expect costs to be met by national exchequer funding. Synergies with the UK Coast Guard are currently under discussion. I can assure the Deputy that all views expressed will be taken into account before final decisions are taken.

Taxi Hardship Panel.

191. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport if his attention has been drawn to the Equality Tribunal's recent ruling finding the decision of the taxi hardship scheme to refuse a driver compensation based on their age discriminatory; the steps he will take to pay those who were refused payment under the scheme on the same grounds; and if he will make a statement on the matter. [10768/08]

Minister for Transport (Deputy Noel Dempsey): I am aware of the recent Equality Tribunal decision referred to by the Deputy. The decision in question will be the subject of an appeal to the Circuit Court.

Rail Network.

192. **Deputy Paul Connaughton** asked the Minister for Transport the time-span for the construction of the western rail corridor from Athenry to Tuam to Claremorris; the expenditure that will be used on this particular part of the project in 2008; and if he will make a statement on the matter. [10791/08]

Minister for Transport (Deputy Noel Dempsey): The phased re-opening of the Western Rail Corridor is being progressed by Iarnród Éireann with the Ennis to Athenry section to be completed in 2009, and subject to statutory requirements and requirements relating to approval of capital projects, the Athenry to Tuam section in 2011 and the Tuam to Claremorris section in 2014. My Department has allocated €60 million to Iarnród Éireann for expenditure this year on Phase 1 of the Western Rail Corridor. I am informed by Iarnród Éireann that, apart from planning expenses, there will be no capital expenditure in 2008 on the Athenry to Claremorris sections.

Road Network.

193. **Deputy Thomas P. Broughan** asked the Minister for Transport if, in view of the importance of the proposed new Coolnamuck Bridge and link road in Carrick-on-Suir to the development of local infrastructure and to the local economy and the difficulties for the local town council in introducing a supplementary levy scheme to fund this critical project, his Department will provide the necessary funds for the proposed new bridge or if he will direct the National Roads Authority under section 41 of the Roads Act 1993 to fund his key project; and if he will make a statement on the matter. [10886/08]

Minister for Transport (Deputy Noel Dempsey): Under Sections 17 and 19 of the Roads Act 1993, as amended, the National Roads Authority (NRA) is responsible for the funding, design, construction and maintenance of the national roads network. I understand that the bridge and link road in question are not part of this network and therefore the issue of NRA funding is not relevant in this case. The provision and improvement of regional and local roads, including bridges, in its area is a matter for each local authority to be funded from its own resources supplemented by State grants.

In August 2007, my Department invited applications from local authorities for consideration for funding in 2008 under the regional and local roads specific improvements grants scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is solely a matter for local authorities. The proposals submitted by South Tipperary County Council did not include an application for grant aid for Coolnamuck Bridge or a link road in Carrick-on-Suir. All road grants for regional and local roads in 2008 have now been fully allocated to local authorities.

Public Transport.

194. **Deputy Richard Bruton** asked the Minister for Transport the number of units and the passenger capacity on mainline rail, on Bus Éireann and in private passenger bus fleets with licences to operate scheduled services at the end of 2005, 2006 and 2007. [11010/08]

195. **Deputy Richard Bruton** asked the Minister for Transport the mileage traversed by the fleets on mainline rail, on Bus Éireann and on private licensed bus fleets operating scheduled services in 2005, 2006 and 2007. [11011/08]

196. **Deputy Richard Bruton** asked the Minister for Transport the total passengers carried and fare collected by mainline rail, Bus Éireann and private licensed bus fleets operating scheduled services in 2005, 2006 and 2007. [11012/08]

197. **Deputy Richard Bruton** asked the Minister for Transport the operational losses or profits and the cost of interest and depreciation in respect of mainline rail and Bus Éireann in 2005, 2006 and 2007. [11013/08]

198. **Deputy Richard Bruton** asked the Minister for Transport the number of units and passenger capacity of each Luas line, the DART system, the Arrow and other suburban rail and the Dublin Bus fleet at the end of 2005, 2006 and 2007. [11014/08]

199. **Deputy Richard Bruton** asked the Minister for Transport the mileage traversed by the fleet on each Luas line, the DART, the Arrow and other suburban rail and the Dublin Bus fleet in 2005, 2006 and 2007. [11015/08]

200. **Deputy Richard Bruton** asked the Minister for Transport the total passengers carried and fares collected by each of the Luas lines, the DART, the Arrow and other suburban rail and by the Dublin Bus fleet in 2005, 2006 and 2007. [11016/08]

201. **Deputy Richard Bruton** asked the Minister for Transport the operational losses or profits and the cost of interest and depreciation in respect of each of the Luas lines, the DART, the Arrow and other suburban rail and of Dublin Bus in 2005, 2006 and 2007. [11017/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 194 to 201, inclusive, together.

My Department has asked Iarnród Éireann, Bus Éireann, Dublin Bus and the Railway Procurement Agency to compile the information sought and forward it directly to the Deputy. My Department does not have the data sought in relation to private passenger bus fleets. I would also refer the Deputy to *Transport 2006* published by the CSO.

Consular Services.

202. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the reason his Department refused to help persons (details supplied). [10766/08]

203. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the reason he refused to meet the family of a person (details supplied); and if he has since requested a meeting with the family to offer further help. [10767/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): I propose to take Questions Nos. 202 and 203 together.

As the Deputy will be aware from my reply to him of 14 February 2008 and previous replies, my Department has provided wide ranging, sensitive and, in many ways, exceptional consular assistance to the family of the person concerned since his tragic death in Lanzarote on 1 August 2007. This assistance included: extensive efforts to expedite the repatriation of the person's remains and personal belongings; a contribution towards the costs of travel expenses incurred by the family; the translation without charge of several complex Spanish legal documents; updating and obtaining sensitive information for the family on the Spanish police investigation; and the provision of assistance with complex legal matters in Lanzarote.

My Department also arranged, as an exceptional additional measure, for the services of a local lawyer to be provided on a *pro bono* basis for the family over a period of several months. As the Deputy is aware, the conduct of the investigation into this tragic death is clearly a matter for the Spanish authorities. On 13 February, the investigating magistrate decided to provisionally close the investigation into the case on the grounds that there was no evidence that the person's death was caused by a crime. Based on the autopsy and extensive toxicological tests, the judge concluded that the death was the result of natural causes. My Department communicated this information to the family within minutes of becoming aware of it. My

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Department also advised that any appeal would have to be made by the family within three working days.

On my instructions, senior officials from my Department have met on my behalf with the family of the person concerned on several occasions. As a result, I have been kept fully informed of developments in the case and am satisfied that every possible assistance has been provided, and if requested, will continue to be provided.

Passport Applications.

204. **Deputy Jim O’Keeffe** asked the Minister for Foreign Affairs the reason for the delay in issuing a passport to a person (details supplied) who applied some months ago to replace a previous passport; and if he will confirm that same is being issued forthwith. [10793/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): Processing of this application was delayed for two reasons. Firstly the applicant, who originally was on her first husband’s passport and then applied for a passport in her new married name, initially submitted a photocopy of her marriage certificate rather than the original. She also failed to include her birth certificate and her certificate of Post Nuptial Citizenship. These original certificates were subsequently submitted on 6 December 2007.

Secondly, the original certificate of Post Nuptial Citizenship was issued in 1975 in a format that is, I am afraid, no longer in use. The authenticity of this certificate had to be confirmed with the Department of Justice Equality and Law Reform. This has now, I am glad to say, taken place. The application has been approved and arrangements are being made for the prompt issue of the passport. The above delay, which was outside our control, is quite unusual and is regretted.

205. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the position regarding the renewal of a passport for a person (details supplied) in Dublin 11. [10885/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Passport Office has no record of issuing an Irish passport to the person in question, nor has it any record of a current application.

Regional Development.

206. **Deputy Dinny McGinley** asked the Minister for Enterprise, Trade and Employment the number of times the interdepartmental group on improving the economic situation in Donegal has met; if it is still continuing its deliberations; the recommendations being made; if such recommendations will be published; and if he will make a statement on the matter. [10804/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Following a Government decision in 2005, I established an interdepartmental Group on Donegal. This Group, which was chaired by the Secretary General of my Department, focused on the progress being made or planned on infrastructure developments, which would assist in improving the attractiveness of County Donegal as a location for enterprise development. In July 2006, I launched the report of the Group. My Department is currently reviewing the progress that has been made since the launch of the report and it is my intention, when that work is completed, to make the findings public.

Job Creation.

207. **Deputy Dinny McGinley** asked the Minister for Enterprise, Trade and Employment the

efforts that have been made to create and bring employment to County Donegal, that has experienced the highest unemployment rate of any county; and if he will make a statement on the matter. [10803/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Donegal is a target location for the IDA with the County now competing for a different type of business to labour intensive manufacturing, which IDA so successfully won over the past four decades. The overseas investor is now seeking locations for more advanced manufacturing or office based solutions, to a great extent depending on high skill and high value work. While this has required a significant change of strategy by the IDA, progress has been made in securing new high value investments from Pacificare, Pramerica, SITA and Abbott Diabetes with some 1,200 new jobs being added in the County by overseas firms over the last five years. These companies continue to recruit and are actively seeking new staff.

As regards Enterprise Ireland, which serves the indigenous sector, it provides a wide range of supports for high potential start up companies including, financial supports, business and marketing advice, mentoring, product development etc. As part of its infrastructural support for start-up companies, Enterprise Ireland has approved some €3.5m in recent years for developments at Letterkenny Institute of Technology, which is an important aspect of supporting and attracting business to the region. Between 2004 and 2006, Enterprise Ireland client companies created 1,156 jobs as against 980 jobs lost with Enterprise Ireland also approving some €15m in support to its Donegal client companies.

Enterprise Ireland has also been very active in supporting the development of community enterprise centres in the North West Region, which are critical to continued enterprise development in rural areas and to the development of an entrepreneurial culture. Nine Community Enterprise Centres in County Donegal have received funding of approx. €2m under the Community Enterprise Centre Scheme to date.

The role of the Donegal County Enterprise Board is to provide support to micro-enterprises in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level. Through the provision of both financial and non-financial support, the Board supports individuals, firms and community groups, provided that the proposed projects have the capacity to achieve commercial viability. Financial support is available in the form of Capital Grants, Employment Grants and Feasibility Study grants. In relation to non-financial support, Donegal CEB engages in a range of activities to stimulate enterprise and to support small businesses.

Despite past difficulties in County Donegal, due to the demise of traditional industries such as agriculture, fishing and textiles, there is clear evidence that the county is successfully engaged in a transition to the new economy. I can assure the Deputy that funding support and initiatives for enterprises in County Donegal is, and will remain, a priority for the State development agencies under the auspices of my Department.

Sports Capital Programme.

208. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism if he will approve funding for a project (details supplied) in County Roscommon under the sports capital programme 2008; and if he will make a statement on the matter. [10776/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The 2008 programme was advertised on 13th and 14th of January and the deadline for receipt of appli-

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cations was 29th February for paper-based applications and 7th March for on-line applications. All applications received before the deadline will be evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme.

209. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism if he will approve funding for a project (details supplied) in County Roscommon under the sports capital programme 2008; and if he will make a statement on the matter. [10777/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The 2008 programme was advertised on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for on-line applications. All applications received before the deadline will be evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme.

210. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism the number of applicants from County Roscommon under the sports capital programme 2008; the value of grant aid sought; and if he will make a statement on the matter. [10778/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The 2008 programme was advertised on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for on-line applications. The Deputy will appreciate that given the large volume of applications received and the complexity of processing and evaluating the information required, it is not possible at this early stage to provide an exact number of applications received or the level of grant aid sought by applicants from County Roscommon.

211. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism the number of applicants from County Leitrim under the sports capital programme 2008; the value of grant aid sought; and if he will make a statement on the matter. [10779/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The 2008 programme was advertised on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for on-line applications. The Deputy will appreciate that given the large volume of applications received and the complexity of processing and evaluating the information required, it is not possible at this early stage to provide an exact number of applications received or the level of grant aid sought by applicants from County Leitrim.

212. **Deputy Dan Neville** asked the Minister for Arts, Sport and Tourism if he will look favourably on applications for sports capital funding for a centre (details supplied) in County Kerry; and if he will make a statement on the matter. [10792/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The 2008

programme was advertised on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for on-line applications. All applications received before the deadline will be evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme.

213. **Deputy Finian McGrath** asked the Minister for Arts, Sport and Tourism if he will support a project (details supplied) in Dublin 5. [10890/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The 2008 programme was advertised on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for on-line applications. Accordingly, applications for this year's Programme are no longer being received as the deadline has passed. All applications received under the 2008 Programme will be assessed in accordance with the assessment criteria outlined in the Guidelines, terms and conditions of the Programme and allocations will be made when that process has been finalised.

If the organisation in question has not applied under the current round, it is open to them, should they have a project which satisfies the Terms and Conditions of the Programme, to submit an application for the next round of the Programme. I should point out to the Deputy that applications must be sporting in content to qualify for funding under the Programme.

Swimming Pool Projects.

214. **Deputy Michael McGrath** asked the Minister for Arts, Sport and Tourism when he will re-open the local authority swimming pool programme. [10991/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): I refer the Deputy to my reply to PQ No. 310 on Tuesday 11 March 2008. The position remains the same.

Social Welfare Benefits.

215. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs the action he will take in relation to the query from a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [10761/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare Service (CWS) of the Health Service Executive. The person concerned is in receipt of a reduced One-Parent Family Payment (OFP). The CWS has advised that she also has a maintenance payment in addition to her OFP. Consequently, rent supplement is being paid at a reduced rate, taking account of her overall financial circumstances. The CWS has advised that a review of the rate of rent supplement payable to the person concerned will be undertaken to ensure that she is receiving her correct entitlement.

Rent supplements are subject to a limit on the amount of rent that an applicant for rent supplement may incur. I intend to have the current rent limits reviewed this year with a view to implementing any revision found to be necessary, from 1 July 2008. In the meantime, under existing arrangements the CWS may, in certain circumstances, exceed the rent levels as an exceptional measure, for example where there are special housing needs related to exceptional circumstances for example, disabled persons in specially-adapted accommodation or homeless persons; where the tenant will be in a position to re-assume responsibility for his/her rent within

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a short period; and where the person concerned is entitled to an income disregard in the assessment of means and has sufficient income to meet his or her basic needs after paying rent, taking into account the appropriate rate of rent supplement that is otherwise payable in the case.

The review of rent supplement, payable to the person concerned, will include an assessment of any exceptional circumstances, as outlined above, which would warrant payment of the supplement at a rate above the current rent limits.

Social Welfare Code.

216. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs his views on the request by an organisation (details supplied) made in a letter to him dated 6 March 2008 that he refer to the Attorney General the possibility of amending the criteria attached to the habitual residence condition in order that the applicant's centre of interest could be based, *inter alia*, on the place that the person was born and raised as opposed to their nationality; if he will make such a request of the Attorney General to establish if such an amendment could be consistent with EU requirements; and if he will make a statement on the matter. [10884/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): There is no discrimination on grounds of nationality in social welfare legislation and to introduce such a provision would be contrary to the equality principles that Ireland has adopted in our own equality legislation, the Treaties of the European Community and the Charter of Fundamental Rights, and other international conventions.

The criteria that have been incorporated into the social welfare legislation to guide a deciding officer in determination of the habitual residence condition have been drawn from judgments of the European Court of Justice and are therefore soundly grounded in case-law. The proposal that an applicant's current "centre of interest" should take account of where he/she was historically "born and raised" does not accord with the interpretation of this matter by the European Court of Justice, which places the emphasis on the current location of important elements such as, *inter alia*, an applicant's home, employment and close family members. To introduce the place of birth and upbringing of the person as a factor to be considered in determining a person's centre of interest has no warrant in case-law.

On the contrary it would be found to be introducing indirect discrimination on the grounds of nationality as the vast majority of persons born in Ireland are Irish nationals. If applied similarly to persons born and raised outside Ireland, it would make it harder for such a person to show that their current centre of interest is now Ireland. The concept of indirect discrimination has been determined many times in national and international courts. Our own legislation describes it succinctly in Section 3(1) of the Equal Status Act 2000, (as amended by Section 48 of the Equality Act 2004): "where an apparently neutral provision puts a person referred to in any paragraph of section 3(2) at a particular disadvantage compared with other persons, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary."

The extension of social assistance and child benefit payments to persons who would not otherwise satisfy the habitual residence condition, on the basis that they were born and raised in Ireland, obviously falls within such a definition and cannot be justified by a legitimate aim as it is an obvious attempt to get around the equality legislation. I see no need to refer this question to the Attorney General. His opinion has been obtained in the context of relatively comparable situations where the issue of direct or indirect discrimination on grounds of

nationality has arisen, and there is no reasonable doubt as to the advice which would be received in this case if I did so refer it.

It is alleged that Irish persons who have returned to live permanently in Ireland have been refused assistance on the grounds of the habitual residence condition. My Department has been unable to trace any such cases, and has offered to review any cases that are brought to its attention. I understand that so far this offer has not been taken up by the organisation to which the Deputy has referred.

Community Development.

217. **Deputy Finian McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs if he will assist on a matter (details supplied). [10889/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I understand that Dublin City Council and Donnycarney Community & Youth Centre (which is funded through the Young Peoples Facilities & Services Fund operated by my Department) have a current lease agreement for a term of 4 years and 9 months. The lease is due to expire on 22nd November 2008 at which point the City Council proposes to offer the group a long-term 22 year lease agreement.

Departmental Programmes.

218. **Deputy Billy Timmins** asked the Minister for Community, Rural and Gaeltacht Affairs the position in respect of funding or grants to carry out necessary repairs and improvements to a house (details supplied); if funding or grants are available from his Department; and if he will make a statement on the matter. [10749/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): My Department does not operate a funding scheme specifically for the type of project to which the Deputy refers. However, a number of programmes and schemes operated by my Department would cover, in certain circumstances, repairs and improvements to buildings. Each of the schemes and programmes are governed by rules, which projects must meet in order to qualify for funding. Details of all the programmes and schemes operated by my Department, including eligibility criteria, can be accessed on the Department's website at www.pobail.ie

219. **Deputy Arthur Morgan** asked the Minister for Community, Rural and Gaeltacht Affairs if funding for an agency (detail supplied) in County Louth is to be withdrawn; if so, when and the reason for same; and if he will make a statement on the matter. [10997/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The Community Development Programme provides financial assistance to some 180 Projects nationally. These projects operate local resource centres or provide services aimed at addressing the problems faced by communities caused by poverty and disadvantage. Funded Projects meet the needs of women and children, those with disabilities, the homeless, lone parent families, the elderly, the unemployed, young people at risk, Travellers and other disadvantaged groups.

As part of the current programme support, the Department publicly tendered for the provision of support services to Projects in 2004. Six companies, including the agency referred to by the Deputy, were contracted following a public tender process to provide services on a regional basis for the period June 2004 to end May 2007. These contracts were extended, initially, to the end of 2007, and then, to the end of May 2008, in order to complete a consul-

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tation process with Projects on the future of the Programme. The Department is considering the results of this consultation process and developments under other Government programmes targeting disadvantaged people.

Some improvements identified by Projects have already been implemented, including allowing Projects to have a greater say on procuring support and training appropriate to their own needs. As part of the development of a new Programme, arrangements for the provision of future support services for Projects are under consideration. My Department recognises the value of support services and is considering the best way to enable Projects, at this stage of their development, to access support services that best meet their needs.

Grant Payments.

220. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their REP scheme payment. [10754/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named applied for REPS 4 on 28 January 2008. My officials are in discussion with the European Commission about the payment arrangement to apply to REPS 4 contracts starting in 2008 and I expect the matter to be clarified shortly.

National Monuments.

221. **Deputy Aengus Ó Snodaigh** asked the Minister for Agriculture, Fisheries and Food the person under whose instructions Coillte was operating when issuing trespass orders on protestors at an endangered national monument and adjoining lands and esker at Rath Lugh, County Meath, recently, when in fact Coillte no longer owns the land, it having been purchased by Meath County Council and the National Roads Authority; if her attention has been drawn to the decision of such orders being issued; and if she has given an instruction to her Department official or to Coillte, a wholly State-owned company, to withdraw the orders. [10784/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Coillte Teoranta was established as a private commercial company under the Forestry Act, 1988 and day-to-day operational matters are the responsibility of the company. I understand that, while 3.86 hectares in the area in question were acquired by Meath County Council, just over 21 hectares at that location remain in the ownership of Coillte. I also understand that the request to vacate the property, issued by Coillte to those encamped on its lands, referred specifically to Coillte lands.

Coastal Protection.

222. **Deputy Finian McGrath** asked the Minister for Agriculture, Fisheries and Food the position in respect of a project (detail supplied). [10858/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application from Dublin Port Company for approval under the Foreshore Acts for the proposed reclamation of an area of some 21 hectares of foreshore was made to the Department in March 2002. Since then, Departmental officials have held periodic discussions with Dublin Port Company's management regarding issues arising from the application. This is a regular occurrence in most major foreshore applications. The application is being considered in accordance with the appropriate procedures. These include a process of public consultation in which it will be open to interested persons to make submissions on the proposal. Developments of this nature require planning permission before any determination can be made on the foreshore application.

Poultry Industry.

223. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food if she had involvement with the 85 growers who were supplying turkeys to a company (details supplied) in County Monaghan; if she has plans to provide funding to help these growers to transform their houses for other use, such as production of chickens or to compensate them in any way for their loss of income through no fault of their own other than the fact they are competing with imports that can be sold as Irish products because of the failure to bring in proper labelling legislation; and if she will make a statement on the matter. [11000/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The decision by Grove Turkeys to rationalise was a commercial one for the company itself, but I fully understand the difficulties these growers are now faced with. There is no scope under EU Common Market Regulations to give financial support or aid to these producers and it would not be possible under State Aid rules. If any producer decides that they wish to consider free range chicken production, my officials will be pleased to offer advice. My Department, in conjunction with the Department of Health and Children, drafted regulations that would require an indication of country of origin on poultrymeat, pigmeat and sheepmeat. The draft regulations were notified to the European Commission in December. I have written to Commissioner Fischer-Boel emphasising the importance of better origin labelling.

School Transport.

224. **Deputy Emmet Stagg** asked the Minister for Education and Science the reason a pupil (details supplied) in County Kildare attending a school in Dublin 7 is not picked up and dropped off at their home in line with other pupils attending this school. [10764/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): My Department has received an application for a change in the transport arrangements for the pupil referred to by the Deputy, in the details supplied. A report has been requested from Bus Éireann, which operates the school transport scheme. When this report is received and considered, my Department will be in contact with the family.

School Services Staff.

225. **Deputy Damien English** asked the Minister for Education and Science her views on the situation where primary school secretaries have no fixity of tenure and have no right to a pension; if she or her Department have had discussions on same; her proposals to address the issue; and if she will make a statement on the matter. [10799/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department provides funding towards the cost of secretarial services in primary schools under two separate schemes. One scheme is the 1978/79 scheme for the employment of full-time secretaries in primary schools, under which my Department meets the full cost of salary. This scheme is being phased out as posts become vacant and no new posts are being created. This scheme has been superseded by a more extensive grant scheme now referred to as the Ancillary Services grant.

Funding towards the cost of secretarial and caretaking services in new primary schools is provided under the Ancillary Services grant scheme. The standard rate of grant per pupil under the scheme was increased from €102 in 2002 to €127, to the current rate of €151.50 per pupil. The amount of grant paid to an individual school is determined by the enrolment in the school.

The Ancillary Services grant scheme is flexible in nature, giving Boards of Management discretion as to the manner in which secretarial services are provided. The grants paid are not

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directly linked to any objective pay scales. The level and extent of services provided is a matter for the school authorities who, through the discretion afforded by the scheme, apply diverse arrangements for secretarial services as resources permit. As the secretaries are employees of individual schools, my Department does not have any role in determining the pay and conditions under which they are engaged. These are matters to be agreed between the staff concerned and the school authorities. There are no proposals at present to change this position.

Schools Building Projects.

226. **Deputy Jimmy Deenihan** asked the Minister for Education and Science if she will make a decision on the acquisition of a site for a school (detail supplied) in County Kerry as a matter of urgency as Kerry County Council is agreeable in principle to selling sites at Lohercannon; and if she will make a statement on the matter. [10802/08]

Minister for Education and Science (Deputy Mary Hanafin): An application for capital funding towards the provision of a new school building has been received from the school authority referred to by the Deputy. An assessment of the projected enrolment trends, demographic trends and the housing developments in the area will be required to determine the long term projected staffing figure on which the school's accommodation needs will be based. This will then determine the size of the site required. The required building project will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

School Accommodation.

227. **Deputy Eamon Scanlon** asked the Minister for Education and Science the position regarding an application made by a school (detail supplied) in County Sligo; and if she will make a statement on the matter. [10806/08]

Minister for Education and Science (Deputy Mary Hanafin): The school referred to by the Deputy has made an application to my Department for additional accommodation. The application is currently under consideration and a decision will be communicated to the school authorities as soon as possible.

School Curriculum.

228. **Deputy Mary Upton** asked the Minister for Education and Science the steps her Department has taken to actively seek to ensure that every child at both primary and senior cycle is involved in sporting activity in view of the fact that a study published in 2007 (details supplied) has shown that social disadvantage begins to reduce participation in sport at primary school level; and if she will make a statement on the matter. [10816/08]

Minister for Education and Science (Deputy Mary Hanafin): Physical education is a core part of the curriculum at primary level, and at post primary level all schools are required to offer physical education. A revised Junior Cycle Physical Education syllabus was introduced in 2003, and the Leaving Certificate syllabus in PE and the Health and Leisure module of the Leaving Certificate Applied programme are also available. In addition, Social Personal and Health Education which is mandatory at primary and junior cycle level stresses the importance of regular exercise, and the need for a balanced diet as essential to physical and mental well being.

Schools also play a major role in nurturing and promoting the involvement of students in sporting activities in the wider community. Sports organisations such as the Gaelic Athletic Association, Basketball Ireland, the Football Association of Ireland provide extensive oppor-

tunities for schools to participate in sport. The Irish Sports Council, in co-operation with bodies such as the FAI and Local Sports Partnerships, has developed a national Buntús Primary Schools Initiative through which additional supports — training, resource cards and equipment — are provided to support teachers and others in introducing young people to sport, and to complement the Physical Education curriculum. The initiative aims to raise the profile of physical activity and sport, improve inservice training opportunities for teachers, assist governing bodies of sport to develop and deliver appropriate supports for teachers, and provide enjoyable and meaningful activity for children which supports the delivery of the curriculum.

For practising teachers, curriculum support services at primary and second level provide training and school based support for teachers. School-based support is a very rich form of support and allows the teacher explore the possibilities and limitations of the environment in which they teach. Through modelling of lessons and professional dialogue, the quality of teaching is enhanced and teachers are further enabled to develop their teaching skills. Teachers must also aim to include all students in PE lessons — irrespective of gender, or physical and/or learning deficits. The Irish Primary PE Association and the PE Association of Ireland (Subject Associations) have been active in organising conferences where teachers can avail of an opportunity to witness the latest thinking in physical education, and my Department also funds programmes on PE through the network of education centres.

The Primary Curriculum Support Programme (PCSP) and the School Development Planning Support (SDPS) have prepared planning templates (with prompts) for schools to assist them in school planning for the implementation of the PE Curriculum and the wider aspects of physical activity and school sport. A key element of this approach is aimed at ensuring that gender and intercultural issues are addressed, and that PE is accessible to all, irrespective of gender or physical or learning abilities.

This Government has worked hard to improve the opportunities for young people to get physical exercise both in school and in their local communities. In a new school building or refurbishment/extension, PE facilities are included as part of the design. Between 2000 and 2006 a total of 516 large-scale projects were delivered in primary and post-primary schools by the Department as part of a record overall investment of €2.6 billion in modernising primary and post-primary school facilities throughout the country. Many more large-scale projects are under construction or due to go to construction in the near future. New PE equipment such as balancing benches and gym mats are funded as part of any major building programme. The Department also provided €6.5m in 2006 and €3m in 2007 for primary and post primary schools respectively, for replacement and updating of PE equipment.

So, through an increased focus on exercise in school and in the community, we are working to encourage more children and young people to get active. Indeed, the ‘State of the Nation’s Children’ report published by the Minister for Children recently, found that children in Ireland are doing well on physical activity, ranking second across the 32 WHO countries in being physically active for at least 4 hours per week.

Schools Refurbishment.

229. **Deputy Finian McGrath** asked the Minister for Education and Science the action she will take in respect of a matter (details supplied) in Dublin 5. [10857/08]

Minister for Education and Science (Deputy Mary Hanafin): The school referred to by the Deputy should contact the Modernisation and Policy Unit of my Department regarding funding for works to the school building.

Special Educational Needs.

230. **Deputy Bobby Aylward** asked the Minister for Education and Science if a decision has been made on the appeal sent by this Deputy to her office dated 5 February 2008 to increase resource hours for a pupil (details supplied) in County Kilkenny. [10861/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy is aware, the National Council for Special Education (NCSE) has advised my Department that the special educational needs of the child in question were considered by the Special Educational Needs Organisers (SENO). The child's needs fall to be catered for from within the school's general allocation model of teaching resources rather than through the provision of additional teaching hours. I am informed by the NCSE that the local SENO will be in contact with the parents before the school re-opens after the Easter holidays to discuss the child's special educational needs.

School Staffing.

231. **Deputy Enda Kenny** asked the Minister for Education and Science, further to Parliamentary Question No. 418 of 18 December 2007, the contact she has had with the Teaching Council and the advice that she has received in respect of the provision and supply of Irish teachers; the advice that she has received from the Teaching Council in regard to the recruitment of Irish teachers; and if she will make a statement on the matter. [10871/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department keeps such matters generally under review and maintains contact with the Teaching Council in this regard. The Teaching Council is not involved with the recruitment or employment of teachers, however, the Deputy may be aware that the Teaching Council's database of registered teachers will be able to provide a range of different information on the numbers of registered teachers in various disciplines and on their qualifications. This information will provide valuable input into my Department's examination of issues around supply and demand for teachers of various subjects, and we will make plans accordingly.

School Curriculum.

232. **Deputy Enda Kenny** asked the Minister for Education and Science her views on the extent of pupil numbers who received dispensations from taking Irish in the leaving certificate in 2007; her further views on the fact that 50% approximately of those who received dispensation sat the leaving certificate in French or German; and if she will make a statement on the matter. [10872/08]

Minister for Education and Science (Deputy Mary Hanafin): Exemptions from learning Irish are granted in accordance with the provisions of Circular M10/94. The criteria provide that exemptions may be granted by school authorities for (a) students whose primary education up to 11 years of age was received in Northern Ireland or outside Ireland (b) students who were previously enrolled as recognised students in a primary school or post-primary school who are being re-enrolled after a period spent abroad, provided that at least 3 years have elapsed since the previous enrolment in the State and the student is at least 11 years of age on re-enrolment and (c) certain categories of students with special educational needs as set out in Circular M10/94 or (d) students from abroad, who have no understanding of English, when enrolled. The scheme devolves decision making to school authorities who are required to operate strictly within the clear criteria.

School Staffing.

233. **Deputy Pat Breen** asked the Minister for Education and Science the number of schools, both primary and post-primary, in County Clare which have applied in 2008 for an additional teacher; if these appointments will be made; and if she will make a statement on the matter. [10876/08]

234. **Deputy Pat Breen** asked the Minister for Education and Science if her Department has plans to reduce the number of teachers currently employed in primary and post-primary schools in County Clare; and if she will make a statement on the matter. [10877/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 233 and 234 together.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary school Boards of Management each year. Accordingly, all Boards are aware of the staffing position for their school in any school year. The staffing schedule for the 2008/2009 school year (Circular 0010/2008) was recently published on my Department's website at www.education.ie and a hard copy is in the process of issue to all primary schools.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn. Application for such posts can be made to my Department on or before 10 October, 2008.

An independent appeal board is now in place to decide on any appeals on mainstream staffing in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule. The criteria for appeal are also set out in Circular 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on my Department's website. The Appeal Board operates independently of the Department and its decision is final.

Teacher allocations for second level schools are approved by my Department on an annual basis in accordance with generally applied rules relating to recognised pupil enrolment. In general a ratio of 18:1 is applied in respect of recognised pupils on established Junior Certificate, Leaving Certificate, repeat Leaving Certificate and Transition Year Programmes and a ratio of 16:1 is applied in respect of recognised pupils on the Leaving Certificate Vocational Programme, Post leaving Cert courses and Leaving Cert Applied.

Each second level school management authority is required to organise its curriculum, teaching time-table and subject options having regard to pupils' needs within the limits of its approved teacher allocation. The rules for allocating second level teaching posts provide that where a school management authority is unable to meet essential curricular commitments, my Department will consider applications for additional short term support. An independent Appeals Committee is available to second level school authorities who wish to appeal the adequacy of their teacher allocation.

Pupil-Teacher Ratio.

235. **Deputy Pat Breen** asked the Minister for Education and Science her Department's plans

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to achieve the commitments on class size outlined in the programme for Government; and if she will make a statement on the matter. [10878/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are now in the region of 6,000 more primary teachers than there were in 2002. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children. A further initiative in recent years that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 330 such posts have been sanctioned in the 2007/08 school year compared to 280 in 2006/07.

The improvements we have made in school staffing in recent years are absolutely unparalleled. The Government is committed to providing more teachers to our primary schools over the next five years in order to reduce class sizes. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

Schools Building Projects.

236. **Deputy Pat Breen** asked the Minister for Education and Science, further to Parliamentary Question No. 394 of 3 July 2007, the status of a building project at a school (details supplied) in County Clare; and if she will make a statement on the matter. [10879/08]

Minister for Education and Science (Deputy Mary Hanafin): The school referred to by the Deputy is one of 27 new schools to be provided under my Department's Public Private Partnership Programme (PPP) 2006 to 2010. The first bundle consists of four post-primary, two in Co. Laois and two in Co. Offaly is in procurement and is likely to go to construction this year. The second bundle consists of six schools, 5 post-primary and 1 primary school in counties Cork, Limerick, Kildare, Meath and Wicklow are in pre-procurement and will be offered to the market shortly.

A suitable site for the project mentioned in the Deputy's question has been identified. It consists of lands acquired under the Residential Institutions Redress Act (Redress site) and an additional piece of land located adjacent to the Redress site. The redress site has been secured and my Department is currently in negotiations on the acquisition of the adjacent piece of land. I intend announcing further PPP project bundles during the year and the school in question will be considered in this context.

237. **Deputy Pat Breen** asked the Minister for Education and Science, further to Parliamentary Question No. 395 of 3 July 2007, if a technical assessment has been carried out for a school (details supplied) in County Clare. [10880/08]

Minister for Education and Science (Deputy Mary Hanafin): A technical assessment has not yet been carried out for the school in question. A re-assessment of project enrolments, demo-

graphic trends and housing developments in the area is required in order to assist in determining the long term projected enrolment for the school on which the school's long term accommodation needs will be based. The outcome of the technical assessment will help to determine whether or not the proposed project will be an extension of existing buildings on the current school site or a new school on a new greenfield site. The progression of this project as with all large scale building projects, 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.

238. **Deputy Pat Breen** asked the Minister for Education and Science, further to Parliamentary Question No. 396 of 3 July 2007, the status of the building project at a school (details supplied) in County Clare; and if she will make a statement on the matter. [10881/08]

Minister for Education and Science (Deputy Mary Hanafin): The additional information from the school referred to by the Deputy has been received. The progression of this project as with all large scale building projects, 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.

Schools Refurbishment.

239. **Deputy James Bannon** asked the Minister for Education and Science the reason for the delay in the refurbishment project of a school (details supplied) going to tender, in the view of the fact that funding was announced prior to the general election in 2007; and if she will make a statement on the matter. [10887/08]

Minister for Education and Science (Deputy Mary Hanafin): The proposed project referred to by the Deputy is at an advanced stage. Further progression of the project will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

Special Educational Needs.

240. **Deputy Paul Kehoe** asked the Minister for Education and Science the reason a person (details supplied) in County Wexford has to wait for payment for the home tuition payment for their child, despite being sanctioned the 20 hours for same; the action being taken to reduce the waiting time for this payment; and if she will make a statement on the matter. [10888/08]

Minister for Education and Science (Deputy Mary Hanafin): Officials from my Department have recently been in contact with the home tutor referred to by the Deputy. The tutor has been informed that payment in respect of the home tuition grant for the month of January issued on the 10th March 2008 and payment for the month of February will issue on the 12th March 2008.

Computerisation Programme.

241. **Deputy Enda Kenny** asked the Minister for Education and Science, further to Parliamentary Question No. 162 of 27 February 2008, the specific allocation made in 2007 in euro and cent by her Department for the specific function of purchase of computers for a school (details supplied) in County Mayo. [10891/08]

Minister for Education and Science (Deputy Mary Hanafin): Further to my reply to Parliamentary Question No. 162 answered on 27th February last the school referred to by the

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Deputy did not receive direct ICT funding in 2007. The school did however receive the annual Minor Works Grant which allows schools, inter alia, to purchase IT related equipment without referring back to my Department. The value of the minor works grant has increased by nearly 50% over the past two years and €27 million in such grants issued to primary schools in 2007. As the Deputy will be aware I have received the report of the Strategy Planning Group to advise on the prioritisation of measures under the planned investment of €252m over the period of the National Development Plan. I will shortly be publishing the report together with my implementation plan.

Departmental Expenditure.

242. **Deputy Enda Kenny** asked the Minister for Education and Science, further to Parliamentary Question No. 215 of 31 January 2008, the level of funding available to each sub-programme in her Department's remit; and if she will make a statement on the matter. [10892/08]

Minister for Education and Science (Deputy Mary Hanafin): Approximately €586 million has been allocated for school buildings in 2008. At this point, this has been provisionally assigned to the various constituent parts of the building programme as follows—

- €155m on large scale and devolved projects under construction at 1 January 2008;
- €85m on devolved projects proceeding to construction during 2008;
- €55m on large scale projects commencing construction this year;
- €47m on contractual balances carried forward from 2007;
- €56m on 2008 programmes such as permanent accommodation, remediation, contingency, the purchase of prefabs, non project related furniture and equipment applications and design team fees; and
- €188m on the purchase of sites and delivery of school facilities in developing areas.

I should emphasise that, depending on the rate of progress of the various components of the programme, adjustments may be made to the above figures throughout the course of 2008. These adjustments may arise in the context of the on-going monitoring of the programme undertaken by my Department in the normal course of events. It is intended that the Minor Works Grant for the 2008/2009 school year will be paid in the early part of 2009.

School Status.

243. **Deputy Michael McGrath** asked the Minister for Education and Science if her Department is in negotiation with a secondary school (detail supplied) in County Cork with regard to a proposed change in status. [10992/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department is currently in negotiation with the school to which the Deputy refers with regard to a proposed change in status.

Schools Refurbishment.

244. **Deputy Michael McGrath** asked the Minister for Education and Science the position

with regard to the planned extension to a primary school (detail supplied) in County Cork. [10993/08]

Minister for Education and Science (Deputy Mary Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. The scope of the proposed project has been recently expanded to accommodate additional classrooms. My Department are awaiting a date from the school's Board of Management indicating receipt of a revised stage 2A (Developed Sketch Scheme). The further progression of the project to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

245. **Deputy Michael McGrath** asked the Minister for Education and Science the position with regard to the planned extension to a primary school (detail supplied) in County Cork. [10994/08]

Minister for Education and Science (Deputy Mary Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. The further progression of the project to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

246. **Deputy Pat Breen** asked the Minister for Education and Science the position in relation to the summer works scheme projects for 2008; if applications have been received from schools in County Clare for funding for this scheme; if funding will be provided by her Department; and if she will make a statement on the matter. [10996/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy may be aware, the Summer Works Scheme was introduced in 2004. Since then, over 3,000 projects in primary and post-primary schools costing in excess of €300 million have been completed. With so many smaller projects having been completed over the past few years, I intend to focus on delivering as many large projects as possible in 2008. The emphasis will be on new schools, extensions and major refurbishments, rather than on smaller projects. There will not, therefore, be a new Summer Works Scheme as part of the building programme this year. Applications for funding under the Scheme were received from all counties including Clare.

School Accommodation.

247. **Deputy Charlie O'Connor** asked the Minister for Education and Science if her attention has been drawn to the serious concern of parents regarding the accommodation crisis at a school (details supplied) in Dublin 24; if she will give assurances to the local community that everything is being done to deal with the matter; her plans in that regard; and if she will make a statement on the matter. [11001/08]

Minister for Education and Science (Deputy Mary Hanafin): The project for the school to which the Deputy refers will consist of the construction of a new 24 classroom school of approximately 3,562sq. m. with 3 new ball courts and 2 junior play areas. It is currently at stage 3 of architectural planning. Following on from a review of a revised stage 3 submission, additional Mechanical and Electrical information was requested from the Design Team. When a response to this has been received, officials in my Department will evaluate the documentation.

The project attracts a band 2 rating and, as with all large scale building projects, progression through to the construction phase will be considered on an on-going basis both in the context of

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the band rating assigned to the project and in the context of the Department's Multi-Annual School Building and Modernisation Programme.

School Evaluations.

248. **Deputy Richard Bruton** asked the Minister for Education and Science the number of whole school evaluations of schools at primary level and at secondary level and the number of subject evaluations which have been completed in each of the years 2005, 2006 and 2007. [11002/08]

Minister for Education and Science (Deputy Mary Hanafin): The Inspectorate of my Department conducted 253, 228 and 241 whole-school evaluations in primary schools in 2005, 2006 and 2007 respectively. The number of whole-school evaluations in primary schools given for 2005 includes 90 Tuairiscí Scoile, a former model of inspection which has been replaced by whole-school evaluation. At post-primary level, 53, 57 and 59 whole-school evaluations were conducted in 2005, 2006 and 2007 respectively. Also at post-primary level, 676, 730 and 757 subject inspections were conducted in 2005, 2006 and 2007 respectively.

Psychological Service.

249. **Deputy Richard Bruton** asked the Minister for Education and Science the number of individual services delivered by the National Educational Psychological Service and the NEWB in each of the years 2005, 2006 and 2007. [11003/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware all primary and post-primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA). Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved by NEPS, and NEPS will pay the psychologist the fees for this assessment directly. It is assumed that by individual services the Deputy is referring to intervention with individual pupils. In this regard my Departments NEPS service processed payment under the SCPA in the order of 3,470 (2005), 4,246 (2006) and 4,561 (2007) in the calendar years in question.

In common with many other psychological services and best international practice, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually. It also ensures that children are not referred unnecessarily for psychological intervention.

NEPS psychologists dealt with referrals in respect of specific named pupils in the relevant calendar years, including the processing of applications under the Reasonable Accommodation for Certificate Examinations (RACE) scheme on behalf of the State Examinations Commission, as follows 7,307 (2005), 8,135 (2006) and 7,279 (2007). These counts, presented as requested in a calendar year format, are affected by the date of update of the database concerned rather than reflecting the true workflow/timing of the interventions. In addition it is estimated that NEPS psychologists provide consultations, advice and assistance to teachers and school authorities in respect of an additional 5,000 unnamed pupils in each of these years.

The National Educational Welfare Board was established in 2002 and has a statutory function to ensure that every child either attends school or otherwise receives an education. In this regard, the individual services delivered by the NEWB are as follows:

Individual Service 1: Case Activity

- The number of cases handled by the Board at Dec 2005 = 7,734
- The number of cases handled by the Board in 2006 = 5,708
- The number of cases handled by the Board in 2007 = 4,800

The NEWB has confirmed that the apparent decline in the number of cases handled year on year is exclusively due to revised practices deployed by Welfare Officers to resolve issues locally before cases are formally opened by the Board. The reduction in the formal caseload is therefore indicative of the relative success of this strategy.

Individual Service 2: Education outside recognised schools

The Board also has particular responsibility under the Act in terms of children who are educated in settings outside of a recognised school. Under Section 14 of the Education (Welfare) Act 2000, parents of such children must apply to the Board to have their child registered and an assessment is then carried out. The aim of the assessment is to ensure that each child receives at least “a certain minimum education” in the alternative educational environment. At present, 419 children are registered with the Board as being home educated. 31 Private Schools have been registered with the Board and in total 5,484 children are registered with the Board under this category.

Individual Service 3:

The Education Helpline Service was established to provide guidance to both Parents and Schools in relation to children’s education. In 2005-2006 2,823 calls were received by the Schools Educational Helpline. In 2006-2007 2,598 calls were received by the Schools Educational Helpline. To date, 6000 queries have been dealt with by the Parents Educational Helpline. Educational Welfare Officers provide the services of the Board at local level and a significant part of the service delivery involves informal preventative work through extensive engagement and interaction with Schools, Parents, School Personnel and Other Professionals working in schools and communities to improve the outcomes for children experiencing difficulty with school attendance.

Early School Leavers.

250. **Deputy Richard Bruton** asked the Minister for Education and Science the number of children dropping out of school who were identified with serious literacy problems and failing to achieve any qualifications at the time of leaving school in each of the years 2005, 2006 and 2007. [11004/08]

Minister for Education and Science (Deputy Mary Hanafin): The specific data requested by the Deputy are not available to my Department. Survey work undertaken by the Educational Research Centre (ERC) in 2007 includes an assessment of literacy levels in over 400 schools at primary level in mainly disadvantaged areas. The results from this research will feed into policy planning and programme evaluation in the area of social inclusion. A circular also issued from my Department to all primary schools in December 2006 asking them to implement

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standardised testing in English reading and Mathematics beginning in the calendar year 2007 for all pupils at the end of first class or the beginning of second class, and at the end of fourth class or the beginning of fifth class.

Schools have also been asked to ensure that, with effect from the current school year, the results of testing are reported to parents in respect of their own children in accordance with a broader reporting template, designed to report progress on children's learning to parents. This template is being finalised by the NCCA and will be available very shortly. The latest data published by my Department on retention rates in second-level schools relate to the cohort of entrants to the first year of junior cycle in 1996. Students in this cohort would have sat the Leaving Certificate in either 2001 or 2002, depending on whether they took the Transition Year Programme. The published data for the 1996 cohort indicates that the national adjusted retention rate to completion of the Junior Certificate examination is 94.6% and the national adjusted retention rate to completion of the Leaving Certificate examination is 81.3%.

As regards those who depart from second-level education prior to the Leaving Certificate, the available statistical evidence indicates that the increasing range of further education and training opportunities available for these students is having a positive impact. CSO data show that the educational profile of 20-24 year olds in Ireland has improved steadily over the last five years, as increasing opportunities have been made available in the further education and training sector. By 2005, 85.8% of 20-24 year olds had attained upper second-level education or equivalent, up from 82.6% in 2000 and putting Ireland ahead of the EU average of 77.5%.

My Department has adopted a broad-based approach to tackling early school leaving. We established the National Educational Welfare Board (NEWB) to monitor attendance and help to get young people back to school. We have widened the range of curricula available to students by promoting the Junior Certificate Schools Programme, the Leaving Certificate Vocational Programme, and the Leaving Certificate Applied Programme in addition to the traditional Junior and Leaving Certificate curricula. We have also put preventative measures in place such as the School Completion Programme and the Home School Community Liaison Scheme (HSCL).

Enhancing attendance, progression, retention and attainment are central to DEIS (Delivering Equality of Opportunity in Schools) the action plan for educational inclusion, which is being implemented at present. The action plan represents a shift in emphasis away from individual initiatives, each addressing a particular aspect of the problem, with the new plan adopting a multi-faceted and more integrated approach. This is the first time that an integrated educational inclusion strategy has been developed for 3-18 year olds in this country.

In relation to second chance educational opportunities for young people who left school early, this Government has shown a sustained commitment to providing greater opportunities in the adult and further education sectors. Many such young people take up places in Youthreach centres, while others pursue options such as FAS apprenticeships. I would like to assure the Deputy that we have greatly intensified our efforts in recent years both to keep more young people in school and to provide increased educational opportunities for those who left school early. I will continue to prioritise further progress in this area.

Citizenship Applications.

251. **Deputy Chris Andrews** asked the Minister for Justice, Equality and Law Reform the status of the application for citizenship of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [10800/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Section of my Department in December 2005. Officials in that section inform me that processing of the application has commenced and the file will be forwarded to me for a decision in the near future. I will inform the Deputy and the person concerned when I have reached a decision on the matter.

Departmental Correspondence.

252. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform if his Department received correspondence in relation to a promotion to the High Court (details supplied); if his Department's attention has been drawn to such correspondence or if his Department is investigating where such correspondence could now be. [10801/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am unable to be of assistance in the matter other than to indicate generally that my Department does not comment on confidential personal correspondence between membership of the Judiciary and the Department.

Crime Prevention.

253. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform the action he will take in relation to a matter (details supplied) in Dublin 9. [10856/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the area referred to by the Deputy is within Whitehall Garda Sub-District. It is located in a private estate managed by a property management company. Local Garda management is aware of the issue raised as a complaint was made on 8 March, 2008. The matter is under investigation by An Garda Síochána at Whitehall in conjunction with the DMR North Traffic Corps.

Residency Permits.

254. **Deputy John Curran** asked the Minister for Justice, Equality and Law Reform when he expects a decision to be made regarding an application for long-term residency made by a person (details supplied) in Dublin 22. [10859/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the person referred to by the Deputy was received on the 25th April 2007. I understand that applications received in August 2006 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

Crime Levels.

255. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform the targets which his Department and agencies acting under his Department set for 2007 in respect

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of the overall or crime specific rate of headline offences; the overall or crime specific rate of detection as a percentage of crimes reported; the reductions in the rate of re-offending; and the progress made against targets during the year. [11009/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The strategy of An Garda Síochána for reducing the incidence of crime and criminal behaviour is set out in its Corporate Strategy Document for 2007-2009, A Time for Change. The priorities for An Garda Síochána for 2007 which my predecessor as Minister determined under section 20 of the Garda Síochána Act 2005 are set out on page two of the Garda Síochána Policing Plan for 2007.

The Garda Policing Plan 2007 set out a series of performance indicators. Taking the increase in the population into account, the level of crime reduced from 24.3 crimes per 1,000 population in 2006 to 24.2 in 2007. I have been informed that the overall Garda detection rate for headline offences for 2007 was 41%, up from 40.4% at the end of 2006. I am informed by the Garda authorities that the attached table shows the Policing Plan performance indicators set for specific crimes in 2007 and the outcome.

2007 Performance Indicators and Outcomes

Offence Type	Performance Indicator	Outcome
	%	%
Burglary	- 2	- 5
Theft from MPV	- 2	+ 9
Theft from Shop	- 2	+ 2
Theft (Other)	- 2	- 2
Criminal Damage	- 2	- 2
Seizure of Drugs*	+ 3	+ 27

*Possession of drugs for sale/supply and simple possession.

Information relating to other Policing Plan targets is currently being compiled. While the outcomes for burglaries, theft (other), criminal damage and seizure of drugs equalled or exceeded their indicators, those for theft from an MPV and theft from a shop are a matter for concern. The Garda Policing Plan for 2008 sets therefore a performance indicator of a 2% reduction in high volume crime. The Policing Plan for 2008 maps out the key objectives and actions required for the effective policing of our towns, cities and communities, the protection of the security of the State and the ongoing modernisation and development of An Garda Síochána.

The policing priorities which I have determined for An Garda Síochána for 2008 highlight the need to address gun crime, organised crime, drugs and public order. These priorities set clear objectives for An Garda Síochána which the Garda Commissioner has taken into account in drawing up his Policing Plan for 2008. They show the focus of this Government in addressing these important areas of policing and crime prevention and detection, and they are backed up by the substantial resources which the Government is continuing to provide to An Garda Síochána. In 2008, the Force's budget is over €1.6 billion — an increase of 11% on the 2007 figure.

The Irish Prison Service facilitated the first major study of prisoner re-offending by the UCD Institute of Criminology. The study found that 27.4% of released prisoners were serving a new prison sentence within one year. This rose to 39.2% after two years, 45.1% after three years, and 49.2% after four years. This research is ongoing and will provide further information on rates of re-offending.

The Irish Youth Justice Service is committed to developing information and data on youth offending and this will be one of the objectives in the forthcoming National Youth Justice Strategy 2008-2010. The Irish Youth Justice Service is committed to developing information and data on youth offending, and this will be one of the objectives in the forthcoming National Youth Justice Strategy 2008-2010. The Service is currently contributing to a research project on recidivism and young offenders. This study is a continuation of the UCD study and will focus on young offenders. It will be a valuable addition to the research available on recidivism, in particular in respect of young offenders.

Housing Aid for the Elderly.

256. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the funding that has been allocated to the Health Service Executive for the housing aid for the elderly scheme; and if he will make a statement on the matter. [10862/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The Special Housing Aid for the Elderly Scheme is currently administered by a Task Force under the aegis of my Department and operated at a local level by the Health Service Executive. In 2007 a total of €19.132 million was allocated to the HSE for the operation of the scheme nationally. The allocation for 2008 will be determined shortly in the light of the number of applications and the existing level of grant commitments within the HSE regions.

Housing Grants.

257. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government the position in relation to funding or grants to carry out necessary repairs and improvements to a house (details supplied); if funding or grants are available from his Department; and if he will make a statement on the matter. [10750/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): There are no funds available in my Department for a project of this nature.

Asbestos Remediation Programme.

258. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the steps his Department is taking to remove asbestos from buildings and so on here in view of the continuing danger of asbestos; and if it has encouraged or grant aided local authorities to remove asbestos free of charge from buildings in their council area. [10769/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): There are no grants available from my Department or local authorities for the removal of asbestos in buildings. There is a general ban on the use of asbestos under Directive 76/769/EEC as amended, which was transposed in Ireland through the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003 (S.I. No. 220 of 2003).

The prevention of exposure is the focus of occupational safety and health legislation concerning asbestos in the workplace. Specific worker protection Regulations regarding the protection of workers from the risks related to exposure to asbestos fibres while at work have been in place since 1989. The most up-to-date Regulations are the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006), which are enforced by the

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Health and Safety Authority. The Authority comes under the remit of the Minister for Enterprise, Trade and Employment.

Insofar as the management of asbestos as a waste is concerned, the Waste Management Acts 1996-2007 prohibit any person from holding, transporting, recovering or disposing of waste in a manner which causes or is likely to cause environmental pollution, defined in Section 5 to include action which would to a significant extent endanger human health.

Environmental Policy.

259. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to encourage research to make CFL bulbs brighter initially and more aesthetic in order to encourage more people to switch from less energy efficient products. [10770/08]

260. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to encourage local light bulb manufacturers to produce enough CFLs for the market here in order to prevent increases to the carbon footprint resulting from having to import them from, for example, China, thus defeating the environmentally friendly label being associated with them. [10771/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 259 and 260 together.

As stated in the reply to Question No. 311 of 5 March 2008, my intention is to propose an energy efficiency standard for lighting that does not prescribe the type of lamp technology to be used. It will be a matter for individual manufacturers to decide the type and quality of lighting products that they make available on the Irish market within the standard to be prescribed..

Waste Disposal.

261. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to ensure that every CFL purchaser understands the way and the locations to dispose of them. [10772/08]

262. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to warn the public of the action to take if a CFL is broken; his views on the British Department of the Environment direction that everyone must leave the room for at least 15 minutes if one falls and breaks; and if he will make a statement on the matter. [10773/08]

263. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if he has asked the Environmental Protection Agency to draw up guidelines for people in the likely event of breakage of CFLs; when he asked same; and when the public will receive them in view of the fact that CFLs are common. [10774/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 261 to 263, inclusive, together.

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. Retailers are obliged to notify purchasers of these take back arrangements. Information on the WEEE take back system is available on my Department's web site — www.environ.ie.

My Department is working with the EPA and industry stakeholders in developing guidance on best practice for the proper handling and safe disposal of CFLs either at end-of-life or where breakages occur. This process will be finalised shortly and a leaflet will be published and made available to members of the public. Any guidance that is issued will take cognisance of best practice and measures suggested by other appropriate agencies or authorities. The risk to human health arising from accidental CFL breakage is minimal as CFLs containing more than 5mg of mercury are prohibited from being placed on the market in the European Community in accordance with the provisions of the Waste Management (Restrictions of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2005, which transpose Directive 2002/95/EC.

Water and Sewerage Schemes.

264. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government if he will ensure that Carrickboy, an area within the town boundaries of Ballyshannon, County Donegal will be connected to the proposed Ballyshannon sewerage scheme; and if he will make a statement on the matter. [10795/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Ballyshannon Sewerage Scheme is being funded under my Department's Water Services Investment Programme 2007 — 2009 and I understand that construction of the scheme is substantially complete. Details of individual areas served by the scheme may be obtained from Donegal County Council.

Library Projects.

265. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government the funding his Department provides to the library service, specifically funding to support outreach programmes in isolated and disadvantaged areas; and if he will make a statement on the matter. [10817/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): The Department provides funding to library authorities in respect of a number of projects including new buildings, fittings and furniture, new book stock and improved ICT facilities, mobile libraries and delivery vans, rental subsidies, training and local authority archives. Funding of almost €18m was awarded in 2007 with almost €19m being provided in 2008. 21 mobile libraries and 18 delivery vans attracting 100% grant aid from the Department have been purchased by library authorities since 1998 allowing them to provide a regular library service in isolated areas and to provide services to nursing homes, schools and other institutions throughout their areas.

In addition the Department has grant aided a number of initiatives and projects aimed at improving access to public library services, including the Taobh Tíre project in Co. Donegal which piloted the provision of library services in 14 service points in isolated rural and urban areas in partnership with the local community. The Department also funded a DVD, Pic-

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tureogs, produced for the traveller community. This is a public library initiative by Kildare County Library Services that celebrates Irish Traveller Culture and history through song, story and participatory arts.

Specific ICT based resources have been introduced to allow for on-line access at home or school to all public library catalogues and to local studies collections and information held in libraries. In addition, the student zone of *www.askaboutireland.ie* is designed to support schools' curricula by providing highly interactive material which can be accessed from any location.

Public libraries continue to play a major role in promoting and enabling access to libraries by all members of the community regardless of age, background or nationality in respect of cultural, socially inclusive, leisure and lifelong learning activities. These services will continue to be developed further in the coming years.

Arts Funding.

266. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government if he is satisfied with the linkages that exist between his Department and local arts offices to which his Department indirectly provides most of the funding; and if he will make a statement on the matter. [10818/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): Local authority arts officers are employed by, and operate under the direction of, local authorities. The Department of the Environment, Heritage and Local Government participates in a Public Art Inter-Departmental Group, which is chaired by the Department of Arts, Sport and Tourism and issues guidance to local authorities from time to time, where appropriate. Local authorities have relationships with a number of different Government Departments and Agencies depending on the function involved. In the case of the arts, local authority arts officers work in partnership with the Arts Council and other relevant Departments and bodies.

Planning Issues.

267. **Deputy Seymour Crawford** asked the Minister for the Environment, Heritage and Local Government if there are planning regulations for the establishment of dog kennels particularly regarding noise levels; if he will advise this Deputy accordingly; and if he will make a statement on the matter. [10869/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Planning Acts 2000-2006, all development, unless specifically exempted under the Acts or associated Regulations, requires planning permission. Section 34 of the Planning and Development Act 2000 enables a planning authority to grant a planning permission subject to or without conditions as appropriate. In making a determination on any planning application, planning authorities must consider the proper planning and sustainable development of the area, having regard to the provisions of the development plan, any submissions or observations received, and relevant Ministerial or Government policies. I have no plans at present to introduce specific planning regulations for the establishment of dog kennels.

Section 25 of the Control of Dogs Act 1986 provides a mechanism for making a complaint in relation to excessive dog barking. Where a complaint under this section is upheld, the District Court can make an order requiring:

- the occupier of the premises in which the dog is kept to abate the nuisance by exercising due control over the dog;
- the number of dogs kept by the occupier to be limited for such period as may be specified in the order; or
- the dog to be delivered to a dog warden.

Housing Grants.

268. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the position in relation to grant aid for a sector of people (details supplied); and if he will make a statement on the matter. [10906/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): My Department operates a number of adaptation grant schemes to assist people with a disability or with mobility issues with their accommodation needs. The Housing Adaptation Grant for People with a Disability Scheme, which is administered by local authorities, assists in the provision/adaptation of accommodation to meet the needs of people with a disability. Under the Scheme the effective maximum grant is €30,000, which may cover up to 95% of the cost of works. The types of work grant aided under the Scheme may include the provision of access ramps, grab rails, downstairs toilet facilities, stair-lifts, accessible showers, adaptations to facilitate wheelchair access, extensions etc. Prioritisation of eligibility is on the basis of medical and financial need with 95% of the approved cost of work available to those with annual household incomes of less than €30,000, tapering to 30% for those with annual household incomes of €54,001 to €65,000.

The Mobility Aids Grant Scheme, which is also administered by local authorities, provides grants to cover a basic suite of works to address mobility problems, primarily but not exclusively, associated with ageing. The Scheme fast tracks grant aid to people on lower incomes (maximum annual household income threshold €30,000). The effective maximum grant available is €6,000 and may cover 100% of the cost of works. The types of works grant aided under the Scheme may include grab-rails, access ramps, level access showers and stair-lifts.

Questions Nos. 269 to 272, inclusive, answered with Question No. 84.

Alternative Energy Projects.

273. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the reason pure plant oil or other alternative fuels are being exported to other EU states; and if he will make a statement on the matter. [10979/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): It is a commercial decision for producers of pure plant oil or other alternative fuels as to whether or not they export to other EU Member States. Under the Biofuels Mineral Oil Tax Relief Schemes, which were competitive calls for proposals from producers meeting the criteria, preference could not be given to any applicants by virtue of the origin of biofuels feed stocks. This is a requirement of EU State Aids Rules. The planned introduction of a Biofuels Obligation next year will require all fuel suppliers to ensure that biofuels represent a certain percentage of their annual fuel sales. By moving to an obligation market players will be given the long-term certainty to make appropriate investment decisions.

Telecommunications Services.

274. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his proposals to meet the challenge of knowledge based economies throughout Europe; and if he will make a statement on the matter. [10981/08]

275. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his plan to bring the quality, availability, speed and cost of broadband or other information communications technology up to the best in Europe; when he expects to reach such targets; and if he will make a statement on the matter. [10982/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 274 and 275 together.

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, by competing private sector service providers, of high quality telecommunications services, including broadband as a key enabler of the knowledge economy.

The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs). There are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. Accordingly, the procurement process for a National Broadband Scheme (NBS) is under way. The NBS will provide broadband services to areas that are currently unserved and will ensure that all reasonable requests for broadband are met.

The first phase of the procurement process (Pre-Qualification Questionnaire (PQQ)) is now complete, and four candidates pre-qualified to enter the next phase of the procurement process. As my Department indicated on 2 September 2007, the four candidates were, in alphabetical order, BT Communications Ireland Ltd Consortium, Eircom Ltd, Hutchinson 3G Ireland Ltd and IFA/Motorola Consortium. Following the withdrawal of the IFA/Motorola Consortium as a candidate the remaining three candidates have now commenced “Competitive Dialogue” with my Department and are developing their proposed solutions to meet my Department’s requirements for the delivery of broadband to the unserved areas of the country. It is anticipated that a preferred bidder will be selected and appointed in June 2008, with roll out to commence as soon as possible thereafter, subject to agreement with the chosen candidate.

Additionally, my Department has prepared a Draft Policy Paper on Next Generation Broadband. The Paper reviews current communications infrastructure policy and analyses policy options in light of industry developments in relation to the optimum role for the Government in the planning and roll out of next generation broadband. Next Generation Broadband networks will be fundamental to meeting the challenges of knowledge based economies.

Two weeks ago I convened a meeting of the expert International Advisory Forum to examine the Paper. The Forum critiqued draft options and recommendations on how to meet the challenges that lie ahead. The key challenge is getting higher speed broadband at lower cost to more subscribers. The Forum members have provided valuable feedback. They supported the broad thrust of the document. They offered some additional recommendations and advice on the future trends of the telecommunications and ICT industries and proposed that certain

suggestions be explored further. The draft paper is currently being updated to reflect the Forum's contribution. It will then be published for public consultation.

276. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which he has had discussions with the communications industry with a view to the provision of state of the art technology throughout the country; and if he will make a statement on the matter. [10983/08]

279. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the outcome and level of discussion he has had with the regulator with a view to improving the standard and availability of information telecommunications throughout the country, comparable with the rest of Europe; and if he will make a statement on the matter. [10986/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 276 and 279 together.

Responsibility for the provision of electronic communications services is a matter for the service providers concerned. Statutory responsibility for the regulation of telecommunications operators, including regulatory issues surrounding the quality of services rests with the Commission for Communications Regulation (ComReg), which acts independently in its function. I have overall responsibility for communications policy and regularly meet with ComReg and service providers.

Electricity Transmission Network.

277. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the position in relation to the provision of the north/south and east/west electricity interconnectors; and if he will make a statement on the matter. [10984/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government's Energy Policy Framework 2007-2020, underlines the Government's commitment to ensuring completion of the ongoing capital investment programme by EirGrid and ESB in the transmission and distribution network by 2010 and overseeing further extensive investment in strategic energy infrastructure. The Government is giving particular priority to the delivery of the second North South electricity interconnector by 2011 and the East-West interconnector by 2012. Enhanced interconnection is critical for the island of Ireland in terms of security of supply, competition and integration with regional energy markets.

As part of its ongoing transmission development plan, and in line with the Government's Energy White Paper, EirGrid is currently undertaking the planning, construction and reinforcement of a number of transmission lines as well as the second North-South Interconnector and the East-West interconnector. The North South Interconnector project, which is being undertaken jointly with the Northern Ireland Transmission Operator will underpin the All Island Single Electricity Market and will enhance security of supply. Concerns about overhead transmission lines have been raised in public consultation under the planning process. In order to assist and inform public debate on the issue I have asked my Department to commission an independent study in relation to overhead and underground transmission lines. The study is due for completion by end April.

The East West Interconnector will integrate Ireland more closely into the UK and wider European energy market in line with EU objectives for a fully Internal Energy Market will enhance security of supply and underpin the continued development, and export potential, of

[Deputy Eamon Ryan.]

renewables. EirGrid has commenced preparatory work for the purposes of building the East West interconnector in the context of the planning process under the Strategic Infrastructure Act. I will shortly publish legislation enabling EirGrid to own and operate the East West interconnector.

Offshore Exploration.

278. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent, location and commercial value of recent or expected oil, gas or other mineral finds; and if he will make a statement on the matter. [10985/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I refer the Deputy to my reply to question number 420 on 19 December 2007, in which I outlined that during 2007, two finds were made in the North Celtic Sea Basin off the south coast. Providence Resources Limited identified an oil accumulation at the Hook Head prospect in block 50/11 while Island Oil and Gas Limited encountered gas at the Schull prospect in block 57/2. In addition, Island Oil and Gas Limited successfully appraised its 2006 Old Head gas discovery in block 49/23. In all three cases further studies are continuing in order to determine whether these accumulations can be progressed to commercial developments.

No new economic deposits of non-petroleum minerals have been discovered in recent years. There have been some encouraging results, however. Exploration adjacent to the existing base metal mine at Navan, County Meath (Boliden Tara Mines Ltd), discovered additional resources with the potential to extend the life of that mine, while diamond drilling in north-east County Limerick by Minco and Xstrata Zinc, near Pallas Green, has encountered high grade intersections of zinc and lead. However, although these results are encouraging, it is much too early to say whether an economic mineral deposit occurs in the area.

Question No. 279 was answered with Question No. 276.

Question No. 280 was answered with Question No. 123.