



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 10 April 2008.

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DÁIL ÉIREANN

Déardaoin, 10 Aibreán 2008.
Thursday, 10 April 2008.

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

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 32.

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

Deputy Finian McGrath: I wish to seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of national importance and concern, namely, the urgent need to ensure all public and private premises have proper fire safety measures in place. I welcome the €3 million to date paid out for the purpose of assisting the Stardust victims committee, call for the maximum fire safety plans to be put in place at the Dublin Port tunnel and call on all Members of the Oireachtas to support our staff in the fire service.

Deputy Seán Ardagh: Hear, hear.

Deputy Charles Flanagan: I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of urgent national importance, namely, the continuous and chronic underfunding of the Garda Síochána highlighted in a recent independent report by the Garda audit committee, particularly against the background of wealthy, well resourced criminal gangs and the continuous litany of gangland violence and murders throughout the State, particularly in Limerick.

The Ceann Comhairle should not look at me so crossly. I raise this matter every day.

Deputy Bernard J. Durkan: He is always cross.

Deputy Charles Flanagan: I get the same response. This morning the Ceann Comhairle is particularly cross.

Deputy Michael Ahern: Very cross.

An Ceann Comhairle: I was not even thinking of Deputy Flanagan.

Deputy Charles Flanagan: Perhaps that is the problem, the Ceann Comhairle is not even thinking of the issues.

An Ceann Comhairle: Tar éis breathnú a dhéanamh ar an nithe ardaithe, níl siad in ord faoi Bhuan Ordú 32. Having considered the matters raised, they are not in order under Standing Order 32.

Order of Business.

The Tánaiste: It is proposed to take No. 18, Twenty-eighth Amendment of the Constitution Bill 2008 — Second Stage (resumed), to adjourn at 1 p.m. if not previously concluded; and No. 1, Local Government Services (Corporate Bodies) (Confirmation of Orders) Bill 2008 [*Seanad*] — Second Stage.

An Ceann Comhairle: There are no proposals to be put to the House. I call Deputy Kenny on the Order of Business.

Deputy Enda Kenny: Ba mhaith liom comhghairdeas a dhéanamh leis an Tánaiste, An Teachta Brian Ó Comhain, ar bheith tofa mar cheannaire ar a pháirtí, Páirtí Fianna Fáil. Déanaim comhghairdeas pearsanta leis. Tá fios maith agam, mar cheannaire pháirtí, cén brú a bhíonn ar cheannaire agus a bheidh air. Glacaim go bhfuil jab le déanamh aige agus tuigeann seisean go bhfuil jab le déanamh agamsa.

D'fhéach mé ar an nuacht ar RTE aréir agus de réir an craoltóir náisiúnta is iontach an rud é go bhfuil Aire in ann Gaeilge a labhairt ar feadh níos mó ná nóiméad amháin. Cuireann sin in iúl dúinn cé chomh fada agus atá an teanga titithe, go gcreideann ár gcraoltóirí gur rud mór é seo. Cuireann an dearcadh sin iontas orm mar tá Gaeilge ag cuid eile de na hAirí agus ag Teachtaí eile ar fud an Tí.

Tá mé fíor bhuíoch don Tánaiste as ucht an rud é go labhrann sé Gaeilge. Tá sé mar chathaoirleach ar fochoiste Rialtais atá ag déanamh iniúchachta ar an teanga. Mar adúirt mé cheana, tá sé scannalach ar fad nach bhfuil téacsleabhair as Gaeilge le fáil ag daltaí na tíre, go mór mór na daltaí atá ag staidéar trí Ghaeilge amháin. Tá súil agam go ndéanfaidh an Tánaiste rud éigin faoi sin. Freisin, tá an Tánaiste mar chathaoirleach ar an fochoiste atá ag déanamh staidéir ar chúrsaí Gaeltachta agus limistéir na Gaeltachtaí. Tá tuarascáil ar sin istigh le fada ón Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta, an Teachta Éamon Ó Cuív, agus is mó iad na fadhbanna agus deacrachtaí atá le réiteach uaidh sin. Mar cheannaire an pháirtí agus mar chathaoirleach, go fóill, ar an fhochoiste, tá súil agam go ndíreoidh an Tánaiste isteach ar na fadhbanna sin.

Tá sé thar a bheith tábhachtach go dtabharfaidh muid chun cuimhne inniu an uair deich bliana ó shin nuair a shíníodh Comhaontú Aoine an Chéasta. Mar pholaiteoir, deirim gur chóir ár mbuíochas a ghlacadh le chuile cheannaire ó chuile pháirtí a rinne iarracht an síochán a fhorbairt. Geallaim don Tánaiste go dtabharfaidh mé chuile cabhair don Rialtas an síochán sin a fhorbairt agus staid eacnamaíochta an Tuaiscirt agus an Deiscirt a fhorbairt freisin. Tá sé i bhfad níos tábhachtaí é sin a dhéanamh ná difríochtaí polaitiúla ná pearsanta a chothú eadrainn anseo. Níl a fhios agam an mbeidh seo foilsithe as Gaeilge freisin os rud é go bhfuil an teanga mar thosaíocht ag an Tánaiste.

Bhí mé ag éisteacht leis an tOllamh Drumm an lá cheana nuair adúirt sé go bhfuil easpa suas le €3 mhilliúin ar an HSE ag an bpointe seo. Ós rud é go bhfuil an staid eacnamaíochta níos deacra anois——

An Ceann Comhairle: Tá a fhios ag an Teachta nach bhfuil sin in ord in aon chor. Caithfidh sé casadh——

Deputy Enda Kenny: Tá a fhios agam go dtuigeann an Ceann Comhairle an Ghaeilge agus bhí sé ag éisteacht liom go cruinn. Sin an fáth gur luaigh sé é sin.

An Ceann Comhairle: Bhí me ag éisteacht ceart go leor.

Deputy Enda Kenny: Is é atá i gceist agam ná go bhfuil sé leagtha amach sa chlár Rialtais go mbeidh achoimre nó tuarascáil déanta ar stádas an HSE. An bhfuil sé sin curtha ar bun? An bhfuil an obair sin ar siúl ag an bpointe seo? An mbeidh an tuarascáil tugtha isteach go dtí an Teach san am atá le teacht, i dtreo is go mbeidh díospóireacht againn?

Tá scéal mór sna páipéirí inniu faoi bean ar a dtugtar “bean A” agus an galar nó aicíd a bhí aici. Dúradh léi trí huairé nach raibh tinneas ar bith aici, ach fuair sí scéal ina dhiadh sin gur droch-chás a bhí ann. An bhfuil rud ar bith le rá ag an Aire faoin chás sin, atá sna páipéirí inniu? Níl a fhios agam cén ainm atá uirthi, ach “bean A” a tugtar uirthi sna nuachtáin. Tá deacrachtaí ar leith ann ó thaobh tuarascáil Rebecca O’Malley, a foilsíodh le déanaí, freisin.

An Ceann Comhairle: Níl sé seo in ord in aon chor. B’fhéidir go ligfidh mé don Tánaiste freagra a thabhairt mar gheall ar an dtuarascáil.

The Tánaiste: Aontaím le cheannaire an bhFreasúra maidir le cúrsaí polaitíochta an Tuaisceart. Tá aontas i dTeach Laighin, i gcoitinne, mar gheall ar na polasaithe atá riachtanach chun dul chun cinn a dhéanamh sa Tuaisceart ó thaobh cúrsaí eacnamaíochta, sóisialta agus polaitíochta de. Aontaím le gach rud a bhí le rá ag an Teachta Kenny faoi sin.

Maidir leis an Ghaeilge, mar a dúirt mé inné tá sé an-tábhachtach tréan-iarracht a dhéanamh chun an Ghaeilge a chur chun cinn chomh maith agus is féidir linn. Cé nach bhfuil an líofacht ag gach Ball den Teach, tá sé mar dhualgas againn an teanga a úsáid chomh minic agus is féidir. Ba cheart dúinn dea-shampla a thabhairt don phobal i gcoitinne ionas go mbeidh iontais ag daoine an méid Ghaeilge atá acu a úsáid go laethúil. Fanfaidh mé mar chathaoirleach an fo-choiste atá luaite os rud é gur ábhar tábhachtach atá i gceist. Déanfaidh mé mo dhícheall, i gcomhoibriú le mo chomhghleacaithe sa Rialtas agus gach éinne anseo, chun freagraí nua-aimseartha a fháil a chabhróidh le daoine an Ghaeilge a úsáid níos forleithne ná mar atá sé anois.

An Ceann Comhairle: Bhí an díospóireacht sin an-suimiúil, ach tá deireadh leis anois.

Deputy Joan Burton: Ar an gcéad dul síos, ba mhaith liom chomhghairdeas a ghabháil leis an Tánaiste. Is maith liom na ranganna atá ag Des Bishop ar an dteilifís. B’fhéidir gur cheart dúinn cuireadh a thabhairt dó teacht anseo chun ranganna a chuir ar fáil do Teachtaí ar nós mé féin.

An Ceann Comhairle: Anois, gnó na Dála.

Deputy Joan Burton: Tá sé in ord dom anois caint as Béarla.

Deputies: Tá.

Deputy Joan Burton: The Tánaiste had cause for great celebration yesterday and I wish him the best for himself, his family and his party. Having occasionally jostled with him in respect of matters relating to finance, I sometimes think that Fianna Fáil is more of a religion than a political party to him. When it comes to governing the country, I hope he will pay attention to the broader public issues and realise that Fianna Fáil does not necessarily have the answer to every problem. I accept that it has the answer in respect of many matters and I know the Tánaiste is of the view that he has the answer to everything. However, those in the Labour Party have a different view.

An Ceann Comhairle: We cannot discuss that matter now. Deputy Burton is well aware of that fact. We must move on.

Deputy Joan Burton: In light of the times that are in it——

An Ceann Comhairle: Political philosophy is all very well but we cannot engage in a discussion on it now.

Deputy Joan Burton: ——I thought the Ceann Comhairle might allow me to proceed.

An Ceann Comhairle: I have already given the Deputy enough latitude.

Deputy Joan Burton: Like the Tánaiste, the Ceann Comhairle is always charming towards women and I thought he might have granted me some leeway.

An Ceann Comhairle: That does it.

Deputy Joan Burton: Go raibh maith agat. With regard to the plight of people who have family members in nursing homes, has the Tánaiste come any closer to finalising the ‘Fair Deal’ Bill? Figures released earlier this week indicate that the average cost of nursing home care has risen to almost €800 per week. Under the ‘Fair Deal’ Bill, the Government has proposals to subvent nursing homes but also intends to make arrangements to tax people’s family homes, up to a figure of 15%, after the death of a person in care. We were promised that the Bill would definitely be published before last Christmas. We were then informed that it would arrive before Easter. Now it seems that it will appear some time this session.

What constitutional issues are delaying publication of the Bill? I am sure the Tánaiste is aware that families are suffering because they cannot make proper arrangements in respect of their relatives.

An Ceann Comhairle: The Deputy should confine herself to questions relating to the legislation.

Deputy Joan Burton: Nursing home proprietors and everyone else involved in this area are uncertain about what will happen.

As we are talking about a new Ireland and the need to reform, the Government has indicated on numerous occasions that the heads of the civil unions Bill would be published. We were promised that they would be forthcoming by the end of March and informed a couple of weeks ago that they were almost ready. However, we have not yet seen the heads of the Bill. Are there political difficulties regarding the production of the Bill and the principle of civil unions? I am reasonably confident that neither the Tánaiste nor the Minister for Justice, Equality and Law Reform——

An Ceann Comhairle: That is it.

Deputy Joan Burton: ——have a difficulty with this matter. However, where is the Bill? Many people who wish to register——

An Ceann Comhairle: We are aware of all this.

Deputy Joan Burton: ——civil unions and who are involved in gay relationships want to get on with their lives.

An Ceann Comhairle: The Tánaiste may comment on the legislation. We must proceed with the Order of Business and several other Members are offering.

Deputy Joan Burton: Will the Tánaiste indicate the current position in respect of the Bill? Has it vanished?

An Ceann Comhairle: The Tánaiste may reply in respect of the two items of legislation to which the Deputy refers.

The Tánaiste: I understand that the commitment given in respect of the civil unions Bill was that the heads would be circulated to Government Members for the purpose of advancing proposals and discussing how to proceed politically. We are, therefore, in the midst of a deliberative process and we will not be in a position to bring forward the Bill until that process is complete. The Deputy will be aware that the Minister for Justice, Equality and Law Reform has honoured the commitment he gave publicly in respect of this matter. We have not reached the stage where the legislation has been drafted. However, the heads have been circulated for consideration by Government. We will proceed from there as quickly as is possible and feasible.

The nursing home Bill was raised by Deputies on a number of occasions in recent weeks. I understand, from the replies given by the Taoiseach, that there are legal issues — not constitutional problems — with the Bill which need to be resolved. The Attorney General is working on this issue as a matter of priority. With regard to my position — as I prepare to take up office when the Taoiseach resigns on 7 May — it is my intention, in the near future, to have a detailed discussion with the Attorney General on the legislative programme in order that I might obtain a clear indication as to what is happening across the various Departments. I will then be better able to indicate what is the current position. In fairness to the Minister for Health and Children, I do not wish to make a piecemeal statement — not that I possess the relevant knowledge at present — regarding the specific issue. She will be obliged to come forward with the Bill in due course. There is an undertaking that this will happen during the current session.

Deputy Caoimhghín Ó Caoláin: Ba mhaith liom mo chomhghairdeas agus chomhghairdeas Sinn Féin a ghabháil leis an Tánaiste, a thoghadh inné mar cheannaire Fianna Fáil. Dúirt an Tánaiste inné go bhfuil sé ar intinn aige gach tacaíocht a thabhairt d'fhorbairt na Gaeilge. Cuirim fáilte roimh an ráiteas sin. Molaim don Tánaiste — an Taoiseach tofa — gur chóir dó buailleadh le ceannairí na páirtithe eile sa Dáil chun machnamh a dhéanamh ar úsáid na Gaeilge san Oireachtas. Táimid go léir sásta cabhrú leis an Tánaiste maidir leis an ábhar sin.

As I said, on my behalf and on behalf of Sinn Féin, I offer sincere congratulations to the Tánaiste on his selection as leader of Fianna Fáil. I wish him the best of success in his role and responsibility in the time ahead. On a brief light note, I wonder whether the Tánaiste is aware that under Standing Orders leaders of political parties in the House have the opportunity to question the Taoiseach. He might be able to exercise that over a short period of weeks, but if he decides to waive it I will happily take up the opportunity as it has been denied to me since last year. As the two positions will coincide within a short period of time, this is the last opportunity for the Tánaiste to ask the Taoiseach questions here.

I refer to the fact that today is an important day, not only following the Tánaiste's elevation to the leadership of Fianna Fáil, but also because it is the tenth anniversary of the Good Friday Agreement. It is appropriate to say that we take the opportunity to commend all who played their parts in helping to bring about this Agreement and who have worked for the implementation of the hope and promise contained therein over the period of years since. There is clearly, to paraphrase a common quote, a lot yet to be done in that regard. While I welcome

[Deputy Caoimhghín Ó Caoláin.]

the development of the new Good Friday Agreement implementation committee here in the Houses of the Oireachtas, of which I am a member, and the opportunity it provides to MPs—

An Ceann Comhairle: We must move on, Deputy.

Deputy Caoimhghín Ó Caoláin: —to participate directly, I would hope that in the Tánaiste's term as Taoiseach in the time ahead he will employ increased energy in seeking to ensure the full implementation of its promise as quickly as possible. Again, as with the earlier commitment to the development and promotion of the Irish language in the Houses of the Oireachtas, he would have the support of all party leaders and the parties represented here in that regard.

An Ceann Comhairle: I must move on.

Deputy Caoimhghín Ó Caoláin: On the issue of the Order of Business—

An Ceann Comhairle: That is it.

Deputy Caoimhghín Ó Caoláin: Go raibh maith agat. We are now on the one level here.

The Tánaiste: Réamhrá fada.

Deputy Caoimhghín Ó Caoláin: The all-Ireland charter of rights, the all-Ireland parliamentary forum and the consultative civic forum are the subjects of a number of promises contained within the Good Friday Agreement. Can the Tánaiste indicate his hope and expectation for the delivery of these solid commitments within the Good Friday Agreement and whether legislation is envisaged in order to assist the delivery of these important elements within the Agreement? Does he have any particular plans at this point in time and what can we expect in terms of his role as Taoiseach in this respect over the course of the rest of this year?

An Ceann Comhairle: Is legislation promised in this area?

The Tánaiste: Níl aon reachtaíocht geallta maidir leis an ábhar seo.

Deputy Caoimhghín Ó Caoláin: Cad mar gheall ar focal scoir?

The Tánaiste: Sea, os rud é go raibh an Teachta gearr leis an méid a bhí le rá aige, beidh mise gearr chomh maith.

It is important to recognise the tenth anniversary of the Good Friday Agreement and I will say one thing on it. I ask that this House, and everyone involved in politics, not make the assumption that now that the institutions have been put in place, we are seeing the full implementation of the Agreement as a result. Too often the hard part of setting up the institutions, as difficult as that is, can hide the fact that there is much work to be done in order to implement the spirit of the Agreement as well as the letter. In fact, the quality of its implementation is dependent upon the spirit of the Agreement being embraced by all.

In particular, it is our role in this House, quite apart from our various responsibilities under the Agreement, to work hard to find ways of dealing with the real problem that exists in Northern Ireland, which is the divisiveness and unfortunate sectarianism which is still a part of how business proceeds. I will add quickly that the politicians are committed to the implementation of the Agreement, but it is for society in Northern Ireland generally, and indeed for us in the Republic, to reassess our views on how we can be more open and tolerant so that others may not be so defensive towards us. This is in the interests of political progress in line with the

Agreement and on the basis of consent and peaceful progress. Addressing these issues in all areas of Ireland — we must not exempt ourselves from succumbing to that sort of thinking from time to time — is the best tribute we can pay to all of those who, ten years ago, had the courage of their convictions and signed up to the Agreement.

Deputy Joanna Tuffy: The Tánaiste stated a few weeks ago that the Fair Deal legislation was the subject of constitutional issues. The last time the Minister for Health and Children introduced legislation on nursing homes which interfered with the property rights of older people, a couple of years ago, I stated in the Seanad that it was an attack on constitutional property rights and therefore unconstitutional. The Minister said it was not. It was then referred by the President to the Supreme Court and was found to be unconstitutional. If it happens again with this legislation, where will be the credibility of the Minister for Health and Children? This is an issue that needs to be considered closely.

I also wish to raise the issue of the property services regulatory authority Bill. It is stated in the list provided by the Government that the Bill will be published this session. Can the Tánaiste give a commitment that it will be passed this session? It cannot be that difficult to establish legislation whose main purpose is to give legal standing to the National Property Services Regulatory Authority. That authority is already open and has been staffed but it cannot do the work it was set up to do because the legislation is not in place. In the meantime, people who live in buildings managed by managing agents, in the event of a dispute with the managing agent, have nowhere to go for advice——

An Ceann Comhairle: We cannot go into the deeper issue now. The Tánaiste on the legislation.

Deputy Joanna Tuffy: ——or help or mediation. People are being brought to court over bills they are refusing to pay because they are not getting the services for which they are being charged.

The Tánaiste: The second Bill mentioned by the Deputy is expected to be published this session. I cannot give a commitment that it will be enacted this session because that will depend on the course of the debate in the House. I am sure many positive contributions will be made on all sides of the House and there is the possibility of amendments being accepted from any side depending on the merit of the argument. We cannot make a commitment that it will be enacted, but we are making a commitment that we will seek to publish it this session and how it proceeds at that stage is a matter for the House and its procedures.

With regard to the fair deal legislation, I do not recall saying there were constitutional problems with it. My understanding is that there are not constitutional issues but legal issues. As I said, I am basing that on what I have heard the Taoiseach say before the House. I am not acquainted with the details as yet. I will deal with this matter in the coming weeks and acquaint myself more fully with it.

Deputy Pádraic McCormack: Ar an lá seo, ba mhaith liomsa freisin comhghairdeas a dhéanamh leis an Tánaiste. Tá ceist amháin le cur agam on the Order of Business. In the last Dáil I was told by the previous Tánaiste that the social housing miscellaneous provisions Bill would be introduced in this session, but when I inquired further I was told that it was in fact the next session. When will this Bill come before the Dáil? Will it enable tenants of local authorities who are living in apartments to buy out the local authority?

The Tánaiste: I did not hear the last part of the Deputy's question.

Deputy Pádraic McCormack: Will the social housing miscellaneous provisions Bill enable tenants living in local authority apartments to buy their apartments?

The Tánaiste: I do not have the details on that, but I will ask that somebody communicate with the Deputy as to what is envisaged in that respect. The Bill itself is due this session.

Deputy Pádraic McCormack: When?

The Tánaiste: It is due this session.

Deputy Pádraic McCormack: By “this session”, does the Tánaiste mean this session or the next session?

The Tánaiste: I think it is this session.

Deputy Emmet Stagg: It was not due until October the last time. The interpretation of the last Dáil was different.

The Tánaiste: I am nearly sure I said this session.

Deputy Bernard J. Durkan: It is early for the Tánaiste to be getting confused.

The Tánaiste: If Deputy Durkan keeps quiet he will not be confused.

Deputy Jan O’Sullivan: Bhí ceannaire Fhine Gael ag labhairt faoi patient A a chuir ráiteas amach inné. Patient A’s samples were analysed in University College Hospital Galway. Tá dhá ceisteanna agam don Tánaiste. We have had a number of reports on cancer but two are still outstanding. One is the HIQA report on a review of pathology services in University College Hospital Galway, which may or may not be relevant to the case in the media today. In addition, there is the report from Cork University Hospital on the local pathologist.

11 o’clock

An Ceann Comhairle: Such reports are not relevant to the Order of Business.

Deputy Jan O’Sullivan: We have often been able to ask if reports can be published.

An Ceann Comhairle: We have had this conversation several times.

Deputy Jan O’Sullivan: Does the Tánaiste know when those two reports will be published? Can we have a debate on the issues arising from the various reports, particularly the 15 clear recommendations from the Rebecca O’Malley report, which were accepted by the Government? Can the request for such a debate be referred to the Whips?

An Ceann Comhairle: I take it the debate will be a matter for the Whips.

The Tánaiste: Yes, a Cheann Comhairle, I think that is so.

Deputy Jan O’Sullivan: Does the Tánaiste know when the two reports will be published?

An Ceann Comhairle: That is the difficulty.

The Tánaiste: Sin í an tslí is fearr.

Deputy Jan O’Sullivan: Go raibh maith agat.

Deputy Pat Breen: I congratulate the Tánaiste on his elevation. My question concerns the health information Bill. In view of serious reports in the national media this morning about 15 people who died at Ennis General Hospital and who were affected by the superbug c.difficile, will extra infrastructural resources be provided in the hospital to restore patient confidence?

An Ceann Comhairle: We cannot go into that.

Deputy Pat Breen: Will the necessary backup be given for families who are affected by this situation?

An Ceann Comhairle: I call the Tánaiste on the health information Bill.

Deputy Pat Breen: My question concerns the health information Bill.

An Ceann Comhairle: Deputy Breen has made his point.

Deputy Pat Breen: A very serious situation has arisen in the hospital and confidence must be restored.

The Tánaiste: The health information Bill is not due until next year but I understand the Deputy's concerns. First of all, the situation needs to be dealt with sensitively with the families and then the HSE must see what it must do to resolve the problem.

Deputy David Stanton: About a year ago, Ireland was one of the first countries to sign the United Nations Convention on the Rights of Persons with Disabilities. A number of pieces of legislation will have to be passed here before we can ratify that convention. One of them is the mental capacity Bill. Can the Tánaiste say what progress is being made on that legislation and where it currently stands? Does legislation need to be passed before we can ratify that UN convention? If the Tánaiste does not have the information to hand, perhaps he can let me have it at some stage.

The Tánaiste: The Bill to which the Deputy refers will be published later this year. The Deputy might table a parliamentary question to the relevant Minister concerning the other legislative requirements, as I do not have those details here.

Deputy David Stanton: I tried and got nothing back, so that is why I am asking the Tánaiste.

The Tánaiste: Try, try and try again.

Deputy David Stanton: I know.

Deputy Ciarán Lynch: I begin by congratulating the Tánaiste on his elevation yesterday. As has already been mentioned, legislation is pending on the fair deal scheme but can the Tánaiste provide some clarification on that? The Minister is referring to a transitional period whereby we will move from the current subvention situation to the system that will be in place under the fair deal scheme.

An Ceann Comhairle: We cannot discuss the details of the Bill now.

Deputy Ciarán Lynch: I am not discussing the details of the Bill. My question covers that Bill and the financial situation as well. Up to recently, various HSE offices said they could not deal with enhanced subvention because the finances were not there. There now seems to be a change of direction coming both from the Minister and the HSE regional offices. Has an

[Deputy Ciarán Lynch.]

additional Estimate been put in place by the Department of Finance to cover that interim period for the fair deal scheme?

An Ceann Comhairle: That question is not in order.

Deputy Ciarán Lynch: It is because it concerns an amendment to the Finance Bill that is going through the House.

An Ceann Comhairle: The content of the legislation cannot be discussed now. The Deputy may ask when the legislation will be published but he cannot go into the detail of it. The Tánaiste cannot be expected to know either.

Deputy Ciarán Lynch: I will rephrase the question. Can the Tánaiste indicate when the promised legislation will be implemented? Will his Department examine legislation to cover the finances during that transition period?

An Ceann Comhairle: Let us confine ourselves to that point. When is this legislation due?

The Tánaiste: The legislation is due this session subject to resolving problems that are currently with the Attorney General, as is the normal course of events with such legislation.

Deputy Bernard J. Durkan: Like other speakers, I extend my good wishes to the Tánaiste in his future role. We can only offer him regular and objective intervention and support, and hope that his tenure in the House will not be boring. As regards promised legislation and arising from the issue raised earlier by Deputy Charles Flanagan, last week the Tánaiste indicated he was concerned that I had raised the subject of crime on a daily basis. Is it not true to say, however, that events of the last week have proven the urgent need to deal with the issue?

An Ceann Comhairle: We cannot go into the events of last week this morning.

Deputy Bernard J. Durkan: No, but I am bringing things up to date since the change to summertime.

An Ceann Comhairle: Yes, but the Standing Orders are the same.

Deputy Bernard J. Durkan: I do not wish to delay the House by going through the whole list of promised legislation.

Deputy Martin Cullen: He is.

Deputy Bernard J. Durkan: It would appear that the proposals now on the Order Paper, and those promised, are not likely to deal with the crime issues that are arising in the country. Does the Tánaiste intend to review the situation at the earliest possible date, along with whoever the Minister for Justice, Equality and Law Reform is likely to be in future, with a view to bringing forward legislation to deal with the urgent problems that are now arising?

An Ceann Comhairle: The Deputy's question seems to concern when the next criminal justice Bill is due.

Deputy Bernard J. Durkan: The money laundering Bill is one of them.

The Tánaiste: There are five Bills due this session. There will be ample opportunity for Deputy Durkan, who is obviously expressing genuine concern about this matter, to put his views to the House when the legislation comes before it. Whilst I accept that he regards it as

a matter or urgency, respectfully, I do not think it is necessary every morning, when we let people know when Bills are coming through, continually to ask questions the answers to which do not change. Five Bills will be before the House this session and there will be ample opportunity to discuss the whole remit of criminal justice matters concerning any of that legislation. It does not add to the business of the House continually to ask the same question when we know what the answer is all the time. A phone call to the Minister would probably clarify the issue in two minutes.

Deputy Bernard J. Durkan: I accept all that but if it appears that the answers, to date, are inadequate to deal with the situation there must come a time——

An Ceann Comhairle: We cannot deal with that now. The Tánaiste has answered the Deputy's question.

Deputy Bernard J. Durkan: The Minister for Justice, Equality and Law Reform is smiling but this is not a smiling matter. There will come a time when this House must respond to public concern.

Deputy Richard Bruton: I thought for a minute the Ceann Comhairle had become like a good barman who could survey a room and never see a hand raised.

Deputy Bernard J. Durkan: The Deputy would want to give him a tip.

An Ceann Comhairle: I never miss a hand going into the pocket.

Deputy Richard Bruton: The Government was formed last June and by December every Department was supposed to have agreed a strategy statement. I was appalled to find that, as of now, ten of the 15 Departments have produced no strategy statement. That is supposed to be the intent for the Dáil against which we evaluate what Ministers are doing. No strategy statements have been agreed by the Department of Education and Science, the Department of Justice, Equality and Law Reform, the Department of Transport, the Department of Health and Children, the Department of Enterprise, Trade and Employment, the Department of Agriculture, Fisheries and Food, the Department of Foreign Affairs, the Department of Communications, Energy and Natural Resources, the Department of Community, Rural and Gaeltacht and Affairs and the Department of the Taoiseach. Will the Tánaiste end this laxity by Government Ministers who do not take seriously their obligations to produce these documents, which are supposed to guide the House in respect of what is planned? Perhaps the change in resource availability because of the decline in tax expectations has caused him, as Minister for Finance, to stall strategy statements. The resources will not be there to deliver what Ministers were hoping to achieve. The House is entitled to know what is happening to strategy statements, which are supposed to be at the core of Government for the next number of years, and why they are not being produced. Can we expect this sort of indulgence by Ministers in future?

An Ceann Comhairle: I call the Tánaiste on the strategy statements.

The Tánaiste: I cannot explain whether their publication has been affected by issues concerning the Official Languages Act. From my recollection, I know that more than that have been passed and approved by the Cabinet and have been circulated. I take the point, however, that these issues need to be addressed in a timely fashion, and they will be.

Deputy Seán Barrett: I join with other speakers in congratulating the Tánaiste on his elevation. I hope it will not affect his membership of the grand alliance racing syndicate. We would like to see him continue as a member.

[Deputy Seán Barrett.]

When is it proposed that the House will debate the European Commission's proposals on greenhouse gas emissions? I sincerely hope it is the Government's intention to debate these proposals. Hopefully there will be all-party agreement on including forestation as part of the allowances afforded to this country in terms of our targets.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Seán Barrett: This is a very important matter and it should be debated not on a Friday, when everyone has gone home, but on a busy day in this House. This would show that we are taking this matter seriously.

An Ceann Comhairle: I think that is a matter for the Whips.

The Tánaiste: It is a matter for the Whips but I agree with the Deputy. I know how active the committee he chairs is in this area in terms of developing all-party consensus on a critical policy issue for Ireland. This debate should be held in plenary session in this House. It is important that everyone participates so that we can hear Members' views and see what progress we are making in achieving all-party consensus.

An Bille um an Ochtú Leasú is Fiche ar an mBunreacht 2008: An Dara Céim (Atógáil).

Twenty-eighth Amendment of the Constitution Bill 2008: Second Stage (Resumed).

Airgeadh an cheist: "Go léifear an Bille an Dara hUair anois."

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

Deputy Terence Flanagan: Ireland has benefited greatly from the expansion of the European Union to 27 states and immigration from the likes of Poland has helped sustain economic growth here and the Celtic tiger economy. There are now more small states in the EU and it is better that Ireland, a small country, is not surrounded only by large, dominant countries.

I wish to share time with Deputy Jimmy Deenihan.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Terence Flanagan: Ireland must not be seen as selfish in Europe and it is important that we pass this treaty. If we fail to do so we will not be seen in a positive light by our European neighbours because we have received many benefits from the EU, including the Common Agricultural Policy and Structural Funds.

Supporters of the "no" campaign have tried to scare people into voting against the treaty by using the same stories they have used in the past. I hope there is a strong "yes" vote for the forthcoming EU reform treaty.

Deputy Jimmy Deenihan: Ireland has a proud record in Europe and Europe has been good to us. We have received over €70 billion in aid over the years and this has benefited agriculture, roads, education, transport and almost every aspect of Irish life. We have paid approximately €19 billion to the EU so we have been net beneficiaries, something that is evident throughout the country.

My party, Fine Gael, has been active in Europe and, as a member of the biggest voting bloc, the European People's Party, has a proud record there. Our slogan in a number of European

elections was “proud to be Irish in Europe”, which we are, and we have provided some great advocates for Europe. Dr. Garret FitzGerald was the Minister for Foreign Affairs who led us into Europe and he was widely respected. The fact that he could speak French elevated Ireland to a new level because there was an impression that Ireland was a backward country. The leadership of Dr. FitzGerald in the Department of Foreign Affairs changed such attitudes to Ireland. He made a significant contribution, as did subsequent leaders, such as Mr. Alan Dukes and Mr. John Bruton, who is now the first EU ambassador to the United States. Mr. Bruton’s appointment to that position was a great honour for him and the Fine Gael Party. Deputy Enda Kenny is vice-president of the European People’s Party.

When ratified, the Lisbon treaty will be the sixth formal amendment to the founding treaties of the European Union in their 50 years of existence. It is worth recalling that the Irish Constitution has been successfully amended 23 times in its 71 years of existence. The amendments to the European treaties, including the Single European Act, the Amsterdam treaty, the Maastricht treaty and the Nice treaty, were all designed to make Europe an entity better equipped to meet the challenges of a changing world.

The number of member states of the EU has been successfully enlarged over the years from six to nine, 12, 15, 25 and 27, the current total. In the process, the EU has helped countries like Ireland and Denmark to catch up economically with their neighbours and has helped ensure the re-establishment of sustainable democracies in countries such as Greece, Spain and Portugal; not long ago there was turmoil in those countries. The EU has brought countries such as Austria, Finland and Sweden fully into the European political family and has contributed hugely to the re-establishment of liberal parliamentary democracy and market economies in the ten newly independent states of central and eastern Europe. The EU is the largest aid donor in the world and leads the way in terms of action on climate change. It has established its own currency, now one of the strongest in the world, which is used by 13 of its member states.

The Lisbon treaty is the outcome of an extensive and open process that has gone on since December 2001. The process included a convention on the future of Europe that included not only national governments from member states but also representatives from national parliaments. There was real participation in this process by the European Parliament and the social partners. The convention was held in public and was accessible to the media and the public and it produced the proposals for the constitutional treaty.

The treaty we are now debating has, therefore, been thoroughly analysed over a lengthy period, not only by governments and members of national parliaments but also by a wide variety of other interests. In the process, almost every question that could be raised about its provisions has been raised and dealt with. Many accommodations and compromises have been reached, many of which have worked out well. What has emerged is an agreement unanimously accepted by the governments of the 27 member states. Countries are concerned about their sovereignty but we are all aware that there are many areas in which common and concerted action at EU level can offer more advantages to citizens than action at national level.

I will refer to the matter of obesity in passing because this is a major issue in sport and for the EU. This treaty will provide new direction on this epidemic that is sweeping through Europe and the world. All these considerations were carefully weighed in the process of designing the current treaty text.

It is claimed that provisions in the treaty will prejudice our ability to retain our favourable corporate tax system and to promote Ireland as a destination for foreign direct investment. Answers to questions I have raised and the information that has been distributed to us show that none of these claims is true.

[Deputy Jimmy Deenihan.]

As spokesperson on defence for Fine Gael, I would like to discuss the treaty from that point of view. Speakers on all sides of the House have discussed such issues already. Claims that the Lisbon reform treaty threatens or undermines our neutrality are obviously inaccurate and misleading. None of these claims stands up to scrutiny. Some of the people opposing the treaty are credible and are concerned about our sovereignty but some claim we can be forced to take part in missions of which we do not approve. This is simply not accurate. We have a veto and we will still have a veto under the Lisbon treaty.

I confirm that the treaty explicitly includes a sentence that enables Ireland and other neutral states to avoid abandoning neutrality. The treaty states that nothing in the defence section shall “prejudice the specific character of the security and defence policy of certain member states”. This means nothing in this treaty shall require any member state to breach their own neutrality. The amendment we are adding to the Constitution repeats, as in previous amendments, the existence of the triple lock. Involvement in any military role, therefore, must have the approval of the Government, approval from the Dáil, and the authorisation of the United Nations. That is a high bar strict standard that must be followed. We have and will continue to have a veto. We can and will, at any stage, say no to anything we do not want to go ahead.

Given that Europe has been good to us to date and that this treaty will strengthen our position within Europe that will make it more accessible to our citizens and will provide a charter of fundamental rights to our citizens which I am sure everybody wants. More people are looking to Europe for justice. This treaty enshrines that in law. For that reason I am very comfortable with the treaty and I hope it will be passed overwhelmingly by the people in June.

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Tá lúcháir orm a bheith anseo agus a bheith páirteach sa díospóireacht tábhachtach seo. The Lisbon treaty or the reform treaty as it is known, is the latest revision of the EU treaties. The stated purpose of it is “to enhance the efficiency and democratic legitimacy of the Union” — a Union that originated in 1950, long before I was born, when the then French Foreign Minister, Robert Schuman, announced in Paris on 9 May, the “Schuman Plan”, the first step towards European Union. This date has become known as Europe Day.

Robert Schuman was a visionary. His idea was to end old hostilities that had led to wars and conflict among the nations of Europe. He had instead a vision that would create more prosperity through co-operation and collaboration among all Europeans. As proposed in the Schuman plan, the six founding members of the European Union signed a treaty on 18 April 1951 creating the European Coal and Steel Community. In 1957 these countries, Belgium, the Netherlands, Luxembourg, France, West Germany and Italy signed the Treaty of Rome thereby creating the European Economic Community or the EEC. This was the beginning of the Common Market as we know it and its aim was free trade between its members. People, goods and money could now move freely between member states.

In so far as agriculture is concerned, the Treaty of Rome encapsulated the notion of the Common Agricultural Policy. The objectives of the CAP were to increase agricultural productivity, to ensure a fair standard of living for the agricultural community, to stabilise markets, to assure the availability of supplies and to ensure that supplies reach consumers at reasonable prices. It is worth noting that some 50 years on these principles remain every bit as relevant as when they were first introduced.

In 1962 the EEC took the first concrete steps to develop the Common Agricultural Policy with the establishment of the Common Organisation of the Market in Cereals. There followed the development of the Common Market organisations for beef and for milk and milk products. By 1968 customs duties between member states were gone paving the way for what was to

become the Single Market. In 1972 the exchange rate mechanism, ERM, was introduced to guard against problems caused by sharp shifts in the value of the currencies of member states.

On 1 January 1973 Ireland, along with the United Kingdom and Denmark, became a member of the EEC, later to become the EU. Prior to that date Ireland was an island on the fringes of Europe, almost completely dependent on its nearest neighbours, the United Kingdom, for its export trade, with little or no access to other European countries. Since then the EU has grown to 27 member states and some 495 million citizens. Ireland has grown as well. Up until December 2006 the value of Ireland's exports to the EU amounted to €56.6 billion while imports are valued just in excess of €36 billion.

The benefits of EU membership to every aspect of Irish life are immense and agriculture has been among the principal beneficiaries. As a nation that must export in order to prosper, and the EU membership has provided Ireland with a huge barrier-free internal market for our products and support for exports to world markets. Today we have free access to half a billion consumers across Europe providing huge potential to every Irish farmer.

Irish farming has come along way since we joined the Common Market in 1973. The Common Agricultural Policy of the EU has played a key role in the development of farming and the food industry in this country since then. Although the number of farmers and those involved in full-time farming has declined, its contribution to the national economy is still hugely significant. Farm size has increased significantly, from 22 hectares to 32 hectares. EU membership has increased farmers' incomes and transformed living standards to the benefit of farming, the food industry and above all, the rural community. Among farm households, total income from farm and off-farm sources averages almost 90% of the State household average. Irish agri-food and drinks exports have reached record levels in recent years — €8.62 billion in 2007 — and nearly three quarters of these go to other EU countries.

Society at large has also benefited in the form of a better environment, higher levels of food safety, additional employment in food processing and a positive contribution to our balance of payments.

From 1973 to 2006, Ireland received a total of over €41 billion from the EU. Some €38.7 billion came from the guarantee element of the European Agricultural Guidance and Guarantee Fund, EAGGF, funding direct payments, market supports such as export refunds, intervention and aid for private storage, APS, as well as the accompanying measures including REPS, early retirement scheme, fish withdrawal schemes and forestry.

Receipts from the guidance element of the fund amounted to €2.7 billion in the same period funding Leader programmes, an EU initiative for assisting rural communities in improving the quality of life and economic prosperity of their local area, farm waste management schemes, installation aid schemes, the dairy hygiene scheme and forestry NDP schemes on native woodlands etc. On the fisheries side funding was provided for decommissioning of fishing vessels and investment in aquaculture projects.

On-farm investment has increased product diversity and productivity and has facilitated environmentally friendly practices and hygiene measures. Investment in the food industry has generated a quantum leap in the production of value-added products, which we can see on the supermarket shelves in Ireland and throughout the EU and which forms a rapidly growing component of Irish exports.

Enormous benefits have flowed from Leader and the other rural and local development programmes which have given rural communities some measure of control over their own futures.

[Deputy Mary Coughlan.]

The rural environmental protection scheme, REPS, early retirement and forestry measures have made a substantial contribution to the agricultural, environmental and socioeconomic development of rural communities.

Looking to the future, in the period 2007-13, Ireland can expect to receive approximately €12 billion from the CAP, with €2.3 billion coming from the European agricultural fund for rural development, EAFRD, to fund REPS, ERS, farm investment programmes, installation aid schemes and Leader programmes. An estimated €10 billion will come from the European agricultural guarantee fund and will be used to fund the single payment scheme and market support measures, export refunds, intervention etc.

This is the background against which we need to look at the Lisbon treaty. This treaty provides for Ireland's voice to continue to be heard in the EU in an effective and efficient manner. A positive vote in the referendum on the treaty will send a clear signal that Ireland is determined to maintain its place at the centre of EU decision making. I have been asked on a number of occasions to state what practical differences will arise for agriculture with the adoption of the reform treaty. In practical terms, the reform treaty will not alter the arrangements that currently apply in the agriculture and fisheries sectors to any great extent. The reform treaty introduces the principle of qualified majority voting to certain new areas but the principle has been enshrined in the agriculture and fisheries sectors for some considerable time. While there will be some alterations to the thresholds for reaching a qualified majority under the new arrangements, these alterations will not have significant implications for decision-making. The reality is that most decisions on agriculture and fisheries are arrived at by consensus. It is highly unusual for matters to come to a vote on agriculture and fisheries issues and when they do, close voting margins are unusual.

However, the treaty will provide a greater degree of democracy in the decision-making process. Provision is made for the wider use of co-decision procedures in the agriculture sector. This means that the European Parliament will act as co-legislator with the Council on a wide variety of dossiers, rather than the consultative role it has at present. Essentially, the European Parliament will have a greater say in future EU legislation on agriculture and fisheries with the exception of a small number of dossiers related to fixing of prices and quotas.

The Oireachtas also will have an enhanced role under the Lisbon treaty with the national parliaments of the other member states. The treaty dramatically extends the role of national parliaments in regard to decision-making and these changes apply equally to the agriculture and fisheries sectors. National parliaments will have a longer period of time to scrutinise proposals. They will also have the power to object to a draft proposal on the grounds that it breaches the principle of subsidiarity.

As to commercial policy, the current decision-making arrangements in regard to international agreements are contained in Article 133 and Article 300 of the consolidated treaty. These articles will be replaced by articles 207 and 218 respectively of the Lisbon treaty.

There is a suggestion from certain quarters that the Lisbon treaty will diminish Ireland's influence on the negotiation and conclusion of international trade agreements, such as a new WTO agreement. This is simply not true and to those who would make such observations I suggest that if they have another look at the relevant articles they will find that, in substance, they are no different from the current position albeit the wording is clearer than it used to be.

To summarise, the purpose of the reform treaty is to make the institutions of the EU more workable in a Union of 27 member states. Given the crucial importance of agriculture to the Irish economy and the critical and central role played by the Common Agricultural Policy in contributing to the success of the sector, it is important that we continue to have the effective

institutional reform that will allow us to take the CAP and other EU policies forward. The impact of the reforms will not be hugely significant in terms of what has been in place for many years in the agriculture and fisheries sectors. The reforms will, however, contribute to the better functioning overall of the European Union and that is something to which we all aspire.

It makes sense to alter the make-up of institutions that were designed over 50 years ago for a Community of six member states to cater for the expanded needs and organisational arrangements of the current 27 member states. As we approach Europe day, let us look back at the Schuman ideal of more prosperity through co-operation and ask ourselves has this been achieved. The answer must be a resounding yes. I urge anybody promoting a “no” vote on this reform treaty to take a look back at where we have come from, take a look at what being a member of one of the most successful unions in the world has meant for Ireland, take a look forward at the opportunities that lie ahead and then tell me what is best for this country. There can be only one answer — vote “yes” for the reform treaty, vote “yes” for the EU and vote “yes” for Ireland.

Deputy Liz McManus: I welcome this debate, which is unusual in the degree of unanimity on both sides of the House in respect of supporting the Lisbon treaty and urging the public to vote “yes”. That does not necessarily mean we will have a successful outcome. We are all mindful that in the case of the referendum on the Nice treaty, those who supported it did not cast their votes the first time and it required a second referendum for it to be successful. It is a debate that has importance.

I have been involved in a number of referendums, some of which have been extremely contentious, and I welcome the peace that has been achieved, although we must debate the issues in an open fashion and deal with questions and concerns.

This seems a simple matter at heart, even though it is a long, complicated treaty. It is essentially about ensuring we have a framework for 27 countries. At present we are operating under rules that apply to 15 country membership. With the considerable growth in the EU we must ensure it can operate as efficiently as possible. We are conscious that an element of bureaucracy surrounds the EU. To an extent this is inevitable but it must be streamlined. More importantly, the EU must be democratised further than has been the practice in the past.

One of my concerns is about meetings of the Council of Ministers, which have always been held in private. The fact that co-decision is provided for between the Parliament and the Council is an important step forward. The greater openness in respect of coverage of meetings is a step forward although there are always means to circumvent this when difficult decisions must be made. Human ingenuity will ensure this pertains into the future.

It is important to recognise that the Commission must be streamlined. According to the terms of the treaty, Ireland is doing rather well. Although opponents of it state that we are losing out, in the overall balance of the larger pool we have done well. I cannot imagine anyone having difficulties with the new office of the president, whatever about who will fill that position. The voting procedures seem practical for efficiency, ensuring that the very large transnational organisation that is the EU will function coherently.

It is unfortunate that there is misrepresentation in respect of tax and defence. Madame Lagarde’s rather arrogant intervention in the past few days does not help. I am surprised at this intervention by a senior Minister in the French Government at a time when discretion is the better part of valour. I am glad the Minister for Foreign Affairs and Deputy Joe Costello made clear rebuttals of such proposals on tax harmonisation.

There is an important element in respect of the input of national parliaments. This is a new departure for European structures and the way policy is framed within the EU. It may be a

[Deputy Liz McManus.]

small step but it is one that recognises the attachment to the importance of national parliaments across Europe.

Important principles, some of which are repeated and some of which are new, underpin the Lisbon treaty and must be echoed and affirmed in the House. One concerns the Charter of Fundamental Rights. These are principles on the rights of people across Europe, whatever their circumstances or class, and they are important to establish the underpinning of social democratic values across Europe. There will be social proofing in terms of social partnership and this has done much in this and other countries in ensuring prosperity and fairness, limited as it may be.

The humanitarian values expressed in the Lisbon treaty are important. On global poverty, it seems that we are in danger of excluding more people as we become richer, as the rich part of the world can assist those areas that are suffering deprivation and severe poverty. Under Article 188D, the treaty states: "Union development co-operation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty". While this is a simple statement and people can claim it is only an aspiration, its inclusion in the treaty is important, as are statements regarding the third countries that are victims of natural and man-made disasters and the establishment of a European voluntary humanitarian aid corps. These practical measures must be underpinned in the treaty and outlined to the public when discussing the treaty because of the danger of discussing the mechanics rather than the fundamental philosophies.

The other great set of values included in the treaty relates to the environment. The EU's record has been positive and significant in terms of environmental change and measures to protect the environment. For the first time, however, the considerable challenge everyone faces in tackling climate change has been included in a European treaty, which I welcome warmly. While the EU has set us great challenges in terms of our role in tackling climate change, we have not lived up to them until now. The challenges have not gone away just because the Government disregarded the issue's importance in the past decade. The problems are getting more acute and the responsibilities are deepening. The EU has set us a stringent target of a 20% reduction in greenhouse gas emissions by 2020, representing a fall in CO₂ production from 77 million tonnes to 55 million tonnes. This is a significant change, but it is in the interests of the world and we must play our part. The all-party consensus referred to by the Tánaiste is not the issue, as it is not a question of parties falling out concerning climate change. Rather, it is a question of whether the Government has the bottle to introduce measures that will make a difference.

Regarding the forthcoming referendum, the Ceann Comhairle led a delegation to Germany some months ago where I attended a range of interesting meetings with German parliamentarians. How conscious they were of the importance of the referendum was striking. As we are the only country that will have one, the future of Europe hangs on the decision of the Irish people effectively. The importance of this was brought home to us, but I am not sure as to how far the referendum's importance has sunk into the public consciousness. The impression I have of the public mood concerning the Lisbon treaty is of bewilderment and boredom. We must address this by ensuring the issues are clearly and coherently explained in a way that is true to people's genuine commitment to Europe. There is a genuine understanding that Europe is increasingly affecting our lives, an effect that will be even greater as the world shrinks and economic power shifts eastwards.

Co-operation at European level will become more important to us. The Minister for Agriculture, Fisheries and Food stated that we are no longer a small island on Europe's periphery. While we are that small island, we are on the periphery of a united and integrated EU that has

an effect on our lives. For example, the cost of mobile telephone roaming charges was determined by the European Commission last year and a decision has been made regarding the use of mobile telephones on aeroplanes. The latter, a simple and small matter, is an example of the practical ways the EU affects us. The EU's position on child abduction is another example of how strong a united, large and diverse Europe's policies on managing and tackling issues can be. This fact is brought home when we see that we can do something significant, not just in Ireland, but across the Continent, to ensure children are protected. This is one of our great achievements through EU membership.

We can deal locally with issues such as crime, the environment and immigration, but our efforts are amplified when Europe works as one. The Economic and Social Research Institute, Ireland's premier research body, published its annual report in which it itemised the key issues it will investigate and analyse. Almost all of them have a strong European dimension, be it in terms of immigration, the environment or social cohesion. In light of this, it is important to have a debate. In a sense, it is good that some opposing opinions are being expressed. We could get cosy if there were no parties and individuals probing and testing our comments. I welcome the debate. Yesterday, I listened to Deputy Morgan to discern the opposing argument. While one could claim that Sinn Féin or Libertas are opportunistically jumping on the band wagon to get publicity, are genuine concerns to which we must listen being expressed? In a sense, the answer is "Yes". The idea that one can send the treaty back to get a better deal is attractive, but it must be recognised that a constitution produced by a long democratic process was found wanting, subsequently rejigged — some would say watered down — and agreed. Yesterday, Deputy Morgan raised issues such as workers' rights, the Laval judgment and the exploitation of migrant workers. While these matters deserve attention, we must sometimes be honest, that is, the EU has generally been positive in terms of the protection of workers' rights. Sometimes, national governments have fallen down in this regard, particularly in respect of agency workers.

The opinion that we can have a perfect treaty that will do everything is erroneous and a misrepresentation of the EU's nature. The Union is a work in progress and no treaty will provide every answer. We must assess and measure whether the treaty is progressive or backward. I objected to the Maastricht treaty because of its right wing bias. Does the Lisbon treaty progress the social agenda? The answer is clearly "Yes". While the progress is limited, the issue is being advanced. Is the environmental agenda being progressed? Again, the answer is "Yes". It is surprising that the issue of climate change has taken until now to be included in a European treaty because the EU's record on tackling climate change is, comparatively speaking, good. Certainly, it is fantastic when compared with the USA's record. The point is that the values underpinning this treaty are those we support as a people and we should act positively by supporting a treaty that promotes such values. Without values, politics are worth nothing.

The European Union often seems to be a distant body which does things that create difficulties, such as straightening bananas and so on, that are at a great remove from people's lives. However, one should look back and consider the longer term. The European Union has been an enormously benign influence in respect of inequality and at times has been a persuader in ensuring that we dealt with such issues. As someone who has been involved in the women's movement for far too long, I recall times when we depended completely on the European Union to protect and promote our rights. When we were obliged to fight tooth and nail against reactionary Government policies that excluded, denied and neglected women, we were able to reach beyond the national Government and obtain support from the European Union in a manner that was transformative for our lives and for women of my generation. This was not limited to women as it also applied to workers' rights and to Northern Ireland.

[Deputy Liz McManus.]

Today, Members are celebrating the tenth anniversary of the signing of the Belfast agreement on Good Friday. The European Union played its part by providing support, funding and space for the peace process to thrive and to come to a conclusion. At times, such EU support was highly important because there were many dark days and difficult times for many Governments that were trying to deal with what appeared to be an intractable problem, but which came good in the end.

The Minister for Agriculture, Fisheries and Food, Deputy Mary Coughlan, mentioned the urban-rural divide. As I represent County Wicklow, I also recognise that. My county enjoys the benefits of the Leader programme and it has been recognised that one cannot leave people behind in the course of our development and that helpful supports can be brought in on foot of the provisions within the European Union.

As for the environment and tackling climate change, the greatest challenge imaginable has been presented to us. The Government has set a target in the programme for Government of a 3% reduction in CO₂ emissions every year. However, when one queries this target, even Green Party Ministers suggest that rather than meaning 3% every year, it means annual reductions of 3% overall. I do not sense the Government is conscious of what must be done. I refer to the tough and radical change that will be required to meet the targets set for Ireland by the European Union. A debate on climate change will be necessary and while active discussions have taken place at committee level, ultimately unless the Government makes a focused and co-ordinated effort on climate change, Ireland will have failed in its role in respect of the European Union. Members have a responsibility to ensure the Lisbon treaty is passed and that Europe can be made more democratic, efficient and socially conscious. If we do so on 12 June, we will have done a good service to the European Union. However, this will only constitute the beginning because given our responsibilities regarding the environment and climate change, Ireland has not yet begun to live up to its obligations.

Deputy Rory O'Hanlon: I wish to share time with Deputy Peter Power.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Rory O'Hanlon: The European Union is the second greatest achievement of politicians in the history of the world, the first being democracy. The major contribution has been peace in Europe. When one considers the history of Europe, one can see how it devastated itself, century after century, for the past 1,000 years. Two world wars took place in the last century and 60 million people were killed in the second one. There now is peace between the nations of the European Union and for more than 60 years there has been no war between those nations. I refer to the insistence on the rule of law, human rights, civil rights and respect for human dignity. It is always important to remember such features when discussing the European Union because people seem to stress the importance of the economic and social benefits for the citizens of Europe, which of course are of fundamental importance.

Ireland always has been a good European country and the Irish always have been great Europeans. This extends as far back as the fifth and sixth centuries, when we sent our highly learned scholars abroad to establish centres of learning throughout mainland Europe, where they flourished for centuries. In recent days, colleagues in this House have referred to numerous incidences of close links between Ireland and Europe through the centuries. Ireland joined the European Union in 1973. We struggled for 800 years to secure our sovereignty and, having enjoyed it for 50 years, we sacrificed a little of it to become members of the European Union. However, in so doing we enhanced our sovereignty because for a country of 4 million people,

we play a role that is out of all proportion to our size on the world stage and this relates closely to our membership of the European Union.

Why should we ratify the Lisbon treaty? First, the Lisbon treaty contains little when compared to, for example, the previous treaties such as the Single European Act or the Maastricht, Amsterdam or Nice treaties. Its main purpose is to make the European Union more manageable. The same structures manage the European Union today as obtained in 1953, when there were only six member states, as opposed to the present total of 27. The three institutions that drive the European Union are the European Parliament, the Commission and the Council of Ministers. The role of the European Parliament will be enhanced in respect of input into legislation and policy for the member states and citizens of Europe. Membership of the Commission has been reduced from 27 to 18 and it is important to remember this measure is not new to this treaty, because we already agreed in the Nice treaty to reduce the number of Commissioners.

An important point for the Irish people is that we will have equality with all other member states. Although our population is only 4 million people, we will have a Commissioner on exactly the same terms as does Germany, with a population of 80 million people, and all the other member states of the European Union. Moreover, the five bigger states, namely, Germany, France, Italy, Britain and Spain, had two Commissioners until 2004. However, they will only have one Commissioner, in exactly the same way as Ireland, that is, in every 15-year cycle there will be a period during which member states will not have a Commissioner.

Qualified majority voting already exists and will be increased to combat certain areas such as crime and global climate change. It is of benefit to have 480 million people represented while addressing these issues, rather than trying to address them on our own. An important aspect of the new treaty is that it makes no change to the position on taxation. We will continue, as will the other member states, to implement our own taxation structures howsoever we wish in our own country. It is disingenuous of people to suggest otherwise as the treaty does not change our way of dealing with taxation in this State.

The same applies to defence and section 15 of the Bill continues the prohibition on Irish involvement in a European Union common defence. We now have five different legislative provisions to ensure we cannot join a common EU defence. The most important of these is the requirement on the part of the Government to get the people's opinion through a referendum before signing up to a common defence policy. Our neutrality is completely protected in this treaty, as it has been in every other treaty since we joined the EEC in 1973. It is interesting that the people who oppose the present treaty came up with the same chestnuts in every previous referendum. None of the predictions they made in the past has come true and they are certainly wide of the mark on this occasion.

The same applies to socio-moral issues, in which regard we have total control of our own destiny. The treaty will give more power to the Oireachtas in terms of input into policy and preparation of legislation. The Charter of Fundamental Rights, which is very important to the citizens of Europe, will be enshrined in the Lisbon treaty.

Ireland has benefited both economically and politically from the European Union. The greatest benefit is probably our membership of a market of 480 million people, which not only has been an advantage to farmers and the agricultural economy in general but has also made us attractive to foreign direct investment. The number of people working in Ireland has doubled since our accession to the EEC, with an additional 1 million people in employment in the past 20 years alone. *Per capita* gross domestic product has increased from 60% of the European average in 1973 to 143% today. In the agricultural sector, as the Minister for Agriculture, Fisheries and Food has pointed out, €41 billion has been paid out through the Common Agri-

[Deputy Rory O'Hanlon.]

cultural Policy to date and a further €12 billion will be paid between now and 2013. Furthermore, Structural Funds and regional funds have totalled €17 billion. Therefore, we have greatly benefited as a nation.

Ireland is the only member state out of 27 which will hold a referendum to allow people to decide on the Lisbon treaty. Other states are ratifying the treaty through their parliaments. It is interesting that states with considerable numbers of eurosceptics, such as the Tories in Britain, are ratifying the treaty through parliament. It is also interesting, although not surprising, to see Sinn Féin line up with these eurosceptics in opposing the treaty. Only four out of the 166 Members of this House have spoken against the treaty.

It is important that people are informed about the arguments in the weeks before 12 June, that Members who support the treaty canvas and answer questions on doorsteps and that literature is circulated to every household so people can make a well informed decision. The European Union, including Ireland, will benefit from the changes to management structures proposed in the treaty. It is important to vote "yes" on 12 June because we want the world to see our commitment to the European project and ensure we remain at the forefront of the development of the new Europe by maintaining and enhancing the benefits for the citizens of the EU.

Deputy Peter Power: I pay tribute to the architects of this treaty, whose identities and backgrounds are instructive to consider. The former Taoiseach and leader of the Fine Gael Party, John Bruton, should be commended on the critical role he played during the early stages of the construction of this treaty. Tribute should also be paid to the outgoing Taoiseach, Deputy Bertie Ahern, who took up the baton by bringing 27 countries together to agree on a common agenda for dealing more efficiently with issues. The Tánaiste and incoming Taoiseach, Deputy Cowen, and the Minister of State at the Department of Foreign Affairs, Deputy Roche, should also be complimented for the crucial roles they played in facilitating the negotiations that led to the treaty. If ever there was a compelling reason for Ireland to support the Lisbon treaty, it is that former, present and future Taoisigh have played key roles in formulating it. This demonstrates that Ireland's place is at the heart of Europe and the influence we have had on this treaty. Our role in drafting it has ensured our national interests will be protected. It could never have been envisaged 30 years ago that the role Ireland plays in Europe would be so disproportionate to our population and size.

Those who invite us to oppose the treaty would ask us to agree that the referendum will not be about Europe or the European project but about the merits or otherwise of the detailed text of the treaty. I fundamentally disagree. This is a referendum on the European Union and it presents Ireland with an opportunity to pass judgment on where we stand in Europe. This vote is as much a referendum on the European Union as it is about the arguments and complexities of qualified majority voting or the rotation of commissioners. The destiny and ambitions of this country are intricately tied to the European project so we cannot consider the treaty in isolation. Weighing up its pros and cons without having regard for the wider issues would be a fundamental misunderstanding of what is at stake.

This is an amending treaty so it must be considered in the context of the legislation that preceded it. That is a fundamental flaw in the positions being adopted by opponents of the treaty who claim that our national strategic interests will be protected by a "no" vote. In the same way that Ireland's interests are best served by ratifying the treaty, our worst interests would be served by opposing it. That should not be misinterpreted as scaremongering because it is a reality which the citizens of this country need to grasp before they cast their votes. The

consequences of rejecting this treaty will amount to a complete abdication of everything we have contributed through the central role we play in Europe.

The facts that should be put before the people are simple. Perhaps more than any other country in Europe, Ireland has benefited from participation in the EU. Our embrace of the European ideal recognises a rapidly changing world in which the benefits for countries of co-operation greatly outweigh working apart. That reality was recognised 40 years ago by Seán Lemass, Charles Haughey and senior civil servants who understood what was involved.

The Tánaiste, speaking yesterday, mentioned the concept of practical patriotism. Surely, if ever there was an example of practical patriotism, it was Seán Lemass with foresight embracing the reality that Ireland's future lay in the heart of Europe, not in isolation at the edge of Europe. I take this opportunity to compliment and congratulate our new leader, Deputy Brian Cowen, on his central role in the process of bringing forward this treaty.

Just 30 years ago it would have been unthinkable for Ireland to be a main player in Europe, which we now are. The reality is that this country, more than any other, has grasped the opportunities that are available through membership of the European Union and we have also contributed to its development. In this debate, we should not forget some of the fundamental driving forces behind the EU. As my colleague, Deputy Rory O'Hanlon, clearly pointed out, the Union — the European Coal and Steel Community as it then was — was born out of the turmoil, chaos and conflagration in Europe half a century ago. Its ongoing development has given us the most prolonged period of peace and economic prosperity for hundreds of years, undreamed of in previous generations. The goal of continuing that development, economic prosperity and peace is a noble one. The lessons of previous treaties are that unless we continue to develop the Union to make it more accountable, effective and efficient to deal with the requirements of the citizens of the European Union, we will be at a loss.

In the same way that the European project was developed to deal with transnational problems of conflict and Fascism in Europe, it is now best placed to deal with transnational problems of international terrorism, the diminishing supply of energy, security issues, globalisation and of course climate change, to which reference was made by many Members in this debate. Those who suggest otherwise are flying in the face of reality and logic. I was taken by the comments of a former Attorney General, former member of Fine Gael, former Commissioner and the highly respected chairman of Goldman Sachs, one of the premier international finance houses, who said that this is by far the most minor of any of the EU treaties in terms of transferring sovereignty or competences to Europe and that those who argue against it produce arguments of little substance which are absolutely illusory.

What are the key changes? We are giving virtually no new competences to Europe, except in the area of climate change, which is welcome, as has been acknowledged by all. We are increasing the availability of qualified majority voting, QMV, which is the only way to give the EU greater efficiency and effectiveness to deal with the issues we have been discussing. The one competency which we have not transferred in this treaty, and which we should not transfer, is in the area of taxation. I compliment the Taoiseach, Deputy Bertie Ahern, on his steadfastness and consistency in dealing with this issue. Taxation was our red line in the negotiations.

As I said at the outset, engaging in Europe and having our best people engaged at the heart of Europe, no matter from what political tradition or party in the House they come, is the best guarantee of protecting the interests of this country in the years to come. I commend the treaty and the Bill to the House and the country.

Deputy Brian Hayes: I wish to share time with Deputy Ulick Burke.

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

Deputy Brian Hayes: The point made by Deputy Peter Power is an important one. One of the great expressions of political maturity in this country has been the virtually unanimous position of the three biggest political parties over a sustained period in support of the European Union. This should not be underestimated. In other countries it has not been the case. In Britain, the issue of Europe has at times been dragged into a kind of domestic political mire, which makes it very problematic for that country to see advantages in Europe. One of the reasons the British have not supported a single currency relates to the difficulty that the two great parties in Britain have not found common cause on the issue of Europe. We should not underestimate the agreement we have had over a sustained period — well nigh on three decades — in the context of this referendum. It is significant that advances that have come about since our membership of the EU have been brought about because of that consensus.

The fact that Ireland is the only country of the 27 EU member states to vote in a referendum puts it in a very unique position on 12 June. It is important for Ireland that we are the only country in which the popular vote will occur and it is important for Europe. It is worth stressing that when citizens come to make up their mind on this treaty, they are aware of the significance of their vote. If this vote goes down, the treaty goes down throughout Europe. It requires 27 countries to ratify it, through whatever means they choose, which we should not underestimate. At the same time, we must never forget that under our constitutional architecture, the people are sovereign and we cannot take that for granted.

The problem with the Nice treaty was that the political establishment, including my party and others, took people for granted. That is why it is crucial in the weeks ahead that effort is made on the ground, public meetings are held, arguments in local media and on radio are put to the “no” side, and, ultimately, people are not taken for granted. Name-calling and calling people loolahs will not help. We need a mature debate on the issues of Europe.

Deputy Peter Power is correct that this is about Europe. Every referendum treaty effectively becomes a debate about Europe, which is not bad in itself. In many respects my generation and the younger generation have fallen out of love with Europe, which is largely a result of the lack of proximity of this generation to the two great wars in the first half of the last century. The reason the older generation seems to be more supportive of the European concept is that they remember the war, its aftermath and the depression that followed. They remember the Holocaust and the division between the neo-right and neo-left, and the turbulence this caused throughout Europe. People born in 1969 and the younger generation do not remember this. We take it for granted because of the political progress that has been made to date.

It is also important that those who argue for a “no” vote in this referendum tell us their vision for Europe. If, for example, the rules were changed on QMV or the position of the Commission, would they argue for a “yes” vote? Of course they would not. This issue has been used by certain groups in this country for the same cynical reasons of getting 50% of the publicity or trying to push other political agendas. If the Green Party was on this side of the House today, it would argue against the treaty for its own narrow, pathetic little interest, and everybody in the House knows that. The Green Party has used in the most cynical fashion every EU treaty debate for its own political ends and the people realise that.

We need to put it up to the “no” side. What exactly do they want? How could they possibly argue that by voting “no” and turning down this treaty they would get a better deal the next time? Can we conceive a situation where the Irish people would vote the treaty down after the other 26 member states have voted it through in their parliaments and where we would have to come back and renegotiate, and would get a better deal the second time around? The world does not work like that. Those who argue in that way need to confront the reality.

It is very important that in the course of this campaign people reflect on the positive aspects for this country. I do not believe our relationship with Britain, which has changed dramatically in the past two decades, could have been possible were it not for the EU. In the same way that the French and the Germans have come together in a form of mutual interdependence, the British and the Irish have come together also. We are now equal partners with them in the European Union. That could not have happened were it not for the new European Union and its political reality.

Irish citizens like the idea of having a second layer of rights through the European Union. We have primary rights through *Bunreacht na hÉireann* but we have EU-wide rights also, for example, for workers and women. One can ask whether the advance of women in this country would have been possible two decades ago were it not for the European Union. At that time this country was still in a very conservative mode in terms of the position of women. It was the European Union that led the way. Irish citizens know this and they have a multifaceted view of their rights being domestic but also Europe-wide and international.

If we are serious about issues like climate change it is important that we pool our resources and sovereignty as a means of countering those particular problems.

The dark side of Europe is neo-nationalism. The two great problems in Europe historically have been anti-Semitism and neo-nationalism. The dark forces of neo-nationalism still exist in this country and throughout western Europe and we must confront them. The European project is a political expression of how we counter neo-nationalism by moderate positions and through people of a moderate political dispensation supporting that process.

One can ask why the Lisbon treaty is good. It is the first treaty in a long time that is bottom up. It did not come down from the heads of government or the Council of Ministers; it came from the national parliaments. That point needs to be made. For too long we have had a top-down approach from Europe but this has been bottom up. The European Convention, the Praesidium, involved ordinary parliamentarians on all political sides having a discussion over a protracted period to see whether we could reach agreement. It is unique in that way and it is therefore important.

The key positive for parliamentarians is the recognition of the democratic deficit. It is important to realise there are new powers in this treaty in terms of what is called the “yellow card” and the “red card”, whereby national parliaments can hold up various proposals, scrutinise draft proposals, or hold the Council of Ministers to account if a third of all parliaments come together and state a position that puts a brake on an initiative.

That is important but it also means responsibility for Members of this House. We cannot say we want these additional powers so that these national debates occur if we are not prepared to put in the time and effort to work in committees to ensure that those powers are realised. Parliamentarians in this House and the other House need to realise there are significant new powers in this treaty which will allow the democratic deficit, a constant problem within the European Union, to be challenged and that is a very good thing.

I also think it is good that Ireland now has the same rights to a commissioner as the great countries of France, Germany, Britain or Italy. The notion that a country of 4 million people has the exact same rights to a commissioner as the British or the Italians, countries with up to 70 million people, is an astonishing deal. Where would one get it? This notion is very significant. We must recognise this is an important new deal and a mechanism by which Ireland can move forward within this complex political architecture. Twenty seven countries, all from different backgrounds with different languages and history have managed to come together to create — as Deputy O’Hanlon correctly identified — one of the most important political developments in the world; the establishment of the European Union.

[Deputy Brian Hayes.]

There is a responsibility to defend that Union and for the younger generation to understand the history of how that Union came about and on the people to vote “Yes”, as I hope they will, on 12 June.

Deputy Ulick Burke: I am pleased to have an opportunity to contribute to this debate. From listening to the contributions in the past two weeks, there is a clear indication that all of the main parties recognise the benefits we have received from our membership of Europe. Since 1973 Fine Gael has been to the forefront as a pro-European party at all times. I note that in his contribution, Deputy Peter Power clearly indicated the part played by various taoisigh from that period in supporting the idea of Europe.

Nevertheless, it is important that we realise there is work to be done to ensure that this treaty is passed. The eyes of Europe are on Ireland because we are the only country that is holding a referendum on the treaty. All of the other 26 countries have either passed the treaty through the parliamentary process or will do so in the near future. We have given the electorate the opportunity to make a decision.

At the outset of the debate the Minister of State with responsibility for European affairs, Deputy Roche, made some unhelpful comments. Likewise, the comments of the Taoiseach on one occasion in response to something that was said. Be that as it may, there is a responsibility on the Government parties in particular to clearly rise from their slumber with regard to the treaty and show to the public that we are serious about our commitment to Europe and to ensure we deliver on this treaty campaign for the sake of the Irish people and Europe at large.

There is no doubt but that we have been major beneficiaries in many areas from European funding. I refer to the Common Agricultural Policy, the Social Fund and Structural Funds. Without that inward movement of resources to Ireland many of the major infrastructural projects would not have even started. It is an ongoing process and there are still many shortfalls in certain areas. The application and interpretation of European directives and how they are administered by our Ministers is a source of widespread concern. I hope clarification can be provided in a number of areas between now and 12 June.

The Minister of State at the Department of Agriculture, Fisheries and Food, Deputy Browne, is present. His Department administers the REP scheme from which the agriculture sector and environmental protection has benefitted greatly. The doggedness of departmental inspectors, however, has resulted in the penalisation of applicants by 50% of payments for insignificant administrative reasons. I come from the west and am familiar with counties Galway and Mayo. A reply to a parliamentary question two weeks ago from the Department revealed that these counties experienced the highest refusal rate, including on appeal. The people who are hurt by this will obviously have serious reservations about supporting the treaty in the referendum. Such instances and many others besides have to be rectified and guarded against.

Deputy Brian Hayes: Hear, hear.

Deputy Ulick Burke: Farmers in the mountainous areas of the west, especially sheep farmers in Connemara and other areas, have been told they will be unable to make a living for much longer as a result of the implementation of the directive. It is unfair that these directives are implemented much more strictly here than in other European Union member states. There is something wrong in a Department if an individual superintendent or regional inspector can penalise one area. Thankfully, this unfair approach is not uniform throughout the country. The Government must take responsibility for this problem.

Penalties are also applied unjustly in the areas of heritage and the environment. Their implementation suggests individual officials are pursuing a vendetta. I hope this problem will be corrected because the core opposition to the treaty in certain areas stems not from the arguments promoted by those campaigning against it but from the failure of departmental officials to implement the directive as intended.

It is important to recognise the benefits of EU membership. Income from Europe has transformed agriculture, for example, and Ireland has been a net beneficiary of €60 billion in EU funding, having contributed approximately €19 billion to EU coffers. This helps to explain the advances secured in agriculture since we joined the EEC in 1973.

Ireland is a major food producing country. We have made tremendous improvements in farm production and output and added value to our products. While significant increases in income from agricultural exports contributed to the Celtic tiger, food costs in Ireland are the highest in Europe. Why are those who should have benefited most from increased productivity and higher prices, namely farmers, not sharing the benefits? It is no longer attractive for many young people to remain in farming, despite European incentives, and many older people working in agriculture realise they will not be able to pass on their land to be farmed in the traditional way. It is wrong to blame European directives for this problem. On numerous occasions, the Government has unfairly blamed Europe for its own inability to fairly apply many of its policies.

Deputy Michael Moynihan: I wish to share time with Deputy Chris Andrews.

I welcome the opportunity to speak in the debate on the Lisbon treaty. Following the Treaty of Rome and the establishment of the Common Market, Ireland joined the European Economic Community in 1973. For many years, the European Community was closely associated with the agricultural industry and many of the benefits flowing from membership were regarded as exclusive to the sector. One of the foundations of the Treaty of Rome was to guarantee food supply throughout Europe. However, as the European project has progressed and developed, society as a whole has enjoyed significant benefits. The European Social Fund, for instance, has delivered many social benefits, while trade and the education sectors have also advanced.

The Common Agricultural Policy has played a key role in the development of farming, especially the food industry, since we joined the EEC in 1973. Community decisions exerted a major influence on the sector. It is vital for the future of the agriculture industry and its spin-offs that we continue to play a full and positive role in EU decision-making, specifically in the key agrifood sector. Given that agriculture is our most successful and important indigenous industry, we must ensure we continue to be major players in Europe.

As speakers noted, difficulties have arisen as a result of the interpretation of some European directives. Notwithstanding such negative factors, membership of the European Union is good for agriculture and rural communities. The agricultural sector has made significant advances since 1973, with farm size, productivity and output increasing substantially. From 1973 to 2006, for example, Ireland received €41 billion from the European Community, of which €38.7 was from the European agricultural guidance and guarantee fund, EAGGF, for direct payments, market supports, export refunds, intervention aid for private storage and the accommodating measures, including the rural environment protection, farm retirement, fish withdrawal and forestry schemes.

The MacSharry reforms of 1992 included the introduction of the rural environment protection scheme, REPS, one of the most successful EU schemes to date. REPS delivered major improvements in the agricultural and rural environment by encouraging farmers and landowners to improve their lands. The Government must support the continuation of the scheme.

[Deputy Michael Moynihan.]

The Leader programme has provided support for rural industry. Deputies will know their respective areas but in my area, Duhallow and Ballyhoura have benefited enormously from the projects funded under the Leader programme, which has increased off-farm employment in rural communities through the establishment of many new indigenous industries. Long may this fantastic programme continue because it delivers excellent value for money.

In the past, particularly in the 1950s and 1980s, one of Ireland's greatest problems was the ongoing exodus of young people leaving on the emigration boat. Many social issues have arisen because, for once, emigration, which existed since before the Famine, has been stopped and many more people now live in Ireland. We must ensure through the European Union that we provide for every sector of society. Funding that came through in the early days of EU membership for the education sector has helped to equip our young people with a better education and, in turn, helped maintain our economy.

Many opponents of the treaty are making much noise about rejecting it. We must accept the treaty. Ireland is the only member state to have a referendum on it. This opportunity to exercise our democratic right on the treaty is a lasting testament to de Valera's 1937 Constitution.

While it is easy to pick out and focus on, for example, three negative points of the treaty, it is important to have an informed debate. Opponents claim the treaty will affect our neutrality. Nothing could be further from the truth. In a recent reply to a parliamentary question, the Minister for Foreign Affairs stated: "all member states remain free to determine their own policies in these areas ... and other areas of EU competence. The reform treaty does not change this position".

Ireland has participated fully in Europe since 1973. Many of our best ambassadors have done good work across the European Union. We must ensure the reform treaty is passed. Uniquely, the three largest political parties are in favour of the treaty when in other countries that is not the case. We must use this unanimity to sell the message to the people with an informed debate on the referendum.

Some claim they do not have any information on the treaty. One would need five years to study the entire intricacies of the consolidated treaties. The Lisbon treaty tidies up and consolidates successive European Union treaties. The treaty is to the benefit of the Republic and the whole island of Ireland. We must ensure it is passed and that we continue to play an active and full role in Europe. We must ensure we never return to forced emigration from the island and continue the economic stability and prosperity we enjoy. We must continue to maintain those born and reared in Ireland so that they can live their lives to the full.

I commend the Bill to the House and the Lisbon reform treaty to the people. We must do everything in our power to ensure it is passed on behalf of the Republic.

Deputy Chris Andrews: I commend the Twenty-eighth Amendment of the Constitution Bill 2008 to the House. Over the next two months we will hear both sides of the debate on accepting or rejecting the Lisbon reform treaty. Two guiding questions must be asked by all voters. First, what would the impact be on Ireland if we were to vote "No"? Second, how will this treaty affect the voter?

A "No" vote would have a serious impact on Ireland's economy and people. We have heard many reminders about how beneficial membership of the EU has been for Ireland. As Deputy Moynihan stated, education was one key area. Foreign direct investment was only €16 million in 1972 while today it is billions of euro. The workforce has more than doubled, social rights have improved significantly and Structural Funds have contributed to improving our infrastruc-

ture. We are now part of the strongest currencies and have unfettered access to a growing market of 500 million people.

Ireland's relationship with the EU has been a very positive one. The "No" campaign, on the other hand, is pulling up the drawbridge before less fortunate member states can get on board. There is a selfish and thoughtless position to keep what we have achieved for ourselves. Being part of a wider regional political and economic entity enabled us to modernise in many ways. We are a small open economy. It would never make sense for us to go it alone.

A "No" vote would indicate to our economic trading partners, both in the EU and outside, that we are pursuing an isolationist policy. A "No" vote would reduce, not increase, our speaking voice in European institutions. While Ireland will lose a commissionership for five out of every 15 years, the consequences of this change are being exaggerated. Every state will lose a commissionership for the same length of time. A more streamlined, more efficient and co-ordinated Commission will be better equipped to deal with future challenges. Some ask if it makes a difference if there are 18 or 27 Commissioners. The answer is "Yes". The EU is facing more challenges in 2008 than when the six founding member states came together in the 1952 to form the European Coal and Steel Community. Any other successful organisation would alter its rules to reflect major changes. The EU should not be any different.

A "No" vote would signal to investors that Ireland is not fully committed to the EU. The timing of the referendum, when we are seeing signs of an economic slowdown due to the global credit crunch, could not be more significant. Due to our Constitution, we have an opportunity to signal to investors our commitment to Europe — no other member state has this chance.

How will the treaty affect the individual voter? To many people, the EU is regarded as something that happens in Brussels and may not directly affect their lives. Nothing could be further from the truth. The EU has a direct impact on many aspects of our lives through our currency, regulations and directives in the areas of food safety, employment and human rights law, common travel areas and common markets. We are also part of an economic unit that provides a counterbalance to the US.

The five main changes to be introduced by the Lisbon treaty are a two and a half year presidency of the Council instead of a rotating six-month one, the reduction of the Commission from 27 to 18 in 2014, the increase in the legislative powers of the European Parliament, the increase in the role of national parliaments and making the Charter of Fundamental Rights a legally binding document. These changes will affect the individual and quite simply, they will make the European Union better equipped to face future challenges. In particular, it will be able to deal with modern global challenges, such as climate change, transnational crime and trafficking, immigration, significant changes brought about by population increases and the threat of pandemic diseases.

A longer-term EU Presidency will provide a more coherent and co-ordinated policy and will allow the EU to play a leadership role when needed. A more streamlined Commission will, similarly, enable more effective policy making. The expansion of the role of both the European Parliament and national parliaments will create a more democratic and transparent Union, enabling citizens to have a more direct input.

Another example of this is the citizens' initiative, whereby citizens can make a proposal directly once they have a million signatures. The Minister last week reminded us that in 1979, when the European Parliament was first directly elected, it had no legislative power. The EU is therefore moving at a very steady pace towards becoming more democratic and transparent, and not less transparent as one could imagine by listening to some people. As well as being more democratic, the EU will have a more co-ordinated method of policy making.

[Deputy Chris Andrews.]

The side advocating a “No” vote would lead one to believe the Lisbon treaty is undemocratic and a bad deal for Ireland. I honestly cannot see the logic in those arguments. That side contends we are heading towards increased militarisation and a common tax base, all of which are issues being used to try to spook voters. The arguments are without foundation as the triple lock mechanism is protected and we maintain unanimity in the tax area. There is no Irish support, either politically or in the business sphere, for a move towards tax harmonisation. The Lisbon treaty does not give up control in this area.

That Ireland is the only country holding a referendum means we have a great opportunity to have Ireland’s voice heard on the international stage. We can signal our commitment and ability to continue to shape European policy in the years ahead.

Over the next two months there is no doubt we will see a very broad range of arguments and issues but this treaty has already received endorsements from a variety of social partners, including employers’ group IBEC and the farming group, the IFA, which Deputy Durkan knows well. There is significant support for this and the treaty will be approved, although not without good, clear and coherent arguments. That is what this Government is facilitating and I compliment Deputy Roche on his Trojan efforts to get across the message.

People are always indicating they do not have enough information but there are tonnes of information out there if people make any effort to look for it. Sometimes when people indicate they do not understand something, it means they do not really want to. It is our job to deliver the message to the doorsteps, which we will do.

I ask voters, when making up their minds, to do so on the basis of two questions. These are what the treaty will do for Ireland and what it will do for the individual. When voters reflect on those questions, they will realise this treaty is good for Ireland, other smaller nations and Europe as a whole.

Deputy Bernard J. Durkan: As others have said, this debate affords us the opportunity to voice our opinions on a very important issue. I should declare an interest as I am chairman of the European affairs committee. Tonight we propose to take committee meetings into the public arena so members of the public can participate, as well as those who are in favour and against the treaty. I hope the debate will be of benefit in assisting the Irish people make up their minds on the issue.

Deputy Chris Andrews noted that people will always say they do not have enough information but we hope to provide a sufficient amount. I contest the view that we do not have enough information.

We are the living testimony to the benefits of European membership. Of all other countries in Europe, no country has progressed to the extent that this country has since it became a member of that greater body. The reason for this is simple; it is because we have had access to more than one market. We were dependent on one market when we supplied our next-door neighbour with cheap food and labour.

It became a way of life, where Irish people were expected to go forth and supply the market on a continual basis, to the detriment of our own economy. That is the reason we exported our population all over the world and particularly to our neighbour. That country was very good to us as it gave us employment and bought our goods, although it was always a restricted market. When things were not going so well over there, we also suffered the chill and draught, ultimately paying the price.

Since accession to the European Union, or the common market as it was known at the time, we have done remarkably well. We have also proved something which we needed to prove —

that we were capable of doing it and if we got a fair chance and even break we could make it on our own. We moved away from a position where we were dependent on a handout and were expecting manna from heaven to fall at every opportunity. In the past number of years, we proved as a country we could do it ourselves and tango with the best. We have done so very effectively and we have nothing to worry about in that respect.

We have also shown leadership within the European Union, which is very important in this particular context. There is no sense in going forward, sending Ministers or taoisigh to Council meetings and gatherings of Heads of Governments unless they go with a purpose. As well as taking on board issues they must go to lead. With any areas where we have missed out or where we believe we should have done better, this only came about because we failed to lead adequately. Such instances are very few and far between.

People regularly assign blame to the European Union in this country when something goes wrong. It is an easy target and a whipping boy for when something goes wrong. We can blame the bureaucrats in the European Union. Nevertheless, I was told confidentially some years ago that we have a fair amount of bureaucrats ourselves and we did not need to go over there for them. We could supply them with a full market if there was a need.

We have participated and must continue to do so. We must lead, initiate and propose matters. At times we must provide opposition to ensure we do not go slavishly forth into the European arena, with one hand as long as the other and nothing to offer. We have dominated and we will need to dominate in the future in order to do the job which needs to be done, not only for this country but for the benefit of Europe.

There are those who suggest we should vote “No” at this time. It is a little like going into a football match, being halfway through the turnstile before trying to reverse. It is a very difficult exercise, if anybody wants to try it, and it has about the same effect. To say we can vote “No” and it will have no effect is like saying we can stay away from work tomorrow and it will have no effect. Theoretically this is the truth but if one does so too often, there will be recriminations.

It is necessary for us to be seen as positive and give a lead on the matter. We are the only country in Europe that requires a referendum on the matter. We should prove that having a referendum is not an impediment to democracy but is rather a positive step. Some European countries have good reasons for not having a referenda. Some have very stark memories reminding them of this.

There are 500 million people in a market of which we form part. We are leading members of that group of people.

Cuireadh an díospóireacht ar athló.

Debate adjourned.

Local Government Services (Corporate Bodies) (Confirmation of Orders) Bill 2008 [Seanad]: Second Stage.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): I move: “That the Bill be now read a Second Time.”

Before referring to the Bill, I wish to provide some background information on the Local Government Services (Corporate Bodies) Act 1971. The purpose of that Act was to enable the Minister, by order, to establish corporate bodies to provide for the local authorities and-or the Minister such services as are specified in the establishment orders. The immediate need in 1971 was to establish a body to enable the local authority conciliation and arbitration scheme to operate effectively. The Act was framed in general terms so that the powers it conferred could

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be used to establish bodies to provide other services for local authorities, if that was found to be necessary or desirable.

In the period since the Act came into force, 13 bodies were established under its provisions. Of these, seven remain operative. Some of the bodies established were merged with others or dissolved depending on the demand for the service specified. The initial body established, the Local Government Staff Negotiations Board, still exists but is now known as the Local Government Management Services Board. Due to changing circumstances, the National Road Safety Association, the Fire Prevention Council and the Irish Water Safety Council were merged in 1987 to form the National Safety Council. In the interim, the National Safety Council was merged with the Road Safety Authority, while the Irish Water Safety corporate body has been re-established.

In general, the bodies were established to provide specified services for local authorities where it was more useful to have a single provider than obliging each local authority to acquire or provide a service. A good example is the Local Government Computer Services Board, which has provided large computer systems and software programs that can be used by each local authority. The other services generally related to fire, water and road safety. In total, 41 orders were made under the 1971 Act. Apart from the 13 establishment orders, these consist of orders amending the establishment orders, orders revoking various bodies and orders designating bodies for which bodies established under the Act could provide services.

The Bill before the House is short and is designed to address matters concerning bodies established under the Local Government Services (Corporate Bodies) Act 1971. Following advice he provided in respect of the Health (Corporate Bodies) Act 1961 and the subsequent passing of the Health (Miscellaneous Provisions) Act 2007 by both Houses of the Oireachtas last December, the Attorney General indicated that the possible unconstitutionality of section 3 of the Act of 1961 regarding health-related bodies also extended to local government bodies established under section 3 of the 1971 Act. This arises because the 1971 Act contains provisions similar to those in the 1961 Act.

It is not a question of any of the corporate bodies involved having no legal basis. I assure the House that all the bodies were properly constituted under the 1971 Act by way of statutory instruments. However, given the advice and recommendations from the Attorney General, the Bill before the House is required to confirm the various orders made for existing corporate bodies. Deputies will appreciate that given the importance of bodies established under the 1971 Act to the local authority service, it would not be appropriate to allow doubt to exist in this matter. Early enactment of the Bill is, therefore, desirable to confirm the establishment orders of the seven existing bodies in primary legislation.

The Bill, apart from the amendments to the Limerick regeneration agencies' establishment orders, involves no policy change and no additional charge on the Exchequer. It clarifies the areas covered by the Limerick Northside Regeneration Agency and Limerick Southside Regeneration Agency and provides for two additional appointments to the boards of each, one from among the staff of FÁS and another from among the local community or business community.

The two bodies in question were established in June 2007 on foot of the findings of the report, Addressing issues of Social Exclusion in Moyross and other disadvantaged areas of Limerick City, compiled by former Dublin city manager, John Fitzgerald, which was delivered in April 2007. The agencies are tasked with driving forward the development of comprehensive measures to tackle issues of social exclusion in Moyross, Southill and adjacent areas. As a result of the need for urgent action in this matter, the agencies were established under the Local Government Services (Corporate Bodies) Act 1971. The ambitious work programme of the

agencies has in recent times delivered vision documents for Moyross and Southill housing developments and the lands adjacent thereto. These vision documents were launched by President McAleese and will lead, by the summer of this year, to the development of comprehensive master plans for regeneration of the areas concerned.

I wish now to set out the main provisions of the Bill. Sections 1 and 2 are standard technical provisions setting out the definitions used in the Bill and making provision for the payment of expenses incurred in the administration of the Bill out of moneys provided by the Oireachtas. While no direct expenditure in implementing the legislation is anticipated, it is prudent to include this standard provision.

Section 3 confirms the establishment orders made under the 1971 Act for current bodies and provides that these orders have statutory effect as if made in primary legislation. The seven bodies are listed in the explanatory memorandum to the Bill. The Dublin Transportation Office is included because when it was established, it came under the aegis of the Minister. Responsibility for the office was transferred to the Department of Transport in 2002, when the latter also assumed charge of national roads. Section 3(3) provides for the standard provision in legislation of this nature and ensures that the confirming provisions cannot be construed in such a way that they could infringe any person's constitutional rights. Section 3(4) takes account of the provisions of the Public Service Superannuation (Miscellaneous Provisions) Act 2004, which provides for certain staff to continue in employment after the age of 65. This is being done because most of the establishment orders predated the 2004 Act and contain provisions concerning retirement at 65 years of age.

Section 4 confirms the validity of acts carried out by dissolved bodies in accordance with the establishment orders of the bodies concerned. Section 4(2), in the same manner as section 3(3), states that if this provision were to conflict with the constitutional right of any person, its operation would be subject to such limitation as is necessary to ensure that it does not so conflict.

Section 5 and the associated Schedule amend the establishment orders for the two Limerick regeneration agencies to provide for the appointment of two additional members to the board of each and to clarify the areas covered by both. Section 6 is a technical provision stating that the Act may be cited as the Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008.

The Bill is short but it is nevertheless important. As regards the future, it is considered that the Minister should have authority to establish bodies to provide services for local authorities where there is a specific purpose and where it would be more practical and economical to provide the service by a single body rather than obliging each of the 34 major authorities to act separately at much greater cost.

The 1971 Act was originally brought forward to permit the establishment of the Local Government Staff Negotiations Board, now the Local Government Management Services Board, to provide industrial relations expertise for the local government system. Prior to its establishment there was no formal central forum to discuss local government pay issues. The wisdom of that move has been demonstrated by the excellent service provided to local government management by the Local Government Management Services Board and its predecessor, the Local Government Staff Negotiations Board. These boards have provided a central centre of excellence in industrial relations, human resources and other management services to local authorities for the past 30 years.

In various constitutional actions relating to whether secondary legislation infringed Article 15.2 of the Constitution, the need for the Government to have a mechanism to establish corporate bodies has been recognised in judgments of the High Court and the Supreme Court. In the

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judgment relating to the Pigs and Marketing Board *v.* Donnelly, Hanna J., it was acknowledged that “the functions of every Government are now so numerous and complex that of necessity a wider sphere has been recognised for subordinate agencies, such as boards and commissions”. However, as stated by the then Chief Justice in the judgment in the City View Press case, the test of the constitutionality of the legal instrument establishing corporate bodies is that it gives effect to principles and policies which are contained in the statute itself. I intend to review the relevant section of the 1971 Act to ascertain what strengthening it requires to meet the constitutionality test or if new legislation is required.

As I stated, the Bill is short. It follows from the advice of the Attorney General to ensure that there is no uncertainty attaching to the seven existing bodies established under the 1971 Act and makes the same provisions as those contained in the Health (Miscellaneous Provisions) Act 2007, which the House agreed last December. I commend the Bill to the House.

Deputy Phil Hogan: I propose to share time with Deputy Noonan.

Acting Chairman (Deputy Jack Wall): Is that agreed? Agreed.

Deputy Phil Hogan: Article 15.2.1° of the Constitution states: “The sole and exclusive power of making laws for the State is hereby vested in the Oireachtas: no other legislative authority has power to make laws for the State.” Consistent with this article and the case-law that has developed around it, legislation has traditionally been categorised as either being primary legislation, Acts, or secondary legislation, statutory instruments. There are a number of features which distinguish primary legislation from secondary legislation. The main differences are as follows: a statutory instrument is made by a Minister, usually acting alone, and is not subject to any form of legislative process; an Act must remain within the bounds of the Constitution whereas a statutory instrument must remain within the bounds of its parent Act; statutory instruments tend to deal with procedural and less substantive matters than Acts; and a statutory instrument cannot create an offence.

What we are dealing with in this Bill is a kind of cross-breed of legislation which treads dangerously on the line separating primary legislation from secondary legislation. Mistakes have been identified by three Departments and they must be remedied as the relevant provisions are regarded as being legally unsound. The European Communities Act 1972 allows for the making of statutory instruments which have statutory effect if they are required by our membership of the EU. This marked the first significant blurring of the lines between primary and secondary legislation. In isolation, perhaps that aspect of the European Communities Act was justifiable and tolerable. However, in recent years we have come to see that the approach taken in the 1972 Act has increasingly been replicated. Examples of this are section 6 of the Diplomatic Relations and Immunities (Amendment) Act 2006, section 3 of the Stamp Duties Consolidation Act 1999, section 2 of the Immigration Act 1999, and section 5 of the Health (Miscellaneous Provisions) Act 2007, upon which this Bill is modelled. We should tread very carefully in adopting this approach any further.

I have taken the opportunity of obtaining some legal advice on the manner in which the Government is seeking to enact this legislation and to see which Departments are the most culpable in blurring the lines of which I have just spoken. The approach may be permissible in a constitutional sense, but that does not make it right. The approach being adopted in this Bill has been the subject of some judicial comment. In a recent case, *Leontjava and Chang v. DPP*, Ms Justice Finlay-Geoghegan in the High Court did not think much of section 2 of the Immigration Act 1999, which sought to confer statutory effect on orders made under section 5 of the Aliens Act 1935. The Minister should note what she said: “There does not appear to me

to be anything in the Constitution which authorises or permits the Oireachtas to determine that a provision which is ... secondary legislation should henceforth be treated in the legal order of the State as if it were an Act of the Oireachtas.” Ms Justice Finlay-Geoghegan went on to say: “The only provisions which may be treated as a ‘law’ within the meaning of Article 15 and have the legal status attributable to such a law are laws which have been made by the Oireachtas pursuant to their exclusive law making powers i.e. provisions which are contained in a Bill, passed or deemed to be passed by both Houses, signed by the President and promulgated as a law.” Surely those words from a learned member of the Bench should cause the Minister to question the approach he is taking with this Bill.

The Minister might also consider the consequences of this approach as highlighted more recently by the Supreme Court in the case of *Quinn v. Ireland*. That case focused on section 4(1)(a) of the European Communities Act 1972, which conferred statutory effect on regulations made under the 1972 Act. The question to be resolved was whether, if statutory effect were conferred on regulations, those regulations could only be amended by an Act. The answer of the Supreme Court to this question was a resounding “Yes”. Ms Justice Denham stated:

It has the same status as an Act of the Oireachtas. Therefore the method by which it may be amended requires to be considered from the perspective of this statutory status. As a consequence of having such status, such regulations may only be amended by the Oireachtas.

It can thus be said that conferring secondary legislation with statutory effect is a mere convenience for the Minister because in solving one problem, he is creating another, as this new cross-breed of statutory instruments can themselves only be amended by an Act.

Another question which arises as a result of this new breed of legislation is whether it is covered by the terms of the Interpretation Act 2005. It seems not, because that Act applies to Acts made by the Oireachtas and statutory instruments which have been made under an Act. This new type of legislation appears to fall between the two. It also seems to fall outside the terms of the Statutory Instruments Act 1947. I ask the Minister to clarify whether he will be bringing forward amendments to the Interpretation Act and a new statutory instruments Act arising from the course of action he is taking today.

As far as the Oireachtas and the law-making process are concerned, we are being brought down a certain road and we now see the problems associated with the need to bring in this legislation to cover the Departments of Health and Children, Environment, Heritage and Local Government, and Social and Family Affairs. This is not the right way to go, based on the legal advice to which I have just referred and the decisions and the interpretations that have been put on these matters, particularly with regard to the European Communities Act 2007, which broadens considerably the circumstances in which Ministers can introduce substantive laws in the form of statutory instruments. In so doing, the role of this House in making laws is sidelined.

We have seen many decisions based on political expediency over the past week, but this has been a core value of Fianna Fáil for a long time. It seems the Minister, Deputy Gormley, is delighted to espouse the same values by sponsoring this Bill. The explanatory memorandum states that — presumably back in December 2007 — the Attorney General, following advice from senior counsel, was of the view that there was a legal issue concerning orders made under the Health (Corporate Bodies) Act 1961. If that was the case, why was the need for this Bill not identified then? Are we going to see another Bill in six months to correct matters and implement the Attorney General’s advice on some other issue? The question of why the Minister has not sought to enact the orders in the form of an Act, instead of this legislative fiction, must be asked. The Minister is trying to create an artificial category of legislation which will at best be of questionable status when it is tested.

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Another fact worth noting is that this is the second Bill we have debated that tries to tidy up a legislative mess created by historical inappropriate use of statutory instruments. The first was the Health (Miscellaneous Provisions) Bill 2007, which came from the Department of Health and Children, one of only three Departments responsible for drafting their own statutory instruments. This Bill, which emanates from the Department of the Environment, Heritage and Local Government, is another of these three Government Departments. The fact that there is a need for this type of legislation should cause those at the Office of the Parliamentary Counsel to rethink the current policy of refusing to draft statutory instruments for these Departments.

I now turn to the individual provisions of the Bill. Section 3(1) of the Bill confers statutory effect on “every order under section 3 of the Act of 1971 made before the passing of this Act”. A question thus arises as to whether the statutory effect in question is being conferred on the orders in their as-made, original forms or in their amended forms. If the intent is that statutory effect is to be conferred on orders in their amended forms, that is not provided for in section 3. Given the exceptional nature of what the Minister is trying to achieve here, he must be more explicit and precise. The courts will not infer such an intent and in this instance he will find that section 2 of the Interpretation Act 2005 is of no assistance to him.

Section 3(2) seeks to retrospectively validate actions which would otherwise have been invalid or possibly even unlawful. The House is entitled to be cautious about instances of legislating with retrospective effect. I recall vividly that the former Minister for Enterprise, Trade and Employment, Deputy Harney, when speaking about the Redundancy Payments Acts as they were amended in 2001 arising from social partnership talks, was able to quote advice from the Attorney General that one could not retrospectively pay out redundancy payments to workers in Castlecomer who were made redundant due the closure of Comerama — an issue with which the Acting Chairman will be familiar — because there was a material cost to the Exchequer and that in fact it would be illegal to do so. Yet we have before us an overarching Bill which is doing precisely that. It retrospectively confirms decisions that were made long ago with no difficulty whatsoever.

Section 3(2) is regarded as necessary given that the various agencies have been operating on the understanding that their establishment and authority was soundly based. That confirms what I have just said. Section 3(3) is what is known as a constitutional saving provision. If all legislation enjoys the presumption of constitutionality, I would argue that this provision is unnecessary. Former Chief Justice Keane said as much in the case of *Grealish v DPP*, so I wonder what value this provision adds to the Bill. Either subsections (1) and (2) are constitutional or they are not. Why does the Minister want to have an each way bet on the issue? Even if subsections (1) and (2) are unconstitutional, I am advised that subsection (3) will not save the problem.

Regarding section 3(4), it would have been far better if this provision had been in the form of a textual amendment. As I understand it, this non-textual approach is at variance with the Government’s White Paper on Regulating Better and its policy of statute law restatement.

On the Bill’s Second Stage debate in the Seanad, the Minister of State, Deputy Killeen, said that in regard to the Health Act 1961 and the subsequent passage of the Health (Miscellaneous Provisions) Act 2007, the Attorney General advised about the possible unconstitutionality of section 3 of the 1961 Act in respect of health-related bodies. That also extended to local government bodies established under section 3 of the 1971 Act. This situation arises as the latter Act contains similar provisions to those found in the 1961 Act. That is what the Minister of State said in the Upper House. If section 3 of the 1961 Act and section 23 of the 1971 Act are to be

viewed as possibly being unconstitutional, what does the Minister of State and the Attorney General have to say about other similarly worded provisions in other Acts? It has been brought to my attention that provisions, such as section 22 of the Fisheries (Amendment) Act 1999, section 54(1) of the Education Act 1998, and section 16 of the Fire Service Act 1981, would also fall into the category of being possibly unconstitutional. All those provisions allow a Minister to establish a statutory body by order rather than by primary legislation. Will we have to see emergency legislation coming before the House again in order to patch up such loopholes?

The Bill is short and may seem innocuous but it has far-reaching implications in terms of how the Oireachtas does its business. It also has far-reaching implications as to how we address problems that have arisen in the Office of the Parliamentary Counsel and the Office of the Attorney General, which may not always have the benefit of being teased out in this House on Second Stage, Committee Stage or Report Stage. The value of bringing primary legislation here ensures that issues concerning statutory instruments are not just acted upon unilaterally by the Minister but also has the benefit of being well scrutinised in the Oireachtas. I value that role which gives us an opportunity to tease out legislative matters, thus getting better legislation as a result.

The agencies affected by this Bill have done great work. It is important that their existence and actions are soundly based in law. It is through no fault of the agencies that this mess has arisen. While I support the work of those agencies, I cannot support this sort of legislation. If the Minister wants to remedy this situation it should be done properly by enacting the full terms of the defective orders in the form of a Bill, not in this artificial, short-cut and questionable way.

Deputy Michael Noonan: I welcome this Bill and I appreciate the advice of the Attorney General, which deems it necessary to underpin the establishment of certain agencies with new legislation. Our party's spokesperson on the environment, Deputy Phil Hogan, has dealt with the generality of the Bill, so I will confine my remarks to the extension of the remit of the regeneration agencies, established on the north and south side of Limerick, to include St. Mary's Park and Ballinacurra Weston, as proposed in section 5.

A number of large city council estates in Limerick have been socially and economically deprived for many years. In recent years, due principally to the widespread drugs trade, these estates have been reduced to a state of lawlessness, which has endangered the lives of residents, including children. The criminality which has been fuelled and funded by the drugs trade, has been brought to a totally unacceptable level by the widespread use of firearms, including the use of automatic weapons. The lawlessness and criminality have been further fuelled by the feud between certain Limerick families. The details of this ongoing feud have been well recited in the media, so I do not need to elaborate.

The regeneration agencies, provided for in section 5, arise from the report of Mr. John Fitzgerald, the former Dublin city manager, who was asked by the Government to examine the areas in question and bring forward recommendations. I fully support the recommendations of the Fitzgerald report and I hope they will all be implemented in full in the shortest possible time, so that areas and communities such as Southill, Moyross, Ballinacurra Weston and St. Mary's Park are regenerated both socially and economically, and that residents may again live a safe and fulfilling life, and raise their families in peace and harmony.

The agencies have already commenced their work and have been prompt in doing so. The newly appointed director, Mr. Brendan Kenny, has already established good relationships with local residents and with political and civic leaders. There are some problems, however, with the powers of the agencies. Limerick City Council will continue as the housing authority for the city. Given that the regeneration agencies are charged with knocking down the existing

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houses and the rebuilding of new houses for these communities, the fact that Limerick City Council continues to be the housing agency is, in my view, anomalous.

The regeneration agencies intend to construct new houses for residents, which they will organise on a small cluster basis within the footprint or proximate to the existing estates. The chief executive of the agency has said, however, that he will exclude families with criminal records from the new houses. He claims the project will not succeed if these families are rehoused in the new housing clusters and is emphatic that without Garda clearance they will not be rehoused.

It is unclear to whom the responsibility for rehousing these families will devolve. Presumably, Limerick City Council, as the housing authority, will shoulder the burden. The uncertainty about this issue is already undermining confidence in the agencies, especially in private housing estates in the city and suburbs where residents fear the city council will rehouse these criminal families in their neighbourhoods, through house purchase or through the supplementary rent scheme.

This is a serious issue and I would like the Minister of State or the Minister, Deputy Gormley, to pay personal attention to it. I saw a regeneration project start in Southill some years ago and in the last ten years some €6.5 million was spent on it. Quite frankly, if one went down to the banks of the Shannon and skimmed that amount in euro coins across the water, one would have obtained more value for money. That is because the €6.5 million that was put into O'Malley Park did not last candlelight time since all the houses were wrecked and burned out. We could go down the same road here unless this is handled very carefully.

Mr. Brendan Kenny has been well received in Limerick. I heard him on the "Today with Pat Kenny" radio programme. Pat Kenny asked him how many criminal families he was talking about. He replied that there were 30 families on the north side and 30 families on the south side that he would be excluding from rehousing. He was then asked how many people were in each family and he said the wider family would be about ten people. Therefore we are talking about 600 people who will not be rehoused by the regeneration agencies. These are the families that the Garda Síochána will certify are involved in criminal activity, so they will be excluded from the tenancies. That is the policy position at present.

A Tipperary man facetiously emailed Pat Kenny to say that there were not 600 bad men in the worst days of the wild west, so what hope is there for Limerick. One can joke about the situation and there is a lot of black humour about these issues. At the moment, however, every residents' association in middle class, private housing estates in Limerick is afraid that if the agencies do not rehouse the criminal families, the housing authority will have to do so. Since the housing authority has no building programme, they can only rehouse people by the acquisition of private houses in these estates. It is a serious issue and has the potential to take away much of the support that is there for the regeneration agencies. I am not sure what the solution is but the Minister's Department must define the housing authority for Limerick city. Will the regeneration agencies or the city council be responsible? If both are involved, what are the demarcation lines?

Mr. John Fitzgerald made many recommendations and they were all excellent, in my view. He said that the success of the regeneration project depends on restoring law and order to the areas in question. The social and economic recommendations will not work if this is not done. We have seen in recent times that very little progress has been made. The public is familiar with the ongoing saga of family feuding in Limerick and the frustration of ordinary, law-abiding citizens. I believe the Government must get a grip on this situation as nobody else has the

power and influence to do so. To date, the Government and the authorities have been reactive rather than proactive.

I respectfully suggest that the Minister for Justice, Equality and Law Reform consider the measures I propose because, if he did so, he might reach first base on Mr. John Fitzgerald's list of recommendations for the regeneration agencies. He might also restore law and order, which is a prerequisite to other objectives.

The Fitzgerald report recommended 100 additional gardaí for Limerick and when the Minister for Justice, Equality and Law Reform visited the area last week, he said 80 of them had been appointed. That afternoon, a spokesman from the Garda press office in Garda headquarters said 60 extra gardaí had been appointed. Whichever of these figures, presented on the same day, is correct, 100 gardaí have not been appointed and this number must be reached immediately.

Gardaí must be deployed to community policing duties and to combat gangland crime, but the additional gardaí have not been deployed in such a fashion; many are on traffic duty and ordinary Garda activities. The extra gardaí were introduced for a specific purpose but have not been deployed to fulfil that purpose. Deployment is difficult because, for example, there were two murders in Limerick last week and 120 gardaí dealt with the ensuing investigations. The Garda district covering the city and county consists of slightly fewer than 600 gardaí of all ranks and removing 120 disrupts everything else. When a murder occurs, community gardaí are removed from their posts to cover the investigation, which leaves a lack of gardaí in the communities. Extra gardaí are needed and more attention must be paid to how they are deployed.

Many new, inexperienced gardaí from Templemore are entering the city and should be advised and led by experienced sergeants. There was a commitment that this would be done and one initiative saw the sergeant from Patrick's Well transferred to the city, but Patrick's Well is only down the road and the area has its own problems. The sergeant from Ardnacrusha was also transferred to the city and these moves were presented as a beefing-up at the supervisory level of the Garda in Limerick, which is nonsense.

We need a Garda assistant commissioner appointed to lead the Garda in Limerick because, under the current structure, the assistant commissioner is in Cork. Requests for extra resources and policy direction requiring guidance further up the line must be directed to Cork in the first instance. The gardaí in Limerick need a clear chain of command with a direct relationship with the Garda Commissioner. This can only be done if an assistant commissioner is based in Limerick. I believe the current chief superintendent would be an ideal candidate for the job, but that is not the issue. The issue is that when resources or initiative are required promptly, the request must be able to travel up and down the line to Garda headquarters very quickly.

A small, permanent unit of the emergency response unit should be established in Limerick. It has been introduced on a number of occasions from Dublin and Cork but in such cases it was merely reacting to events that had already occurred. This is largely a public relations exercise. There should be a small emergency response unit in Limerick all the time to support the Garda force there. For example, when gardaí enter a difficult part of the city searching for firearms they need backup. It would not be practical, in such circumstances, to send a request to Cork that would be forwarded to Dublin, eventually resulting in the emergency response unit, ERU, arriving three weeks later, after another horrific murder has occurred. It is necessary to have local resources for quick responses.

There should be a sub-office of the Criminal Assets Bureau, CAB, in Limerick. The CAB works on the basis of pooling information from Revenue, the Department of Social and Family Affairs, the Garda and other agencies. If an officer of CAB, based permanently in Limerick,

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was in constant contact with senior gardaí and Revenue representatives, the criminal families could be targeted and it would be possible to follow the money trail. Ultimately, all of this gangland crime is fuelled by the drugs trade, which is lucrative. CAB has not had a major success relating to Limerick criminals in recent years.

The courts must be more active as many people question the leniency of sentences given; it is felt that they do not act as a deterrent. Murder carries a mandatory life sentence but, in practice, a convicted person may serve less than 10 years. The Minister for Justice, Equality and Law Reform cannot interfere or direct judges to sentence in a particular way but he has the power to consult with the presidents of the different courts. I believe he should consult the Presidents of the High, Circuit and District Courts to ask them to bring their judges together to discuss uniformity of sentencing policy and whether sentencing, in addition to its other functions, acts as a deterrent any longer. The judges could also address the matter of when a mandatory life sentence should be given. In the case of gangland murders, I feel judges should accompany a sentence with a recommendation that at least 20 years be served. Such a strong recommendation from the courts would be one way to address the problem and ensure a criminal is not back on the streets in eight or nine years.

The mayhem and murder of gangland activities are fuelled by drugs and any residents of Limerick will know the families involved. We knew their grandfathers, who were ordinary, decent criminals. We knew their fathers, who engaged in breaking and entering, and went back and forth to court, picking up six month sentences here and there. What has changed is the amount of money generated by the drugs trade; this has turned these people into very serious criminals with access to resources like automatic weapons and with the money to pay people to commit contract murders and intimidate witnesses. The Minister for Justice, Equality and Law Reform must attack the underlying cause of these problems, the drugs trade. The problem does not apply only to Limerick because the gangs there have been so successful in the drugs trade that their footprints are now far outside the area. They are part of a network that supplies drugs nationally and this is a serious issue.

It is time to go after the godfathers. We all heard in the news last week that the families of the victims of the Omagh bombing are taking a civil action against the people they think are responsible. Mr. Michael McKevitt, reputed to be the leader of the Real IRA, was one of the people named in the action and he is currently serving 20 years in prison because he was convicted under section 6 of the Offences Against the State Act 1998. The specific offence was that he organised terrorist activities. I feel the Minister could enact legislation to enshrine a similar offence relating to organising gangland activities. This would be equally successful because the intelligence information provided to the courts by a chief superintendent of the Garda would carry serious weight, as it did in the McKevitt conviction. I strongly advocate that the Minister and the law officers in the Department of Justice, Equality and Law Reform set about this task, enact legislation that hits the godfathers and have a specific offence of organising ganland criminality and gangland activity.

Deputy Ciarán Lynch: I wish to share time with Deputy Jan O'Sullivan.

Acting Chairman: Is that agreed? Agreed.

Deputy Ciarán Lynch: The Bill before the House seems to be an issue of national Government concerning itself with the operation rather than the strategic direction of local government functions. The particular issue that has arisen is an anomaly in legislation relating to the co-location project of this Government. It was spotted by my party leader last December and brought before the House. The purpose of the Bill is to prevent a constitutional challenge

being brought that would question the standing of the corporate bodies set out in the Bill. Those bodies are the Local Government Computer Services Board, Dublin Transportation Office, Local Government Management Services Board, Affordable Homes Partnership, Irish Water Safety, Limerick Northside Regeneration Agency and Limerick Southside Regeneration Agency.

There is more to it than that and there are matters that have to be brought before the House today. When the Minister of State spoke in the Seanad some weeks ago and today in the House he laid out once more the rationale for the Bill. He said:

The Bill is a short document but nevertheless important. ...it is considered that the Minister should have authority to establish bodies to provide services to local authorities where there is a specific purpose and it would be more practical and economical to provide the service by a single body rather than each of the 34 major authorities acting separately at much greater cost.

While that lays out the rationale to some extent it raises further questions. As a new TD, one of the difficulties I encounter on a regular basis is when I table parliamentary questions to the Minister's office, the Minister does not respond to same but says it is a matter for the EPA or the NRA. If I table questions in regard to the Affordable Homes Partnership, the Local Government Management Services board or any of the agencies listed will I get the same response? Are we creating a legislative process that will further remove the functions of these agencies not only from local government but from national Government in terms of accountability?

There is much debate here about the need for joined-up thinking. Given that housing estates, roadwork programmes and waterwork programmes all run separately while concurrent development is taking place, are we creating a further fragmentation here today? Perhaps the Minister of State would clarify that issue because this is a fundamental function of the operation of these bodies.

Cost factors must also be looked at since a number of these bodies have grown exponentially since their creation. For example, the Local Government Management Services Board was established in 1999 and employed 19 staff at an annual cost to the Exchequer of €1.9 million. When last checked, the board had 30 staff at an annual cost of almost €10 million. In 1999 the Local Government Computer Services Board employed 93 staff at an annual cost to the Exchequer of €5.8 million. When last examined in 2007 it employed 96 staff at an annual cost of €15 million. Are we creating these agencies to assist local government in the delivery of functions such as affordable housing or creating alternative structures which are competing with local authorities?

I wish to refer to the context in which these agencies will work in the future. A local government reform project is under way — the Government made a commitment that it would be delivered within the first six months of coming into office, which was December 2007, but it still has to come before the House. There is an issue as to how these agencies will operate under the local government reform process. Reform in itself is not actually an outcome, the HSE is a case in point where further bureaucracy and further administrative tiers were be put in place. This is another question that must be looked at in terms of the Bill.

If we are to believe that local government operates on the basis that its end product is to create better services for local groups and bodies we need to look at the operation of these agencies and corporate bodies in terms of this goal and how they assist in the achievement and betterment of local services.

[Deputy Ciarán Lynch.]

Earlier I mentioned the EPA, which last year was given legislative powers to take action against local authorities. Last week the EPA gave its report on water levels and water quality services across the country. Some 34 different water services in County Cork, my area, failed the test, showing cryptosporidium, aluminium and many other substances in the water. The HSE has suggested there may be health and safety issues with these water systems. On the last occasion the Minister took Question Time, there were reports on housing inspections and housing standards. A whole raft of funding and legislation has been put in place. When we look at how the local authorities are carrying out this function, we find that at one end of the country no inspection is taking place. Some local authorities have conducted just one inspection and while others have carried out inspections, they have not taken legal action. This creates the broader context in which the Bill needs to be considered. How does it ultimately improve the operation of day-to-day local government practices and delivery of services?

We are in a position where legislation is crisis-driven to fix an anomaly that arose from the Government's speed and haste in introducing the co-location model. It was found that statutory structures were questionable under the Constitution and certainly questionable in regard to how they were set up.

As Deputy Hogan indicated earlier, this is a matter of primary or secondary legislation and the issue of retrospection needs further examination. In essence, it is hybrid legislation and certainly needs to be further examined and, possibly, amended particularly in terms of how it fits into the long-term plan for local government reform, in terms of accountability to this House and local authorities and how costs are measured and controlled — I indicated earlier that the cost of these agencies has grown exponentially in the short period since their creation — and ultimately in how these agencies lead to the betterment of local government and create a model in which local government reform can take place and allow for the betterment of the local delivery of services.

Deputy Jan O'Sullivan: I thank my colleague, Deputy Ciarán Lynch, for sharing time with me. This issue is of particular importance to Deputies from Limerick. I support my colleague, Deputy Lynch, in his general concern about distancing more bodies from responsibility through the Minister. As spokesperson on health I experience this on a daily basis in regard to health questions and issues in the health area where they are constantly handed over by the Minister to the HSE and we have to await a written response at a much later date. I would not like to see that happening in any other aspect of Government because we need clear and public accountability. That is sorely lacking at present in regard to the health services.

I wish to deal specifically with section 5 of the Bill which relates to the Limerick Northside and Southside regeneration agencies. We already had the statutory instruments in the House in regard to those agencies following the Fitzgerald report. One of the purposes of this legislation is to extend the geographic area covered by the Limerick Northside Regeneration Agency and Limerick Southside Regeneration Agency, to add representation on the boards of the agencies from the areas and to clarify the areas covered.

Like Deputy Noonan, I support the Fitzgerald report and want to see it implemented as soon as possible. I have had a positive experience with Mr. Brendan Kenny, the head of these agencies, and the people who work with him. Mr. Kenny is open and amenable to meeting public representatives and community groups. Unlike many who work in the public service, he meets groups in the evening and listens to what they say. I commend him on the work so far.

We need an all-Government approach if we are to be successful in the regeneration of these areas of Limerick and Limerick as a whole. This activity is having an effect on the entire city and hinterland. In calling for an all-Government approach, through the Minister of State at the

Department of the Environment, Heritage and Local Government, Deputy Killeen, I want to ensure that we do not leave it all to the regeneration agencies and the local authorities.

I refer to one area that is prominent in the vision documents published by the regeneration agencies, education and building the social fabric of these areas. We have all stated that this element is as important as the physical fabric. This is illustrated by the point Deputy Noonan made about the houses refurbished some years ago on the southside. These are among the worst in the housing estate. Despite the regeneration of the houses, unfortunately the people were not regenerated, if that is not an awful term to use about people. The supports were not set up and the whole issue went back to scratch. Social support is vital.

I have made representations on behalf of the post-primary school that caters for the majority of young people in one of these areas — I will not pinpoint the school. It made a detailed submission to the regeneration board and received a good reception and empathy. However, the school was told the regeneration board did not have the money to implement education proposals. These included strengthening the welfare board to ensure children go to school, special educational needs support for those from troubled backgrounds with special learning needs, strengthening the school completion programme, retention of teachers and library facilities and book rental. Many of these are practical for a school that caters for children with difficult backgrounds. Many schools throughout the country cherry-pick the children who have no problems but this school is open to all children in its catchment area. It does its best but it needs extra support to give these children a chance. They will turn into the crime lords of tomorrow unless they have such support. Many of them are out of school.

Many people have seen the story of a young 14 year old running around with a gun, although it was not from the area to which I refer. There are many such cases, of young people on the streets and breaking into houses, and they will become the criminals of tomorrow. We must intervene while they are in school, but we cannot do so unless the money is provided. We are told that these proposals are being considered by the Department of Education and Science but the money must be provided to this school and others in the area to ensure those children do not have the same experiences as those in court. Other proposals were not specific to the school and include proposals for an all-weather pitch, a swimming pool and other sporting and recreational facilities. It is vital such support is provided if we are to be successful.

Support for families is also important. Deputy Noonan referred to the importance of the courts in ensuring that appropriate sentences are imposed. We need follow-up from the court. I raised the Children Act with the Taoiseach, asking if it was fully implemented. The section that deals with parents being brought into court, where young people have offended, is in law but I see no evidence of parents being brought into court and made legally responsible for ensuring the children are at home in bed at night, when they should be. We have much legislation but it is not being implemented. ASBOs were not popular across the board but they are an instrument that can be used. I see no evidence of their use in these areas.

We need systems whereby we can show those who are causing trouble that the State is serious about not permitting this behaviour. We must also show that it is serious about supporting young people who live in those areas and who wish to put their lives on a more straight, honest and valuable course. I hold clinics in three of the areas concerned and meet people every week. It is extraordinarily difficult for good parents living in these housing estates to bring up youngsters. Boys either get picked on because they are considered too soft if they are not involved in anti-social behaviour or they get involved at the fringes and get dragged in. It is extremely difficult to bring up a decent child, particularly boys, if the necessary support is not provided. The evidence suggests they have not been receiving this support.

[Deputy Jan O'Sullivan.]

It is vital that this works at all levels, not just the physical restructuring or the Garda and law and order aspect. The other pillar, the social pillar, is more important in the long term. In the short term, people are crying out for more gardaí but in the long term we must provide funding. I call on the Minister of State, who is familiar with education, to ensure the educational provisions, and social provisions such as social workers, are supplied by the Government.

Regarding law and order, there are a number of specific proposals. I support Deputy Noonan's call to increase the number of gardaí as promised. These people should be experienced. We need CCTV where necessary and useful. It is in place in Moyross, where it works well, but not in St. Mary's Park. Residents have suggested that CCTV could be used as evidence to convict people of criminal behaviour. Local authorities must be financed to provide simple things such as public lighting. If Limerick City Council does not have the money to provide lighting in these housing estates, it should be provided as a specific allocation in the context of regeneration. It is easy for people to get away with crime against neighbours if they are not visible. It is a practical step that makes a major difference and makes people safer in their homes when they and others can be seen.

The Labour Party has made proposals to place the witness protection programme on a statutory basis. The programme is not very effective and few people choose to undergo the programme. It is difficult to implement and is not successful. Were it on a statutory provision,

it would be strengthened. The Labour Party has made proposals in respect of surveillance to make it easier for the Garda to know who is committing crime.

2 o'clock

The Garda knows, as we do, who many of the people in question are, but a strengthened power of surveillance is required to get convictions. While I am suggesting these extra legislative measures, it is a question of providing resources and implementing legislation on the Statute Book.

I welcome the new areas to be included in the regeneration programme, Ballinacurra Weston and St. Mary's Park. The latter has been focused on recently. They are both old urban communities with old houses and generational families who have settled and want to stay. They are the best neighbourhoods in which one could grow up in terms of being taken care of if one has a problem. If a person is elderly, neighbours would pop in to check on him or her, which would not occur in many wealthier areas. However, these communities are beginning to break up because people are frightened and want to move out. Elderly people who have lived there all of their lives are asking whether they can get out. This situation is wrong and we must ensure that the areas get the protection they need as soon as possible to allow families to stay. I stress the urgency of the situation. If the communities break up and people move to other parts of Limerick, it will be difficult to rebuild the existing community spirit. We must support the area's sporting clubs and community organisations, of which there are a myriad. Those brass bands, soccer clubs, GAA clubs, rugby clubs, senior citizens' organisations and so on must be supported.

While there is considerable hope in Limerick as regards regeneration, there is an element of scepticism in that this might be a one-year wonder with much fanfare but few follow-up supports. I make this plea in the Chamber and my colleagues from Limerick will make similar comments. We must all pull together on this matter and forget about political differences to ensure we make the regeneration programme work.

Deputy Kieran O'Donnell: I echo the sentiments of my colleagues, Deputies Noonan and Jan O'Sullivan, in welcoming the Limerick north-side and south-side regeneration projects. The House is discussing a technical amendment to section 5, but I will address the north-side and south-side specifically. As Deputy Jan O'Sullivan stated, there is considerable hope, but

an element of apprehension on a number of levels. A long-term Government commitment to the project, which will last from five years to ten years, is desired. We have much to learn from the Comptroller and Auditor General's recently published report on the Ballymun regeneration project to ensure the projects in Limerick succeed. The Ballymun report referred to the need to provide education and social services in tandem with bricks and mortar. There is a danger that the Government will highlight the more visible bricks and mortar aspect ahead of the vital education and social services aspect.

Mr. Brendan Kenny has done an excellent job in Limerick and has been welcome. Following the Fitzgerald report, he has had many interactions with the regeneration areas. However, one must consider the matter from the overall viewpoint and be objective. I was critical of an aspect of Mr. John Fitzgerald's report when it was produced, namely, that there was no consultation with people living in the areas adjoining the regeneration areas. It is welcome that this necessary measure is now being taken.

The report stated that a policing structure headed by a superintendent and involving a minimum of 100 gardaí should be established and dedicated to the regeneration areas exclusively. The Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, commented when I raised this issue during last night's Adjournment debate on gangland crime in Limerick and elsewhere. He told the House that 70 extra gardaí have been deployed to Limerick, but it was not given a breakdown of their locations. It is understood that 20 gardaí were assigned traffic duty. Through the report, Mr. Fitzgerald put a structure in place to ensure the 100 extra gardaí were deployed to the regeneration areas specifically. I would expect the Government to honour this commitment and I ask the Minister to deliver on it as a matter of urgency. Resources are vital. The 100 gardaí are required to allow the Garda to get on with its work. Gardaí in Limerick have done a tremendous job, but they cannot deal with the regeneration properly until the crime issue is addressed, as Mr. Fitzgerald stated in his report.

The question yet to be addressed is where the criminal elements living in the regeneration areas will be housed. Innocent, decent and honest people are entitled to have those areas regenerated, but not only the bricks and mortar must be changed. Criminal elements must be dealt with. In last night's debate, I hoped the Minister would take on board my straightforward proposals to tackle gangs. If someone is suspected of involvement in gangland activity, the Garda must be able to go to court and obtain an exclusion order to curtail the person from entering certain areas. The Garda must also be allowed to seek powers of surveillance. Judges must implement the mandatory minimum sentence of ten years for the illegal possession of firearms instead of applying more lenient sentences. A life sentence for murder must be a genuine deterrent and a minimum of 25 years must be served. If a person is caught in possession of an illegal firearm, it is critical that bail should not be granted. Many criminals commit further offences while on bail.

Everyone wants the regeneration projects to work because they are important to Limerick and the areas' inhabitants. We must get the fundamentals correct. Reverting to the Fitzgerald report, I ask the Minister of State to ask his colleague, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, to ensure the deployment of the additional 100 gardaí — it is not necessarily a question of 30 gardaí in addition to the 70 gardaí already deployed — and the employment of a superintendent to head a specific unit in Limerick to deal with the regeneration areas, to which a total of 100 gardaí should be deployed.

I will make two points in response to Deputy Jan O'Sullivan's comments on social services and education. It is vital that these be addressed on a multi-agency basis.

Deputies from all sides have received representations on the issue of people who are being housed through the HSE in various parts of the city. At present, the problem is that the rules

[Deputy Kieran O'Donnell.]

applying to those who are housed by a local authority are not being applied to those who are being housed through the rent subsidy scheme operated by the HSE. People who are housed by a local authority are obliged to undertake a pre-tenancy course and obtain Garda clearance. Consequently, when such people are housed, they are aware of the obligations to which they must live up. At present, the position in respect of the HSE is too loose. People who wish to obtain housing through rent subsidies automatically are obliged to get onto the housing waiting lists of one of the local authorities. However, the system then falls down because, thereafter, they effectively can be housed by a landlord. People in Limerick are worried that criminal elements are being housed throughout the city without any clearance.

I greatly welcome Brendan Kenny's intention to seek Garda clearance in respect of rehousing. People should not have anything to fear in this regard as it would be voluntary. People will be obliged to go to their local Garda station to obtain clearance before being rehoused. As a general rule, however, the Government must contemplate the introduction of consistency in the manner in which people are housed, either directly by a local authority or on an interim basis through the HSE's rent subsidy scheme. Addressing this issue will be critical.

Regrettably, the murders of Mark Moloney and James Cronin took place recently in Limerick. It is sad for their families that they have lost two sons and I express my sympathy to both families. A way to deal with gangland crime must be found. Moreover, an appalling incident arose last week in which a 14 year old appeared in court in Limerick for possession of a sawn-off shotgun. As Chief Superintendent Willie Keane of Limerick stated, some children who have not received proper parenting consider the gang to be their family. This constitutes a sad reflection on society.

Furthermore, in 2004, out of a sample of 400 children appearing before the Children's Court, 86% were not attending school. According to the Garda Síochána, some children must commit four offences before appearing before the Children's Court. In April 2007, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, who was then Minister of State with responsibility for children, promised that he would provide additional judges to the Children's Courts to speed up the process. However, although this is essential, it has not been done. The requisite resources must be devoted to this issue. Parental supervision orders that are used to ensure parental responsibility must be imposed in greater numbers by the Children's Courts. It is vital to hold parents accountable.

In the context of Limerick, a perception exists that its regeneration pertains to bricks and mortar, which would be a terrible mistake. Bricks and mortar should be the last element of such a regeneration. Its first measure should be to deal with the issue of crime in the areas concerned as outlined in the John Fitzgerald report. This is the reason 100 additional gardaí, together with a superintendent, are required to establish a dedicated unit to work in such areas. Furthermore, social structures must be put in place through the HSE and the Departments of Social and Family Affairs and Education and Science. Regeneration will work when these structures work in harmony, after the houses have been built and the areas' physical regeneration has been completed. However, these constitute the key elements that must be put in place.

Many children who become involved in crime have low levels of literacy and come from dysfunctional families. In Limerick alone at present, there is a two and a half year waiting list for a child to be seen by the child and adolescent mental health services in Limerick. As is the case nationally, the availability of the National Educational Psychological Service, NEPS, in Limerick is limited. Part of the problem in respect of child and adolescent mental health services is that the HSE has placed an embargo on the appointment of psychiatrists. This embargo must be lifted for the areas in question. The Government pays lip service to regener-

ation and states that it will deal with regeneration, social services and education. However, Government backbenchers can be seen blaming the HSE at will in this regard.

This reverts to Deputy Ciarán Lynch's original point that there is a great risk that State bodies will become nothing more than shields or screens for Ministers and will allow them to state they have no responsibility for a particular issue. The Minister for the Environment, Heritage and Local Government, Deputy John Gormley, is responsible for the success or otherwise of the regeneration areas in Limerick. The Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, is responsible for the Government's delivery or otherwise of 100 gardaí to Limerick. The Minister for Social and Family Affairs, Deputy Martin Cullen, is responsible for putting the services on the ground. The Minister for Education and Science, Deputy Mary Hanafin, is responsible for making available to the schools the National Educational Psychological Service.

The Government cannot run away from its obligations and responsibilities in this regard. The key to the success of the regeneration projects is that the Government should make available the resources. One hears rumours that the Government wishes the projects to be self-financing, which is a great buzzword. Amid fanfare in the last budget, it gave a welcome €10 million to establish the regeneration bodies. However, the value of land has dropped and the regeneration projects have not been costed fully. One cannot take all the glory for starting up regeneration projects unless one is willing to fund them and the Government cannot suddenly turn around and blame various bodies for taking bad decisions.

The regeneration project is, literally, a regeneration. The Government must engage and work with the local communities across the entire area affected, including Moyross, Southhill, St. Mary's Park and Ballinacurra Weston. Terrific people live in all the aforementioned areas. They contain terrific community activists and organisations that need support and funding. The key to this project is to bring on board such groups. They are worried because the regeneration project was launched amid great fanfare a short time ago and they seek reassurance that it will be delivered on the ground. One hundred additional gardaí should be placed *in situ* in the regeneration areas, together with the appointment of a superintendent to deal with that specific issue. Second, gangland crime must be brought under control immediately. I have suggested measures regarding the amending legislation, namely, the criminal justice miscellaneous provisions Bill and my colleague, Deputy Durkan, also has raised the issue in recent days.

The Tánaiste and Minister for Finance, Deputy Brian Cowen, was being somewhat disingenuous this morning when he asked the reason Deputies repeatedly brought up issues in the knowledge they would receive the same reply. The only reason we are raising these issues is because they should have been addressed long ago. They are a major priority and, as the Opposition, we are here to hold the Government to account.

Specific legislation needs to be introduced on gangland crime. Provision should be made for gardaí to seek exclusion orders on criminals, a mandatory minimum sentence of ten years should be introduced for illegal possession of fire arms, life sentences must mean 25 years at a minimum and people found in possession of illegal firearms should not get bail.

Mr. John Fitzgerald, who did an excellent job on producing the report on regeneration, recommended that a branch of the Criminal Assets Bureau should be established in Limerick. That should be a priority because we need local gardaí and Revenue officials who know the area if we are to pursue criminals. I am aware that CAB is doing work in that regard from its Dublin offices but Limerick warrants the establishment of a separate branch because drugs are at the root of much of the city's crime. Chief Superintendent Willie Keane was correct in saying the problems run deeper than that but in many cases the motivation is greed or money.

[Deputy Kieran O'Donnell.]

We have to ensure the area is safe and that younger children get a proper education so they do not leave school at the age of nine or ten. Learning difficulties need to be addressed, parents should be held responsible for their children's involvement in anti-social behaviour and the Government must put the necessary funding in place. I welcome the establishment of the area regeneration agencies for north and south Limerick as well as the €10 million in funding offered by the Government. However, much more funding will be required in the years to come. I call on the Minister of State to ensure that his colleague, the Minister for Justice, Equality and Law Reform, deploys the 100 gardaí who are needed as a matter of urgency to put the issue of crime to rest in Limerick so that regeneration can progress and people are allowed to live in safe and harmonious environments.

Acting Chairman: As nobody has offered to speak on the Government side, I call Deputy Durkan.

Deputy Bernard J. Durkan: This subject resonates in all constituencies, not only Limerick. I am glad, however, that we are debating measures to address the problems obtaining in that city.

A plethora of legislation remains on our agenda which has not been progressed for the past two years. The previous Minister for Justice, Equality and Law Reform was famous for proposing legislation to combat lawlessness and disorder. He spoke about legislating on a daily basis and even introduced several Bills.

Deputy Phil Hogan: Where is he now?

Deputy Bernard J. Durkan: He has made a career change.

Deputy Tony Killeen: He is making money.

Deputy Bernard J. Durkan: The measures that have been introduced in this regard are not working and the issues raised by Deputy O'Donnell are valid. Regardless of who is in Government in the coming years, the choice will be between addressing the issues in a timely manner or doing nothing and seeing what happens. The reason Opposition Members have to raise the same questions on a daily basis is because nothing is being done to address them.

I have seen the quality of local authority housing deteriorate over the past 20 years. Housing used to be built to a high standard but what will be the condition of the recently built duplex apartments and other types of nonsense in a few years time? If people do not have a reasonable quality of accommodation, problems will ensue. I do not know how to address the disrespect in certain housing estates for any kind of authority, which is particularly acute in the greater Dublin area. No efforts are being made to address this issue and nothing changes from day to day. There are countless examples of people moving out of estates, not all of which are owned by local authorities, in order to find safer environments for their children. That is a sad reflection on society, this House and local authorities.

We will not improve the situation merely by creating another quango to direct and co-ordinate services. The Department of Health and Children abolished the health boards, which were democratic and transparent, and replaced them with a massive quango from which even the Minister for Health and Children cannot get answers. That appalling scenario developed in front of our very noses. We even increased staffing levels by 33% over the past five years.

I do not know how this will proceed but I will make some suggestions on how to address the problems faced in estates. We do not have sufficient gardaí on the beat and increasing their numbers by four or five in a population centre of 25,000 ignores reality. It is a waste of time

to say the numbers of garda have increased if they are not on the ground. More gardaí should ride motorbikes because the traditional method of policing with squad cars does not work. While on holidays in at least two European countries over the past couple of years, I observed police on mopeds. These are effective in terms of entering narrow alleys and being able to reach several places within minutes. Nothing has been done in that regard in Ireland because we do not seem to understand how to deploy the force to the best of its ability.

Gardaí should be stationed in the middle of the housing estates that are causing problems. At present, the organised gougiers behind anti-social behaviour, which is how problems start, are able to disappear as soon as a squad car arrives only to resume their activities as soon as it turns the corner. These activities can be as simple as kicking the doors or breaking the windows of old age pensioners. Additional mobile patrols are also needed. I acknowledge that bicycles are useful but they are not as effective as motorbikes. They allow gardaí to reach places more quickly but they are not the answer.

The local authorities seem to be totally incapable of dealing with anti-social behaviour. Why can they not do something about it? People come to me every weekend to complain that their next-door neighbour is the neighbour from hell. I might hear the same complaint from the person living on the other side of that neighbour. In such a case I write to the local authority. In one case I have sent ten letters to the local authority on behalf of the complainants and have asked repeatedly whether it might think about exercising its duty of care towards its tenants which it housed beside the individual in question. The local authorities have a duty of care but shirk their responsibilities and avoid the issue in the hope it will go away. The old attitude remains: "We don't have extra houses. They will have to wait their turn. There are 3,000 people on the list." That is of no use to the unfortunate person who has to put up with a neighbour from hell. The Acting Chairman will know about such neighbours because they exist in his constituency also.

Deputy Phil Hogan: They travel in packs.

Deputy Bernard J. Durkan: Could the local authorities find it in their inner recesses to respond in some way to genuine complaints? They are treating evildoers and those who obey the rules equally.

Another development has taken place in regard to local authority housing in the past five or ten years. There is a reluctance on the part of the Department of the Environment, Heritage and Local Government to become involved in house building. It shirks its responsibilities and hands them over to voluntary organisations which cherrypick from the housing list. Ultimately, those left on the list are housed together in one area and we have seen the social problems which result. The Department can either address this issue or suffer the consequences. There will be more areas like Moyross and other parts of Limerick as time passes, unless this issue is dealt with. The Department has ultimate responsibility. If anyone thinks I am talking rubbish, I ask that a senior official of the Department visit housing estates where there are such problems. They would then know them at first hand and at an earlier stage and be in a better position to intervene and introduce corrective measures to protect citizens who are minding their own business.

My final point is not directly related to the Bill. We have reached a point where ordinary legal methods of dealing with crime and criminals are insufficient and no longer work. Criminals do not give a damn what legislation is introduced. They are carrying out their nefarious activities with impunity and with total disregard and contempt for the law and the rest of society. For their own protection, they will have to be detained and taken off the streets. There is no other way to deal with this problem. If the Minister of State or anybody else thinks it will be dealt

[Deputy Bernard J. Durkan.]

with by any other means, I tell them to wait and see. It has already got out of hand. I have heard references to negotiation and mediation. I know then that people are thinking about other conflicts in this country but the circumstances, origins and issues were different — everything was different.

Those on the other side of the House should take account of the way we are sliding and try to address it as a matter of urgency. Otherwise, we will wake up some morning to a repeat of the Veronica Guerin tragedy which happened almost 12 years ago. If something similar happens, everybody will wake up and say the time has come to tilt the law in favour of law-abiding citizens and reject those who set out to break it on a regular basis.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): I thank the Members who contributed to the debate for their constructive comments. I will try to respond separately in regard to the two separate provisions in the Bill, first, in regard to the attempt to address the perceived deficiencies in section 3 of the 1971 Act, and, second, on the issues raised concerning Limerick regeneration.

Deputy Phil Hogan raised a number of concerns. There is a number of informed points to be made in this regard. In the 1960s and 1970s, when the original Act and the health Act were enacted, the constitutional view on Article 15 had not developed to the extent it now has, and there had not been the same number of High Court and Supreme Court cases on which to base a judgment of the sort being made with regard to this Bill and these bodies. It is very important to state that, whatever the difficulty, if it exists, there has not been an adverse finding in regard to the establishment of any of these bodies or, indeed, in regard to section 3 of the 1971 Act. This Bill arises because of the advice of the Attorney General that it is sensible and appropriate to take this action. If there is a difficulty, it is not in regard to the functions of the bodies but perhaps due to a deficiency in the wording of the 1971 Act, which is the focus on this occasion.

It may well transpire that this is an interim measure to address a perceived doubt which has arisen because of the Attorney General's advice and matters that have been brought to our attention. The Government, including the Minister, Deputy Gormley, and the Department, believe it is prudent to address a deficiency which has been brought to our attention, even if it is only a potential deficiency. In the event that the review which is underway judges that it is necessary, further legislation will be brought forward to address whatever shortcomings show up in the review.

Deputy Hogan also stated there may well be a series of Acts with similar defects, and he asked why these were not addressed at the same time as the health Act. The principal reason in most cases is that people were not aware it needed to be done. If other legislation requires similar treatment and is brought to the attention of the relevant Minister, an interim Bill of this sort, or whatever is required to address the issue, would be brought forward.

Deputy Hogan also queried the statutory effect of a retrospective provision and he gave the example of redundancy payments to workers in the Comerama case. One of the differences in this case is that the provisions of this Bill do not propose a change in the current operation of the bodies concerned. In fact, it is a confirmation of what is provided for in the order setting up the bodies arising from section 3 of the 1971 Act. It is not the creation of something new.

The Deputy had concerns about section 3(3) on the basis that it might be unnecessary since it restates the constitutional position. This is an interesting argument and one we have visited and revisited on many occasions in the House. Sometimes Members on the Opposition side propose amendments which, in their view, would strengthen the provisions of a Bill and these are frequently rejected by the Minister on the basis that they are superfluous or unnecessary.

A practice has arisen whereby the provision in section 3(3) appears in many pieces of legislation, and this is continued in this Bill. It is an issue that can be teased out further on Committee Stage if the Deputy is so disposed.

My understanding is that the provisions in section 3(4) are designed to protect the superannuation and other rights of the staff of the bodies which still exist and in some cases of the employees of bodies which formerly existed. Deputy Ciarán Lynch inquired about the functions of the agencies and whether the enactment of this Bill would remove the agencies further from answerability to the Dáil. The answer is “No”. All the legislation will do is confirm the legality of the bodies in question in the event of any doubt about them, which I hope will not be the case.

Deputy Lynch raised a number of interesting questions, some of which were raised also in the Seanad debate about the cost of the various bodies and the kind of services they provide. He gave examples in the case of two bodies, one of which is the Local Government Management Services Board where there has been an increase in personnel from 19 to 30 and an increase in costs. The work of that board has changed dramatically, mostly in regard to its promotion of the social partnership process and also, importantly, in the performance verification process. I understand that approximately half of the annual budget of the board is passed on to local authorities to enable them to develop the partnership process in each of their own authorities.

The increases have also come about against a background of a considerable body of legislation which was not in place up to 2000. A good example is the Safety, Health and Welfare at Work Act 2005 which caused a considerable amount of additional work for local authorities. It is also fair to say that in the event that the board did not exist, the only real alternative available to the 34 major local authorities, and perhaps some of the town authorities, would be to have their own staff do the work. I do not think anybody would suggest it would be desirable for each local authority to have its own Local Government Management Services Board trying to carry out all the staff dealings that are required, or trying to provide computer services to all of the local authorities. I suspect a minimum of two or three people per local authority would be required, which when multiplied by 34 would automatically put one into the low hundreds and perhaps even more people would be required. On the basis of the information available, it seems that the value for money element of providing these bodies at national level on behalf of local authorities has a significant amount to recommend it.

Deputy Lynch also spoke, as did virtually all speakers, about the Health Service Executive. He believed it added further bureaucracy and additional layers. This is not an area for which I have responsibility. It is a matter for the Minister in the Department of Health and Children to address. However, I accept this is a very real issue for everybody in the House.

Deputy Lynch referred also to the Environmental Protection Agency, EPA, and its legislative powers to prosecute local authorities. Perhaps that example more than most others illustrates why it would be highly undesirable for the Minister to have a direct role in the EPA for example, taking account of its remit as a body which has a high level of responsibility.

Most of the other speakers referred to issues relating to Limerick. Obviously the three Limerick Members displayed an intimate knowledge of the challenges which some of the communities in Limerick face. Deputy Noonan made an important point based on his understanding that the CEO of the regeneration agency has indicated that it is not intended to house any of the criminal families in the new housing clusters. That throws up the kind of difficulty he mentioned for people in other communities who are clearly concerned that if approximately 600 people — the 60 families multiplied by ten — are to be housed somewhere, that there is a considerable risk that they will be housed nearer to them.

[Deputy Tony Killeen.]

It is my understanding that not just the Limerick city authority, but all of the agencies which have responsibility across a range of areas in Limerick city are represented on the regeneration board. I believe there will continue to be an engagement with all the bodies as the regeneration project moves forward. That being the case, one would expect that the concerns coming from the various agencies will be brought forward and addressed at management level.

This important question was raised in varying degrees by the other speakers from Limerick. I will bring to the attention of the relevant Ministers all the issues that have been raised, some of which are the responsibility of the Minister of State, Deputy Batt O’Keeffe. I will also make sure the Minister for the Environment, Heritage and Local Government, Deputy Gormley, is aware of the concerns raised, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, regarding justice issues, the Minister for Health and Children, Deputy Harney, regarding health issues and the Minister for Education and Science, Deputy Hanafin, on education issues. My feeling is that they are already aware of them but it is always instructive to listen to Members from a particular constituency talk about the challenges that are the reality on the ground and the responses to them.

Deputy O’Donnell encapsulated it very well when he said there was a mix of hope and apprehension. When one comes from the perspective of the Limerick city constituency, one has a better knowledge than Members from other areas. That said, Deputy Durkan made a fair point that we all have some experience of difficulties, as undoubtedly has the Acting Chairman, Deputy O’Connor. However, this is a very specific issue and a considerable amount of money is being committed to it over an even longer period than indicated by Deputy O’Donnell.

If only for the reason that a significant amount of taxpayers’ money will be expended, we need to get it right. A far more pressing reason is the quality of life — economic and social — of the people of those areas in Limerick city and, as Deputy O’Donnell said, their immediate neighbours who might have been consulted a little earlier and more thoroughly. At least that is being done now and it is an exercise in trying to establish a much better quality of life for people.

I accept there is a risk that mistakes will be made along the way. It is most important that the agencies and the regeneration bodies are open to hearing the views of the communities involved. It is also important that the views of the elected representatives at both city council level and Oireachtas level are taken on board as advice given in situations like this is always given for the very best reasons and with the intention of being helpful and supportive. How the rehousing of the criminal families is addressed is an issue that cannot be avoided and I will certainly raise it with my colleagues.

Deputies Noonan, Jan O’Sullivan and O’Donnell also raised the immediate policing issue. Deputy Noonan made a valid point on the necessity to wipe out the drugs trade which ultimately is what puts the money in the pockets of these people to provide them with the kind of equipment they have to carry out the terrible damage they inflict. His proposal on taking out the godfathers will be of interest to the Department of Justice, Equality and Law Reform.

I was very taken by the approach of Deputy Jan O’Sullivan. She referred to the fact that this is a long-term project and that while immediate measures are required to be introduced, she outlined, along with Deputy O’Donnell, the long-term supports that the education system will need. I will be very disappointed if the school which made its presentation to the regeneration agencies got as negative a response as Deputy Jan O’Sullivan thought, especially in view of the fact that the Department of Education and Science and its agencies are represented on the board. Each of the Deputies said the 100 extra gardaí ought to be one of the immediate

steps taken. While law and order issues are to the fore, there are many other issues relating to long-term intervention that will cost a great deal of money in the short term but unless that expenditure is made the process will not be successful.

All three Deputies referred to the previous unsuccessful regeneration attempt in O'Malley Park where much money was spent but only the bricks and mortar element was addressed. If that is the only element that is addressed on this occasion, I am sure they are correct that the project cannot be as successful as it might be otherwise. I accept that the success of the Ballymun regeneration project, from which lessons can be learned, can be of benefit to Limerick. The social services and education element have to be centrally involved in the process on an ongoing basis.

I will pass on the point made by Deputy O'Donnell who referred to the requirement of local authority tenants which is not extended to those on rent subsidy which is of some importance in this regard. Deputy Durkan made a point that nearly all of us suspect has some validity. In some cases the expenditure of time and effort that goes into trying to address problems does not meet with success. He also revisited the Health Service Executive versus health boards debate which is not relevant in this context but is important in the long term. In addition, he made a number of interesting and valid points about the nature of effective policing, such as the placing of a Garda station in the middle of an estate where there are difficulties, the provision of motorcycles, etc. The point he made about tackling anti-social behaviour, especially in the context of a local authority estate, is one we have not successfully addressed. The problem is not confined to Limerick, nor is it confined to big towns and cities. It can equally, or perhaps more so, be a difficulty in a small local authority estate in a small town or village. We have not dealt with this problem effectively heretofore.

The Deputy also pointed out that, in his view, the voluntary agencies cherry-pick their tenants and leave the local authority with much more difficult tenants to deal with. This reflects Deputy Michael Noonan's point on the possibility of providing housing in the regeneration project only to those who do not have criminal records and who have obtained certification of suitability from the Garda Síochána. Even if such a requirement were introduced, the city council would be left to deal with the accommodation requirements of a large number of people. A model will have to be found, not only in Limerick but at national level, to address the type of difficulties these people create. Perhaps we need to take action immediately, not necessarily by expending much more money but perhaps by deploying existing resources more imaginatively and directly and with more force that has been the case previously. This is an interesting part of the debate on the legislation.

The two regeneration bodies were established initially under the 1971 Act and are properly constructed and established under the legislation before us. If Second Stage is passed, Committee Stage will be taken in the committee rooms and I will welcome amendments tabled by the Opposition. Deputy Phil Hogan will be used to dealing with me from my time in another Department. I will give Opposition amendments thorough, fair and equitable examination and accept them if they have merit. I welcome interaction with Opposition Deputies and their commitment to play a constructive role in the passing of this legislation, however small or unimportant it may appear. Constructive input from Deputies from all sides is welcome, particularly if they bring slightly different perspectives to the table. I look forward to Committee Stage and thank speakers for their constructive comments.

Question put and declared carried.

**Local Government Services (Corporate Bodies) (Confirmation of Orders) Bill 2008 [Seanad]:
Referral to Select Committee.**

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Tony Killeen): I move:

That the Bill be referred to the Select Committee on the Environment, Heritage and Local Government, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Sitting suspended at 2.55 p.m. and resumed at 3.30 p.m.

Ceisteanna — Questions.

Priority Questions.

Defence Forces Expenditure.

1. **Deputy Jimmy Deenihan** asked the Minister for Defence if, in view of a statement to the Houses of the Oireachtas on 27 June 2007, he will take steps to have the Chief of Staff made the accounting officer for Defence Forces expenditure; and if he will make a statement on the matter. [13507/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): I apologise for the absence of the Minister for Defence due to illness.

The overall system of financial management and accountability in respect of defence spending was specially reviewed as part of the efficiency audit group process in the 1990s. As a result, the Government decided that the Secretary General of the Department of Defence should continue to be the Accounting Officer for all defence spending and that greater financial authority should be delegated to the military authorities. This position was restated in the White Paper on Defence, published in February 2000.

Since the Pricewaterhouse report, a substantial amount of day-to-day expenditure has been delegated to the Chief of Staff of the Defence Forces. More than €215 million, including €59 million for Permanent Defence Force allowances, has been delegated in 2008. The delegated amount represents 68% of total Defence Forces non-pay expenditure in the 2008 defence Estimate. The delegation covers a wide range of spending areas, including Defence Forces allowances, transport, equipment, training, engineering and IT. In addition, the Chief of Staff has authority to undertake general recruitment within the overall approved strength level of 10,500 personnel in the Permanent Defence Force.

The present system of delegating financial authority to the Chief of Staff has worked well and the current approach meets overall defence requirements from both an operational and a financial management point of view. The civil and military elements of the Department of Defence jointly operate a modern management information framework. Senior civil and military management meet on a regular basis at the high level planning and procurement group and the strategic management committee to review and monitor financial and other performance indicators. These systems work very well and there are no plans to change them. It is, of

course, a matter for other organisations to adopt financial management systems best suited to their own requirements.

The defence organisation as a whole has been one of the success stories of the public service reform and modernisation agenda in recent years. The management and accountability framework within which both the Department of Defence and the Defence Forces operate has contributed to this achievement.

Deputy Jimmy Deenihan: I join with the Leas-Cheann Comhairle and the Minister of State, Deputy Kitt, in wishing the Minister, Deputy O'Dea, a speedy recovery.

Two years ago the Garda Commissioner was designated the Accounting Officer for the Garda Síochána. Why should the Chief of Staff not be designated as the accounting officer for the Defence Forces? This approach was recommended by the first efficiency audit group report in 1990 and also by the Gleeson report. The former report indicated that it was a fundamental problem that the Secretary General of the Department, as Accounting Officer, was accountable for the spending of the defence Votes but was responsible neither for the actions of military staff, whose activities account for over 97% of the Vote, nor for the successful and efficient achievement of operations and military objectives. Conversely, the Chief of Staff, and Adjutant-General and the Quartermaster-General are directly answerable to the Minister for Defence for the control of some 13,000 staff and for the objectives and outputs of the Defence Forces but cannot control the budgets allocated to these outputs, which are largely under the control of the secretariat. This does not seem reasonable. Delegation is not responsibility.

Is there any indication of a change in the future? Will the Chief of Staff come to the Dáil and appear before the Committee of Public Accounts to account for the actions and expenditure of the Defence Forces? It is unfair on the Chief of Staff that he must be accountable for the actions of personnel but cannot appoint them. The Chief of Staff should be able to make critical decisions on where to spend resources within the Defence Forces, but he cannot do that. It is the role of the Secretary General. Is there any overview being taken of this in the context of the decision that was made about the Garda Commissioner, for example?

Deputy Tom Kitt: It is important to acknowledge that the Defence Forces has been one of the success stories of public service reform. The structures, roles and reporting arrangements of organisations differ from the management of defence. I would like to reflect briefly on the difference between the Garda and the Defence Forces, although we do not have much time. The Department of Defence, with a Minister as head, has a civil and military element. The civil element is headed by the Secretary General and the military element by the Chief of Staff. The relationships among the Chief of Staff, the Secretary General and the Minister are established in the Defence Acts. The Secretary General is the Minister's principal policy adviser and he or she is also the Accounting Officer. Day-to-day operational control of the Defence Forces rests with the Chief of Staff, for which he or she is directly responsible to the Minister. Effective operation of this structure is critical to the management of defence. This pragmatic and balanced legal framework operates to maximise the efficacy of defence provision. It respects the role of the Chief of Staff and the overarching principle of ensuring civil control of the military.

The arrangements in the Garda Síochána and the HSE are presumably appropriate to their respective roles, relationships and structures. I am aware the Garda Commissioner, as the Deputy said, performs the role of Accounting Officer for the Garda, reporting to the Minister for Justice, Equality and Law Reform through the Secretary General of the Department. It would be unwise to assume that this could be applied to the benefit of the defence organisation.

[Deputy Tom Kitt.]

It is a different scenario. We have had many debates about semi-State bodies and the need for ministerial accountability but this has worked well for the Defence Forces. We will continue to improve management as required.

Deputy Jimmy Deenihan: The Minister for Health and Children, Deputy Harney, said here last June that the individual responsible for the output must be responsible for the finance. That is a critical role. It is happening in the Garda and now also in the HSE. I also remind the Minister of State that delegation is not the same as being the Accounting Officer. I know that a new White Paper is being prepared. Can the Minister of State give a commitment that this aspect of the Defence Forces arrangements will be considered in the White Paper?

Deputy Tom Kitt: Looking to the future, the organisation and management of the Defence Forces will be improved and modernised as required, but I stand by my position with regard to the difference between the areas of defence and justice.

Overseas Missions.

2. **Deputy Brian O'Shea** asked the Minister for Defence the latest position in regard to the deployment of Irish troops to serve with the United Nations mission to Chad; the progress made with regard to supplying the contingent; the number of troops in place to date; the timetable for the deployment of the remainder of the contingent; the most recent information available on the security situation in the region; and if he will make a statement on the matter. [13568/08]

4. **Deputy Jimmy Deenihan** asked the Minister for Defence if all arrangements are in place for the deployment of Army personnel to Chad, including transport arrangements, helicopter backup, water supply and so on; and if he will make a statement on the matter. [13736/08]

Deputy Tom Kitt: I propose to take Questions Nos. 2 and 4 together.

The European Union military mission to Chad and the Central African Republic, EUFOR TCHAD/RCA, established under the authority of United Nations Security Council Resolution 1778 (2007), was formally launched by the General Affairs and External Relations Council on 28 January 2008. Ireland will be the second largest contributor to the mission, with 450 personnel. The aim of the mission is to protect civilians in danger, particularly refugees and internally displaced persons, facilitate the delivery of humanitarian aid and protect UN personnel.

The mandate for this mission is robust. It will be conducted under Chapter VII of the UN charter, allowing the use of all necessary force to ensure the success of the mission. The EU force is authorised to support the UN and to take all necessary measures within its capabilities and its area of operation to fulfil its functions. EUFOR is committed to conducting its operations in a neutral and impartial manner.

A total of 83 Defence Forces personnel are currently serving with EUFOR: 18 at the operational HQ in Paris and 65 in Chad, including 53 personnel of the Army Ranger Wing. A ship containing all the heavy equipment of the Irish battalion, which departed Dublin on 26 March 2008, is scheduled to arrive at Douala port, Cameroon, on 12 April. A team of 23 Irish personnel have deployed from Ireland to Douala port to receive the ship on its arrival. This team will organise the movement forward of the Defence Forces' cargo by road, rail and air to the headquarters of the Irish battalion at Goz Beida in eastern Chad, a distance of some 2,700 km.

The advance group of the 97th infantry battalion, comprising 177 personnel, will fly to N'Djamena at the end of April and will move forward to Goz Beida on an agreed schedule. The advance group's primary mission is to construct the Irish camp in Goz Beida. The main body of the 97th infantry battalion is scheduled to arrive in Chad towards the end of May. The Netherlands will deploy a contingent of 60 personnel with EUFOR, which will be fully integrated into the Irish battalion.

Because of the nature of the operation, the mission area and the environment, force protection will be a key consideration. The Defence Forces will deploy a full range of force protection assets, including armoured personnel carriers. The military authorities have indicated that, while the level of risk is consistent with any operational deployment into a troubled African state, it is one which the Defence Forces have the capability to manage.

There will be a sufficient water supply available in Chad to meet the needs of the Irish contingent. I have been informed that the Defence Forces have already tapped two wells in the area of operation. These wells can produce 3.2 cubic metres of water per hour. This water supply is sufficient to meet the needs of 700 personnel. The Defence Forces also have a purification system in place that will be used to treat all water before use and for the recycling of used water. In addition, an ample supply of bottled water will be available.

In early February and on 1 April, fighting took place between Chadian forces and rebels. EUFOR personnel were not involved in these incidents. However, the situation in the Republic of Chad is currently calm.

Key enablers, in particular tactical and medevac helicopters and medical facilities, are currently in place thus allowing the mission to proceed. Having being satisfied that the capabilities required to support EUFOR's main force deployment had been established, Lieutenant General Nash, the EUFOR operation commander, declared that the mission had achieved initial operational capability on 15 March this year. This marked the start date for the 12 month duration of the operation as set out in UN Security Council Resolution 1778.

When the full EU force is deployed, it will comprise 3,700 personnel. A total of 1,800 EUFOR personnel are already deployed in Chad. This now affords the operation commander and his staff the opportunity to plan for the follow-on deployment of three multinational battalions, including the Irish battalion. The mission is planned to reach full operational capability by mid to late May.

Deputy Brian O'Shea: I also extend my best wishes to the Minister, Deputy O'Dea, and I trust he will make a full and rapid recovery. However, the Minister has a very capable deputy and I welcome the Minister of State, Deputy Tom Kitt.

Deputy Tom Kitt: I thank the Deputy for his remarks.

Deputy Brian O'Shea: Can the Minister of State assure the House that the *MV Zeranat*, which is on its way to Douala in Cameroon, is not operating under a flag of convenience? Is the crew of that ship engaged under proper pay and conditions? I understand the incident that took place in N'Djamena was a political one and therefore that Irish troops would not be involved. Last month, the Minister, Deputy O'Dea, informed us at question time that it was unlikely that such an incursion could be mounted again before the end of the rainy season, which begins in June. Will the Minister of State provide us with an update in that regard? Is that still the security advice available to the Department, that no such incursion can take place before the end of the rainy season? Apart from that, is there any indication whether it is any more likely that it can happen after the rainy season?

Deputy Tom Kitt: I can assure the Deputy as to the pay and conditions on the ship because that is part and parcel of the standards that apply in this situation. With regard to the recent incidents in Chad, in early February and on 1 April, fighting took place between Chadian forces and rebels. EUFOR personnel were not involved in these incidents. EUFOR has no role in the protection of the sovereign territory of Chad. Incursions by rebel forces are a matter for the Chadian authorities and do not fall within the remit of the EU mission. An awful lot of work is currently going on with EUFOR conducting an information campaign within its area of operations. The purpose of the campaign is to promote EUFOR's credibility, will and capability to fulfil its mission. The campaign is being conducted by means of leaflet hand-outs and radio advertisements. Clearly, much good ground-breaking communications work is going on at present. To answer the Deputy's other question, it is all being done in the context of preparatory work, making ourselves familiar with the local community, ensuring that everybody sees Irish emblems, such as Irish flags flying on vehicles, using radios and leaflets, and using our military information officers to get the message across.

I noted the Deputy's comments on the rainy season and I accept that he is correct in that regard. Full deployment will be achieved by the end of May. Prior to full deployment, my officials are anxious to ensure a full briefing for the spokespersons present here.

Deputy Jimmy Deenihan: In view of Lieutenant General Nash's appearance on the Late Late Show, surely he could also appear before our committee dealing with defence matters to bring us up to date with a special briefing. Surely that is as important as appearing on the Late Late Show. I am, therefore, requesting such a meeting.

Having visited Africa on numerous occasions, the Minister of State is no doubt aware that the temperature in Chad will be 45 to 50 degrees. Our mission will never have experienced those types of temperatures before. The Irish Army will arrive in Chad at the start of the rainy season. I understand it will be on an island which is cut off. From the first question time on this mission last October, I have been asking what back-up the mission will have, including medevac helicopters to move those injured in combat or otherwise. In addition, what reconnaissance back-up is available? If troops cannot travel by land over much of this hostile territory because of the rainy season, they will have to do so by helicopter. During a previous question time the Minister said they would have to depend on others, such as the French, for helicopter back-up. Do our troops have their own helicopter back-up? Can the Minister of State confirm if progress has been made in providing such back-up facilities? Has a hospital been established in Abeche? How will people be taken from there to the main hospital in Italy?

Deputy Tom Kitt: On the final point, each battalion will provide a role one medical facility at the battalion headquarters, at Goz Beida in the case of the Irish battalion. This medical support includes the capability to provide first aid, immediate life-saving measures and triage. Three role two facilities are available at N'Djamena, operated by the French, at Abeche, by Italy and at Berrau in the Central African Republic, by France. Role two medical facilities are the UN standard and normally cover advanced life support and basic surgery.

I wish to make one point concerning the helicopters. The Minister, Deputy O'Dea, has said that because the mission has been generously funded, in summary, what we need we will get. That includes helicopter provision, although the precise details are not available at the moment.

Deputy Jimmy Deenihan: We have to depend on others.

Deputy Tom Kitt: Medevac choppers are available. As I said, we will keep Opposition spokespersons continuously updated prior to the end of May.

Deputy Jimmy Deenihan: What about Lieutenant General Pat Nash?

Deputy Tom Kitt: I have met Lieutenant General Nash on a number of occasions and will forward the request made by Members to him. I feel this would be appropriate at a particular time but he is very engaged in the process at the moment.

Deputy Brian O'Shea: I understand, from the figures we received, that there are still around 180,000 refugees in camps in Sudan. Is there any indication that more refugees may wish to cross the border, now that the EUFOR mission is in place? I was very heartened to read that Lieutenant General Nash said Irish troops were exceptionally well received and that the people of villages they visited were anxious that they stay because they felt more secure with them around.

From what the Minister has told us, all the indications are that things are developing well and that this is a well-planned mission. Is it likely that the number of refugees in camps in Chad will increase now?

Deputy Tom Kitt: The figures I have suggest there are around 4,200 refugees in the camps and among those there are internally displaced persons, IDPs. I understand that this figure is remaining constant. We will keep the Deputy updated on changes in the figures.

The Deputy is correct that there has been a warm welcome for troops and in my view the communication system is working well. As we all said previously in the House when we last addressed this matter, it is important that the distinctive Irish position be communicated. I welcome the fact that Army personnel were on "The Late Late Show" to inform the public of what is happening.

I support this mission, although I acknowledge, along with my colleague, the Minister for Defence, Deputy O'Dea, that it is not safe. All missions have risks but, thankfully, things are going extremely well so far.

Overseas Development Aid.

3. **Deputy Jimmy Deenihan** asked the Minister for Defence if the level of funding available to the Defence Forces for humanitarian purposes will be increased for their various missions; if they could have access to overseas aid in these cases; and if he will make a statement on the matter. [13735/08]

Deputy Tom Kitt: The primary role of the Defence Forces, when deployed overseas, is to undertake essential peacekeeping and peacemaking operations under a UN mandate.

As part of their participation in peace support operations, the Defence Forces have traditionally adopted a number of small-scale humanitarian operations in support of the local communities where they are deployed. Recent examples of this are in Liberia and Kosovo.

The main source of funding towards this humanitarian work comes in the form of a financial subvention from the Irish Aid programme, which is administered by the Department of Foreign Affairs, supplemented by the voluntary contributions of contingent members.

In Liberia the arrangements and procedures put in place between the Department of Defence and Irish Aid proved very effective for the expenditure of funds provided by Irish Aid. Each rotation by the Defence Forces was given €15,000 by Irish Aid, that is, €30,000 per

[Deputy Tom Kitt.]

annum, and each rotation had delegated authority for the approval and implementation of projects financed from the funds provided.

In the case of projects supported by the Defence Forces serving in Kosovo, Irish Aid provides funds on a case by case basis. Since 2005, Irish Aid has provided funding in excess of €150,000 towards such projects.

This funding has proved to be a very effective means of supporting communities and integrating our forces into local communities and I expect this arrangement with Irish Aid to continue. I would not expect, however, that the Defence Forces would increase their engagement in this regard as it might impact on their primary role overseas — peacekeeping and peacemaking.

Deputy Jimmy Deenihan: I am sure the Minister of State accepts €150,000 is a rather derisory figure in one sense. In Liberia, Kosovo, Lebanon and elsewhere the humanitarian element of the work of our missions has been hugely important. It has helped our troops gain the trust and confidence of local people. In Liberia and Kosovo the Defence Forces have built schools and hospitals and have been involved in other very important community projects. However, they had to fundraise to get some of the money necessary for such work. They had to seek sponsorship in their communities despite the fact that we spend almost €1 billion on overseas aid. This does not seem to make sense.

Humanitarian work constitutes an important part our Defence Forces' missions so I ask that the Department of Defence consider providing more funding. The Defence Forces are not on missions in very many areas but I ask that they receive more generous overseas aid support in such places. This would be very simple, in view of the good work they do. Collecting money for projects in areas in which they operate has put a burden on the Defence Forces.

Deputy Tom Kitt: I totally agree with the Deputy regarding the huge value of this work. When I addressed the House on the last occasion, I mentioned that I had been privileged to visit Liberia and see the projects in which our Defence Forces are involved. Since I last spoke I have visited Kosovo and witnessed the great work our Defence Forces are involved in there, such as the construction of classrooms and school playgrounds. This work brings our personnel into contact with local communities.

Irish Aid provides a lot of money, some €4.75 million in 2007, in funding for humanitarian relief projects in Chad. The list of non-governmental organisations, NGOs, involved includes Médecins sans Frontières, Concern, Trócaire and so on. All of our major agencies are there along with international agencies and UN agencies, such as UNICEF.

I agree with the Deputy that it is important we support our Defence Forces and are generous when they come across a project in which they wish to participate. Some of the Defence Forces decide to raise money and this adds value because it helps build a connection with communities in Ireland also. I commend the Defence Forces on this and encourage them to continue this practice. There is a role for Irish Aid, where appropriate.

As I said in my opening remarks, we must not forget that the primary function of our Defence Forces on these missions is to keep the peace. However, the work the Deputy has mentioned is vital and I would encourage the projects the Defence Forces take on, on a case by case basis.

Deputy Jimmy Deenihan: I am sure the Minister of State will agree that overseas aid agencies should not feel threatened by the Defence Forces carrying out this kind of work. If troops on missions are to integrate and communicate as much as possible with local communities, as is

hoped in Chad, humanitarian work may help them maintain their security. Very worthwhile projects involving schools and hospitals are going on and should be supported.

Deputy Tom Kitt: I feel we should encourage projects that help development. I am not suggesting that Irish people are exceptionally special but Irish Army personnel serving abroad have shown they have great skill, commitment and interest when it comes to humanitarian work. When this arises, on a case by case basis, the Government should be supportive.

Question No. 4 answered with Question No. 2.

Defence Forces Overseas Allowances.

5. **Deputy Jimmy Deenihan** asked the Minister for Defence when a decision will be made on the proposed increase in overseas allowances for the Defence Forces in view of the Chad mission; and if he will make a statement on the matter. [13737/08]

Deputy Tom Kitt: A claim for an increase in overseas allowance was received from the Permanent Defence Force Other Ranks Representative Association and the Representative Association of Commissioned Officers, under the conciliation and arbitration scheme, C & A scheme, for members of the Permanent Defence Force. The claim has been the subject of correspondence between the Department and the representative associations. The Deputy will appreciate that as discussions under the C & A scheme are confidential to the parties involved, it would not be appropriate for me to comment further on the matter at this time, other than to say that the claim is being addressed within the terms of the social partnership agreement, Towards 2016.

The current rate of overseas peace support allowance payable to enlisted personnel serving overseas ranges from €56.93 to €60.98, per day. In addition to this, an overseas armed peace support allowance of €23.00 per day is payable for certain missions.

The current rate of overseas peace support allowance payable to officers serving overseas ranges from €74.60 to €82.08, per day. In addition to this, an overseas armed peace support allowance of €24.11 per day is payable for certain missions.

Deputy Jimmy Deenihan: Given that the Chad mission will be different from missions to Liberia, Bosnia or Lebanon because of the different terrain and the challenges it will face, surely a decision should be made on the overseas allowance before the Defence Forces go to Chad. As I understand it, a 5% offer is on the plate. To a private that would mean about €4, which is derisory. I understand that at a PDFORRA conference last year the Minister gave an indication that if a proposal was put forward for 15% he would look favourably on it. In view of the difference between this mission and missions to Liberia, Bosnia, Lebanon and elsewhere a determination should be made on the increase in the allowance as soon as possible. It is not that our Defence Forces are asking for it, but it would show an appreciation of the work they are doing and the challenges they face. While they are in the Army to undertake missions such as this, at the same time they must be rewarded and acknowledged as much as possible.

4 o'clock

An Leas-Cheann Comhairle: I ask Members to ensure their telephones are turned off, please.

Deputy Tom Kitt: Irish troops are deployed on missions in many locations throughout the world on pay and allowances that are not established by reference to any particular mission. They are established in the normal course, including through discussions through the conciliation and arbitration scheme. That is the way the process operates. There is no unnecessary

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prolonging of the negotiations in this case. My Department and the Department of Finance are available to both associations for discussion on the matter.

Deputy Jimmy Deenihan: It is not because they are going to Chad, I realise there are other missions, but could the overseas claim be determined as soon as possible to coincide with the mission to Chad?

Deputy Tom Kitt: I would like to see this matter proceed as quickly as possible. My Department and the Department of Finance are available to both associations. Let us try to get moving on this issue as quickly as possible.

Other Questions.

Defence Forces Medical Service.

6. **Deputy Dinny McGinley** asked the Minister for Defence if each member of the permanent Defence Forces have been made aware by their employers of the content of the Defence Forces Medical Services Patients Charter; and if he will make a statement on the matter. [13516/08]

15. **Deputy Olivia Mitchell** asked the Minister for Defence if, consistent with the terms of the agreed patients charter for the Defence Forces, each member of the permanent Defence Forces has been informed of the names and contact details of the medical officer and dental officer responsible for the management of their medical and dental care; and if he will make a statement on the matter. [13514/08]

31. **Deputy Dinny McGinley** asked the Minister for Defence if, consistent with the terms of the agreed patients charter for the Defence Forces, the name of the doctor, dentist and pharmacists are prominently displayed in each Defence Forces surgery and pharmacy; and if he will make a statement on the matter. [13515/08]

47. **Deputy Paul Connaughton** asked the Minister for Defence if, consistent with the terms of the agreed patients charter for the Defence Forces, members of the permanent Defence Forces who require ongoing treatment from Defence Forces medical and dental officers or routine examinations or treatment are given appointments for specific dates and times and are usually seen within 30 minutes of the stated time; and if he will make a statement on the matter. [13517/08]

Deputy Tom Kitt: I propose to take Questions Nos. 6, 15, 31 and 47 together.

Military medical services and their facilities exist to maintain the health of the Defence Forces and to support them in operational and overseas activities. The focus of the military medical service is on primary care, occupational medicine, acute trauma management, preventative medical programmes and field medical training.

The challenges in the medical arena have been recognised for some time and a review of the provision of medical services is ongoing as part of the modernisation agenda for the Defence Forces. The representative associations are involved with us in this review. The scope of the review includes the level of service to be provided to members of the Defence Forces and the resources required for the delivery of that service.

The review has already produced a patients charter with the agreement of all parties, which I welcome. The agreement on the patients' charter identifies the rights of members of the Defence Forces as patients and their obligations as users of the Defence Forces medical services. It also identifies the obligations on the providers of the services.

The implementation of the patients charter is under way. The military authorities have assured me that issues such as publicising the charter, displaying names of medical personnel and the awareness of personnel about the medical or dental officer with responsibility for the management of their medical care will be implemented in the coming weeks.

However, the full implementation of the charter is clearly dependent on the resolution of the structural, resource and other challenges facing the medical corps. The challenges we face with medical services in the Defence Forces and therefore the scope of the medical review go beyond the patients charter. It is one item on the medical review agenda. The Minister looks forward to the active engagement of the representative associations with the overall process.

In view of the complexity of the challenge and the need for concrete steps, the Minister has decided to engage consultants to make recommendations on the best means of meeting the medical requirements of the Defence Forces. Tenders for the engagement of consultants have been issued with a tender closing date of 18 April. The consultancy will deal with all relevant issues affecting the sustainable provision of the relevant medical expertise and services to the Defence Forces.

The development of the capacity of the medical corps forms part of An Agreed Programme for Government. The Minister is committed to providing a sustainable medical service to meet the needs of the Defence Forces both at home and abroad. I can assure the House that Defence Forces personnel requiring medical treatment are getting the care they need.

Deputy Jimmy Deenihan: Another consultants' report will not solve the problem of getting personnel for the Army. They are probably looking at alternatives but I cannot see a consultants' report finding the solution. The patients' charter was signed off last September, nine months ago, but nobody has seen it, including Army personnel. It has not been put on display anywhere. That is not good enough. The health of the Defence Forces is very important because they have to stay healthy in order to carry out their duties. There are difficulties such as basic appointments. I understand everyone arrives at the military hospital on Infirmery Road at 8.30 a.m. Some people could have to wait there all day to see a doctor or to get medical advice. There is also the issue of a different doctor on duty every time they return. Patients like to see and meet the same doctor as much as possible as they build up a communication and a trust with them. I have asked this question repeatedly about the medical backup service for the Defence Forces. I am not happy with what I hear and see in regard to the medical backup at present. Will the Minister of State give a timescale for implementation of the patients' charter? Can a designated officer of high rank be appointed to ensure the patients' charter and all the recommendations agreed last September will be put in place?

Deputy Tom Kitt: Much of this issue will hinge on the work of the consultants. There are issues to be addressed. At the end of the summer the consultants will be appointed and later in the year we will have the report. The Deputy is correct in saying that full information concerning the patients' charter should become available. I have asked for a copy of the charter. The Deputy asked that the charter be made readily available; that is an obvious point that must be dealt with and I will certainly pursue it.

[Deputy Tom Kitt.]

Difficulties in regard to the recruitment of medical officers have endured for some time despite the concerted efforts of my Department and the Defence Forces. The numbers attracted to work in the Defence Forces have served only to address natural wastage. The pay and allowances of doctors and dentists were recently increased substantially in consultation with the Minister for Finance. In addition the Defence Forces have recently undertaken an intensive recruitment campaign, the result of both these initiatives has been disappointing. It is important to get this right. The consultants will be asked to review the career prospects being offered to young doctors, opportunities for career development and membership of specialist registers. They will also examine the range of services required by the Defence Forces at home and overseas and for options on sustainable future positions. In summary, I will certainly follow up on the request in regard to the patients' charter and keep the Deputies informed on the progress of the consultants' work. It is important to get on with this work and to get it right.

Deputy Brian O'Shea: I take on board all the points the Minister of State has made. When the medical corps is at about half strength there is a serious problem. For example, given that only one Irish-born doctor was recruited in the past five years there is a serious issue here. I suggested financing the studies of doctors on the basis that they would enter a contractual arrangement to give a number of years service to the Defence Forces. The more I think of it, the more I think it must be done on a formalised basis. A similar scheme operates in the US armed forces.

We can receive consultants' reports for ever but the simple issue is inducements to attract people. I accept that efforts have been made by increasing pay levels but it has not worked. People are more amenable to serving in the Defence Forces for a limited length of time if they are given assistance with studies at a time in their careers when resources can be a serious problem.

Deputy Tom Kitt: I will convey Deputy O'Shea's view on the scholarship type system to my officials and will ask them to convey it to the consultants examining the options available. There are problems with personnel because there are 21 doctors in the medical corps. We need more and, in the absence of a sufficient number of military and medical officers, civilian doctors and dentists are employed on a sessional basis, inside and outside barracks, to maintain the service required for the Defence Forces.

Defence Forces personnel requiring treatment are receiving the care they need. The setting of targets for service provision is worthwhile but everyone must realise that meeting these targets is dependent on resolving these bigger issues. Fundamental issues must be addressed. The Minister and I are determined to do so and I will convey Deputy O'Shea's suggestion to my officials.

Deputy Jimmy Deenihan: Regarding inducements to enter the military medical personnel corps, the availability of a crèche is a major issue for young married females. I tabled a question today on the availability of a crèche at the Curragh, the biggest centre, but nothing is happening. Ancillary facilities such as a crèche can provide an inducement for people to join the medical corps.

I am aware of those who do not receive appointments and do not know when the next appointment is scheduled for or who will care for them. This is true of dental as well as medical care and is not acceptable.

Deputy Tom Kitt: I will convey Deputy Deenihan's point to my officials. The medical corps are not immune to the wider challenges in the medical field. In addition to the pay and allowance factors, career opportunities for a young doctor in the Defence Forces and other ways to attract a medical officer are being examined. The Minister will be in a position to report on progress in due course.

Overseas Missions.

7. **Deputy Kathleen Lynch** asked the Minister for Defence if he will report in regard to the Irish contingent to Chad. [13551/08]

9. **Deputy Jan O'Sullivan** asked the Minister for Defence the proposed timetable for the deployment of the remainder of the Irish contingent with the UN mission to Chad; and if he will make a statement on the matter. [13557/08]

11. **Deputy Jack Wall** asked the Minister for Defence the progress made with regard to logistical backup for Irish troops that will be serving with the UN mission to Chad. [13556/08]

14. **Deputy Olwyn Enright** asked the Minister for Defence if, in view of the high cost of flights from Chad to Ireland, he will provide subsidised leave flights to Ireland, such as were provided for troops when deployed to Liberia, or affordable alternatives, for those members of the Defence Forces serving in Chad who are authorised to take leave during their deployment; and if he will make a statement on the matter. [13508/08]

23. **Deputy Chris Andrews** asked the Minister for Defence the timetable for the deployment of the remaining troops to Chad; the arrangements in place to transport these troops to their area of operation in Chad; the duties they will undertake while there; and if he will make a statement on the matter. [13572/08]

25. **Deputy Bernard J. Durkan** asked the Minister for Defence if he is satisfied that the deployment of Irish troops to Chad is in accordance with expectations with particular reference to adequacy of numbers, communications, supply and transport and medical; if he expects the position to remain so for the duration of the deployment; and if he will make a statement on the matter. [13577/08]

35. **Deputy Barry Andrews** asked the Minister for Defence the position on the deployment of Defence Forces personnel to the UN mandated mission to Chad; the number of troops already deployed; the amount of equipment already sent; when it is expected to have all troops deployed to the region; and if he will make a statement on the matter. [13496/08]

46. **Deputy Lucinda Creighton** asked the Minister for Defence the discussions he has had with General Nash on the safety of Irish troops in Chad; and if he will make a statement on the matter. [10348/08]

157. **Deputy Bernard J. Durkan** asked the Minister for Defence if he is satisfied that the Irish troop deployments to Chad are adequately equipped and provided for in every respect including supplies, transport and communications; and if he will make a statement on the matter. [13772/08]

161. **Deputy Bernard J. Durkan** asked the Minister for Defence if he is satisfied that adequate preparation and training has been made available to the Defence Forces in respect of all over-

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seas deployments including Chad and other locations yet to be considered; and if he will make a statement on the matter. [13776/08]

Deputy Tom Kitt: I propose to take Questions Nos. 7, 9, 11, 14, 23, 25, 35, 46, 157 and 161 together.

The European Union military mission to Chad and the Central African Republic, EUFOR TCHAD/RCA, established under the authority of United Nations Security Council Resolution 1778, was formally launched by the General Affairs and External Relations Council on 28 January 2008. Ireland will be the second largest contributor to the mission with 450 personnel. The aim of the mission is to protect civilians in danger, particularly refugees and internally displaced persons, facilitate the delivery of humanitarian aid and protect UN personnel.

The mandate for this mission is robust and will be conducted under Chapter VII of the UN charter, allowing the use of all necessary force to ensure the success of the mission. The EU force is authorised to support the UN and to take all necessary measures within its capabilities and its area of operation to fulfil its functions. EUFOR is committed to conducting its operations in a neutral and impartial manner.

A total of 83 Defence Forces personnel are currently serving with EUFOR — 18 at the operational headquarters in Paris and 65 in Chad. A ship containing all the heavy equipment of the Irish battalion, which departed Dublin on 26 March 2008, is scheduled to arrive in Douala port, Cameroon, on 12 April 2008. To date, approximately 4,000 tonnes of stores and wheeled units have been consigned to Chad.

A team of 23 Irish personnel have deployed from Ireland to Douala port to receive the ship on its arrival. This team will organise the movement forward, by road, rail and air, of the Defence Forces cargo to the headquarters of the Irish battalion at Goz Beida in eastern Chad, a distance of some 2,700 km.

The advance group of the 97th infantry battalion, comprising 177 personnel, will fly to N'Djamena at the end of April 2008. Planning is ongoing at operational headquarters in Paris regarding the onward movement of these personnel to Goz Beida. The advance group's primary mission is to construct the Irish camp in Goz Beida. The main body of the 97th infantry battalion is scheduled to arrive in Chad towards the end of May. The Netherlands will deploy a contingent of 60 personnel with EUFOR, which will be fully integrated into the Irish battalion.

The 97th infantry battalion will contribute to establishing a safe and secure environment in their area of operation, in order to contribute to protection of civilians in danger, facilitating the delivery of humanitarian aid and the free movement of humanitarian personnel through improved security, protection of United Nations and associated personnel and encouraging the voluntary return of internally displaced persons, especially in the Dar Sila region.

The issue of the provision of subsidised leave flights to Ireland does not arise in the context of the EUFOR TCHAD/RCA mission as personnel will be on a four month tour of duty and will not be availing of mission leave.

Because of the nature of the operation and the mission area and environment, force protection will be a key consideration. The Defence Forces will deploy a full range of force protection assets including armoured personnel carriers. The military authorities have indicated that, while the level of risk is consistent with any operational deployment into a troubled African state, it is one that the Defence Forces has the capability to manage.

Troops selected for overseas service undergo a rigorous programme of training designed to help them carry out their peacekeeping mission and to provide for their protection. Pre-deployment training is updated in the light of up-to-date threat assessments. Prior to deployment on missions, training packages, including realistic mission readiness exercises, are conducted and validated to ensure units are thoroughly prepared.

There are no concerns about the supply of water available in Chad to meet the needs of the Irish contingent. The Defence Forces have advised that two wells have been drilled on the site of the Irish camp in Goz Beida and will be more than adequate to provide a water supply to the Irish contingent and associated personnel when fully operational. These wells can produce 3.2 cu. m of water per hour. The water will be treated by the Defence Forces water purification system which was used in the UNMIL deployment in Liberia and proved highly successful. As a contingency a continuous supply of first quality bottled water has been sourced and is already being positioned for the arrival into theatre of the advance and main body personnel. This supply will be used during the initial part of the camp build until engineer assets bring water on line. Thereafter a strategic stock of bottled water will be maintained in the Irish camp for any unforeseen contingency.

In the mission area each battalion will provide a role 1 medical facility at the battalion headquarters, which is Goz Beida in the case of the Irish battalion. Three role 2 facilities are available N'Djamena, Abeche and Birao in the Central African Republic.

The Minister for Defence visited the mission's operation headquarters in Paris and met with the operation commander, Lt General Pat Nash. He briefed the Minister on the current situation and the plans for recommencement of deployment of EUFOR troops to the mission area. The Minister for Defence also had informal discussions with Lt General Nash on his most recent visit to Dublin. Lt General Nash informed him that on the basis of the threat assessment undertaken, the size and composition of the force was based on a number of principles, namely, force protection, communications, mobility and fire power. Consequently he is confident that the force is adequate to carry out this mission.

The Defence Forces have deployed a suite of secure, robust, state-of-the-art tactical communications systems to the EUFOR mission. These systems have been deployed in appropriate quantities to support the effective conduct of operations. Regarding communications between Chad and Ireland, the Defence Forces' communications and information services corps is providing satellite communications and high frequency radio, e-mail and telephone access to the Defence Forces' networked management and administration information systems. All personnel will be provided with the facilities to make telephone calls to family and friends and will have access to the Internet.

In early February and on 1 April, fighting took place between Chadian forces and rebels, but EUFOR personnel were not involved. The Defence Forces have advised that the situation in the Republic of Chad is calm. Key enablers, particularly tactical and med-evac helicopters and medical facilities, are in place, thus allowing the mission to proceed. The required logistical planning and preparation for the support and sustaining of Irish troops has been completed. Being satisfied that the capabilities required to support EUFOR's main force deployment had been established, Lieutenant General Nash, EUFOR operation commander, declared that the mission had achieved initial operational capability on 15 March 2008. This marked the start date of the 12-month duration of the operation as set out in UN Security Council Resolution 1778 of 2007.

[Deputy Tom Kitt.]

When the full EU force is deployed, it will comprise 3,700 personnel. A total of 1,800 EUFOR personnel are already deployed in Chad, affording the operation commander and his staff the opportunity to plan for the follow-on deployment of three multinational battalions, including the Irish battalion. The mission is planned to reach full operational capability by mid to late May 2008.

Deputy Brian O'Shea: I thank the Minister of State for his comprehensive reply. Will he update the House on the incident at Tissi, where there was an incursion into Sudanese territory by two French soldiers? There was one fatality while the remaining soldier was injured. It is disconcerting that, in border areas, maps are imprecise and there is no clear demarcation of borders. Will the preparations address this situation? Will there be precise maps and the clear demarcation of borders? The incident was unfortunate and it was obviously accidental that the troops crossed the border. While securing the border is not part of the mission, a danger exists and I would like the Minister of State's assurance that this issue is being attended to.

Deputy Tom Kitt: If the House will allow, I will revert to the Deputy with some details on that incident. As he is aware, the troops are present to protect the displaced people and refugees and must be careful not to become directly involved in issues that are the responsibility of the Chadian Government. EUFOR needed to ensure it did not become involved in the fighting in early April between the Chadian Government and the rebels, as it has no role in the protection of Chad's sovereign territory, as the Deputy stated. Incursions by rebel forces are a matter for the Chadian authorities and do not fall within the remit of the EU mission. Regarding the specifics of the incident in question, I will happily revert to the Deputy directly to ensure he has all of the information he requires.

Deputy Jimmy Deenihan: On Question No. 14 and the issue of subsidised leave flights to Ireland, I understand that personnel who will not be on the mission in Chad will be in its headquarters for six months. It is to them I refer. Provision was made for such personnel in Liberia. The figure I have been given for the cost of a flight from Chad is approximately €1,800. There may be alternatives. Resupply flights for the mission will be made and it should be possible to subsidise flights. After six months of 24-7 operations, the personnel would be strained. During the six-month period, they may want to return for some weekends or so on.

Recently, Members of the European Parliament visited Chad. It is of concern that, irrespective of whether we accept or admit it, there is confusion between the French force on the ground and the French forces that will be members of the EU force. The MEPs' report to the European Parliament will state as much.

Deputy Finian McGrath: That is correct.

Deputy Jimmy Deenihan: Deputy O'Shea referred to demarcation lines between the countries, but it is also important to have a clear demarcation between EUFOR and the historical French presence in Chad, which is supportive of President Déby, who is unpopular among many people. If there is any escalation in violence, we could be caught in the middle. It is important to avoid such a situation.

Deputy Tom Kitt: Regarding subsidised leave flights, particular arrangements were made in the context of Liberia because its members had a six-month tour of duty, whereas personnel on the Chadian mission will serve four-month tours of duty. As the Deputy stated, they will not be availing of—

Deputy Jimmy Deenihan: Some will be in the headquarters.

Deputy Tom Kitt: Yes. I will happily check the position concerning anyone who will be present for six months.

In my response to a priority question, I stated my agreement with the Deputies concerning the importance of identifying the distinct nature of the Irish contingent. We are being deployed in Goz Beida in eastern Chad and French forces are being deployed in a sector south of us encompassing the north east of the Central African Republic. In addition, a French battalion will be based in Abeche. Poland will provide the main contingent in Iriba, north of the Irish sector. From day one, we will identify ourselves by means of the Irish flag on vehicles and the use of emblems. Importantly, we will communicate with the local community via radio, leaflets, etc. This practice was followed previously and must be followed in this region. The information to date tells of a good response. We must work hard on this matter. I accept Deputies' comments and appreciate their opinions.

Deputy Finian McGrath: I wish to ask a number of questions in respect of Question No. 7 on the mission to Chad. Since there is confusion about whether this is a UN or European mission, it is important that the Minister of State clarifies the situation for the public.

Will the Minister of State revisit the EU term "battle groups"? The Minister for Defence, Deputy O'Dea, shares my concern in this regard. The name may be changed at Government level.

An Leas-Cheann Comhairle: That goes beyond the scope of the questions.

Deputy Finian McGrath: I will revert to the specifics of the question. Will the Minister of State guarantee, in so far as he can, that our troops will have enough equipment and proper clothing to ensure their safety is given the maximum priority? A number of families are concerned about this situation. I have a vested interest, as my nephew is being deployed to Chad.

The Minister of State mentioned "a neutral and impartial manner", which is how we want the mission to be implemented.

I have concerns regarding the role of the French and the Minister of State should respond.

I ask the Minister of State to ensure that our troops are given maximum support in respect of safety issues.

Deputy Tom Kitt: I am happy to state the EUFOR mission to Chad is the most multinational military operation conducted in Africa by the European Union thus far. As the Deputy is aware, at least 17 EU member states will deploy, including France, Ireland, Poland, Sweden, Romania, Austria, Belgium, Finland, the Netherlands, Spain, Italy, Portugal, Slovenia, Bulgaria, the United Kingdom, Luxembourg and Greece. France and Ireland will be the largest and second largest contributors with 1,300 and 430 personnel, respectively. On full deployment, the EU force will comprise 3,700 personnel. On 25 September last the UN Security Council unanimously adopted the resolution to establish a multidimensional UN mission in Chad. The multidimensional presence will comprise a United Nations mission in Chad and the Central African Republic, to be known as MINURCAT, which will focus on the security and protection of civilians. The important point is that this deployment is UN-driven, as well as having strong EU involvement, which is to be welcomed.

[Deputy Tom Kitt.]

I, like other Members, had some concerns regarding the term “battle groups”, which is somewhat off the beaten track. While I share the Deputy’s viewpoint, we are stuck with the term. As the Deputy is aware, it does not describe the operation’s purpose.

As for equipment and reassurances, I will reiterate what has been stated previously in this House. We are there to help humanitarian causes in the neutral capacity alluded to by the Deputy. The force may operate under Chapter VII, if required, and is fully resourced. The Government has confidence in the force’s military leadership. Lieutenant General Pat Nash is involved at the highest level. It also is clear the Irish will have control over their own area of operation. While there will be French leadership at battalion level, the second in command will be Irish. Consequently, there will be Irish involvement throughout the chains of command. I held discussions with Lieutenant General Pat Nash when I attended an informal meeting of defence ministers in Slovenia. As an Irish Minister, I was proud to be there as he gave a good account of what everyone was doing. He kept everyone, both the Irish Government and our European colleagues, abreast of developments.

This is the present position. I have confidence in what has been done thus far. We are in a better position today than was the case last time this matter was discussed by the House. The Government will keep Deputies fully informed in this House.

Defence Forces Medical Services.

8. **Deputy Seymour Crawford** asked the Minister for Defence the percentage of members of the Permanent Defence Force by rank and brigade or formation who had an annual medical examination in each of the years from 2002 to 2007, inclusive; and if he will make a statement on the matter. [13510/08]

19. **Deputy Paul Kehoe** asked the Minister for Defence the number of members of the Permanent Defence Force who have not had an annual medical examination for one, two and three years from 31 December 2007 retrospectively; and if he will make a statement on the matter. [13511/08]

Deputy Tom Kitt: I propose to take Questions Nos. 8 and 19 together.

All members of the Permanent Defence Force are required to undergo an annual medical examination. In 2007, a total of 8,111 annual medical examinations were conducted with a shortfall of 2,323. The figures in respect of earlier years are being collated and will be provided to the Deputies as soon as they are available.

The shortage of medical officers in the Medical Corps was the principal reason that not every member of the Defence Forces underwent a medical examination in the years in question. Due to operational constraints, personnel sometimes are not available to attend for examination at the scheduled times. Personnel due to serve overseas, those wishing to extend service and recruits and cadets at initial grading are among those prioritised for medical examination.

The services of civilian medical practitioners are used to provide back-up to the Medical Corps to ensure the primary health care requirements of the Defence Forces are met. Annual medical examinations are part of the occupational medical service of the Defence Forces and the preference is, therefore, that they be conducted by serving medical officers.

The challenges facing the Medical Corps have been recognised for some time and a review of the provision of medical services is ongoing as part of the modernisation agenda for the Defence Forces. The representative associations are involved with the Department in this

review. The scope of the review includes the level of service to be provided to members of the Defence Forces and the resources required for the delivery of that service.

Given the ongoing issues and mindful of the need to make progress in this area, it has been decided to engage consultants to make recommendations on the best means of meeting the medical requirements of the Defence Forces. The process of engaging the consultants is under way.

Deputy Jimmy Deenihan: Does the Minister of State believe the Defence Forces have the capability to provide all their personnel with an annual medical examination at present? It is a simple question. Obviously, there is a difficulty if more than 2,000 personnel did not undergo a medical examination. The Minister of State will agree the health of the organisation is paramount and that each member of the Defence Forces should undergo a medical check-up every year. People tend to be reluctant to undergo medical check-ups, especially the male element of the Defence Forces. It is important that such check-ups should be both available and obligatory on an annual basis.

It also is highly important for the Defence Forces to monitor the health and fitness levels of their personnel at all times. Is a general medical report on the health status of the Defence Forces issued on an annual basis?

Deputy Tom Kitt: The introduction of consultants to consider the matter indicates the present position must be improved. It constitutes an indication that something must be done. However, sick soldiers receive the requisite care and the services of civilian medical practitioners are used to back up the Medical Corps to ensure the primary health care requirements arising in barracks are met. One must acknowledge there is a recruitment problem.

More importantly, the major improvements in pay that were introduced recently have not resulted in significant recruitment. These issues must be addressed. The Medical Corps is not immune to the wider challenges that exist in the medical field. Non-Irish national doctors have been employed in the health sector and it is no longer unusual. Similarly, in the Defence Forces, suitably qualified doctors have served and continue to serve. Every effort is being made to deal with the issue and there is a fundamental need to do so. That is the reason the consultancy is being carried out. I will keep the House abreast of developments in this regard.

Question No. 9 answered with Question No. 7.

Defence Forces Medical Service.

10. **Deputy Joe Costello** asked the Minister for Defence the manner in which a doctor convicted of fraud in another jurisdiction was recruited to, and worked in, the Defence Forces; and if he will make a statement on the matter. [13547/08]

Deputy Tom Kitt: The doctor in question was appointed as a medical officer in the Permanent Defence Force on a short service commission of 12 months on 1 May 2007 after undergoing the standard recruitment process for doctors. This included an interview by the Defence Forces, a medical examination by the Defence Forces, security clearance by the Garda Síochána and registration validation with the Irish Medical Council by the Defence Forces.

The doctor satisfactorily provided all documentation requested and was found suitable at interview. All applicants to the Defence Forces must be security cleared by the Garda Síochána prior to appointment. The normal procedure for obtaining security clearance for all applicants to the Permanent Defence Force was applied in the case of the recruitment of the individual

[Deputy Tom Kitt.]

concerned. At the time of appointment of that individual, no adverse information was made available to the Department that would render the individual unsuitable for appointment.

Subsequently, in July 2007 and following contact between my Department and the Garda National Immigration Bureau, difficulties with both registration and the application for employment in the Defence Forces came to light. The military authorities conducted an investigation into these matters and, based on this investigation, the Government decided to recommend to the President that the doctor be dismissed from the Defence Forces. The President dismissed the doctor pursuant to section 50 of the Defence Act 1954 on 26 February 2008.

I stress that the doctor in question was fully qualified to hold the position from a medical perspective and there is no question regarding the professional qualification and experience of the doctor. There are no concerns regarding the quality of medical care provided by the doctor. I am assured that arising from this case, changes have been made to recruitment and checking processes to ensure that a similar situation will not arise in future.

Deputy Brian O'Shea: I thank the Minister of State for his reply. He should clarify whether the person in question was lawfully in the country in the first place. This doctor was also registered with the Irish Medical Council. I find it disconcerting that the two main security arms of the State failed to address this issue expeditiously. This appointment should not have been made in the first place. A conviction was secured for corruption and the question of whether the person was lawfully in the State needs to be clarified. It makes me wonder whether communication takes place between the arms of the State in this area. If an issue such as this can arise it must be asked what else is happening. I am aware the Minister of State will respond in the context of the Defence Forces, but the intelligence wing of the Defence Forces is also an important element in the security of this State.

Deputy Tom Kitt: I acknowledge that lessons must be learnt from this matter. The person did not have permission to enter the State and Deputy O'Shea made a valid point about the need for Departments to co-operate more closely and on improvements to checking systems. It is important we apply that principle in the future through the use of modern information technology.

This person was working in a hospital in Dublin, in which regard I stress that no issues have arisen over professional qualifications or the quality of care the person administered. The normal security checks were completed. When documentation on renewing the person's work permit for possible overseas services were processed, issues emerged and contact was made with the Garda National Immigration Bureau.

The bottom line is that lessons have to be learnt and better communication is needed between the various arms of the State. I assure the Deputy that will be the result of this case.

Deputy Brian O'Shea: What exactly has been done since this matter came to light in the context of better co-ordination in the scrutiny of people who may hold criminal records or who are unlawfully in the State?

Deputy Tom Kitt: A complete review of the recruitment and checking processes has been undertaken for all applicants. The review took account of this case as well as improvements that have been implemented elsewhere in the public service, including requirements on applicants to supply additional information on their histories and improvements in the security clearance process. Following discussions between officials from my Department, the Garda Síochána and

the GNIB, security clearance procedures for all applicants for positions in the Defence Forces have been reviewed and a process has been put in place whereby gardaí will check with the GNIB on applicants' immigration status as part of the security clearance process.

Lessons have been learnt and the system has improved. Thankfully, the professional qualifications of the doctor in question are accepted as authentic and in all professional respects the individual was a suitable candidate to be commissioned as a medical officer.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Leo Varadkar — the need for the Minister for Foreign Affairs to make a statement to the Dáil on the efforts he is making to support the struggle for individual freedom, human rights, press freedom and democracy in the People's Republic of China and whether he will use the opportunity of the Olympic Games to increase pressure on the socialist regime; (2) Deputy Alan Shatter — the need to grant permission to the boards of management of schools in Dublin 16 to proceed with the construction of essential new primary school facilities; (3) Deputy Pat Rabbitte — the provision of speech therapy for a child; (4) Deputy Jimmy Deenihan — the need to replace seven portacabins at a school in County Kerry; (5) Deputy Joe McHugh — the introduction of a training element for deck hands, engineers, qualified skippers and mates which would enable them to skipper freight and cargo as fully qualified officers of the watch; (6) Deputy Jack Wall — the need for investment in educational facilities in County Kildare; and (7) Deputy Pat Breen — the matter of extreme importance relating to today's media reports that 15 deceased patients who were treated at Ennis General Hospital were infected with the bug *c. difficile*, to urge the Minister for Health and Children to immediately undertake an independent investigation into this matter, to provide the necessary infrastructure and resources to the hospital to restore public confidence and ensure that all the necessary supports are put in place for the families affected by this news.

The matters raised by Deputies Rabbitte, Deenihan, Shatter and Wall have been selected for discussion.

Adjournment Debate.

Services for People with Disabilities.

Deputy Pat Rabbitte: Leslie is a 16 year old girl with Down's syndrome who lives in my constituency. She is cared for by her mother in the local authority house in which they live. Her mother is a lone parent in receipt of carer's allowance. Leslie attends special education at St. John of God's, Islandbridge, the work of which most if not all Members of this House hold in high regard. Although 16 years old, Leslie has never had access to speech therapy except for a period of six weeks in a group context. Leslie badly needs appropriate access to speech and language therapy. Her mother came to see me at her wits end in October 2006. Leslie could not get access to the limited speech therapy available at St. John of God's. As she is in special education, she does not have access to speech therapy where it is provided by community services.

[Deputy Pat Rabbitte.]

Since October 2006 my office and I have been pressing for at least some effort to be made to meet Leslie's pressing needs. We have been round and round the mulberry bush but have been ignored or referred from Billy to Jack. Meaningless replies or no replies at all are the norm. For example, in reply to a parliamentary question I put on 12 February 2008 I was told by the Minister for Health and Children, along with the usual macro statistics:

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

That was on 12 February and today is 10 April, but I have not even received a reply from the HSE. I can see no reason for optimism given the tenor of my exchanges directly with the HSE. Usually replies are evasive and deliberately avoid the actual problem. In direct correspondence painfully extracted over a long period, I was told that St. John of God's has a speech and language therapy post attached to its service, so Leslie should access speech and language therapy there. The reply ignored the basic fact that the speech and language therapy post is either vacant for long periods or access to it is denied to Leslie because of pressure to give priority to the under five year olds. I have pointed this out in writing to the HSE but it simply refused to reply. This is typical of the evasive, insensitive, time wasting bureaucratic speak of the public agencies on which Leslie is entitled to rely. The local authority responded in a similarly insensitive manner to an earnest request to facilitate a local housing transfer on foot of anti-social behaviour. South Dublin County Council refused to transfer Leslie and her mother to a vacant house in a safe *cul de sac*. If Leslie's mother works for more than 15 hours, she will lose part or all of her carer's allowance.

The reality of Celtic tiger Ireland is that Leslie and her mother are besieged by anti-social behaviour in their home, her mother is unable to go out to work because she would lose her benefit and Leslie is unable to access the intensive speech and language therapy that she so desperately needs. Worst of all is that it is not possible to find someone who gives a damn. The Minister will pass the buck to the HSE, the HSE will go to the word processor that churns out a routine reply for this kind of case and the county council refuses a housing transfer by taking shelter behind the opinion of a medical officer who is accountable to no one.

What medical qualifications does one need not to recognise that a young woman of 16 with Down's syndrome may need a safer environment? What kind of manpower planning has left Islandbridge without speech therapists for long periods and inadequate access at the best of times? I ask the Minister to take responsibility for the vindication of the rights of this child. She is entitled to have access to the intensive speech therapy she has been denied until now. It is shameful this should be the case. In Celtic tiger Ireland, unless a parent can afford private access, a child with an intellectual disability continues to suffer.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I will be taking this matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. I am pleased to take this opportunity to address the important issues raised by the Deputy.

I wish to emphasise the Government's commitment to providing a high quality service to all people with a disability. This commitment is illustrated by the substantial investment we have

been making in disability services over the last number of years. The national disability strategy, launched in September 2004, reinforces equal participation in society of people with disabilities and provides for a framework of new supports for people with disabilities. This programme, together with the enhancement of other key support services, is a key factor in building the additional capacity required to ensure that services best meet identified needs.

The strategy builds on a strong equality framework, which is reflected in several pieces of equality legislation. It puts the policy of mainstreaming of public services for people with disabilities on a clear legal footing. The main elements of the strategy were the Disability Act 2005; the Education for Persons with Special Educational Needs Act 2004; the sectoral plans published in 2006 by six Departments; the Citizens Information Act 2007; and the multi-annual investment programme for disability support services for the period 2006-09. In launching the national disability strategy, the Taoiseach also announced the Government's commitment to a multi-annual investment package for disability-specific services over a five-year period. To the end of 2007, €420 million has been allocated to services for people with disabilities since the launch of the strategy in 2004.

As the Deputy is aware, an additional €50 million was allocated by my colleague, the Tánaiste and Minister for Finance, Deputy Brian Cowen, for the provision of improved and additional disability services in the budget for 2008. The HSE proposes to allocate this €50 million as follows. With regard to services for persons with intellectual disability and those with autism, 200 additional residential places will be provided in 2008, bringing the total number of places to 8,462 by the end of 2008; 467 additional day care places will be provided in 2008, bringing the total number of places to 25,196 by the end of 2008; and 53 additional respite places will be provided, which will bring the total number of places to 4,533 by the end of 2008. With regard to services for persons with physical or sensory disabilities, 80 additional residential places will be provided in 2008, bringing the total number of places to 914 by the end of 2008; and 200,000 additional hours of personal assistance-home support hours will be provided, which will bring the total number of hours to 3,200,000 by the end of 2008. With regard to the Disability Act, 140 multidisciplinary team posts are being provided to disability services to provide assessment and ongoing intervention services to children with a disability and in particular with reference to the implementation of the Disability Act for children under five years of age. By the end of the current multi-annual investment package in 2009, it is expected that 1,235 new residential places, 398 new respite places and 467 new day care places will have been commissioned for intellectual disability services, in addition to 380 new residential places and 1,150,000 extra personal assistance-home support hours for people with physical and sensory disabilities.

The Department of Health and Children has made enquiries with the HSE in the case named by the Deputy Rabbitte. The HSE has informed the Department of Health and Children that the St. John of God Menni Services, Islandbridge, has two whole-time equivalent speech and language therapy posts. One therapist has been employed by the organisation since September 2007 and the second therapist is in post since 2008. The HSE further states that since 2004 the St. John of God Menni Services at Islandbridge has experienced recruitment and retention problems with the speech and language therapist posts. Currently, there are 40 children aged 0-5 years and 40 children aged 5-18 years in receipt of this service from the order.

The Department of Health and Children understands from the HSE that the person mentioned by the Deputy was referred to the St. John of God's speech and language service in October 2007 and is on its waiting list for assessment. I will endeavour to ensure that the Department and the HSE keep Deputy Rabbitte informed of developments in this case.

School Building Projects.

Deputy Jimmy Deenihan: I thank the Ceann Comhairle for allowing me to raise this important matter. The new Convent primary school in Listowel opened in 1990 on a greenfield site. It was then an eight-classroom school with two existing prefabs on the site of the old school. The prefabs were demolished and removed in 2000 due to asbestos danger. The current primary school is unique in that it shares its campus with Nano Nagle special school, an arrangement in which I was involved in 1987 as I was then closely involved with the Nano Nagle school. It was quite forward thinking at the time that a special school should be located on the same site as a mainstream school.

At present 19 mainstream teachers are working in the following conditions. The school has eight classrooms, seven portacabins, one converted small entrance hall which is used as a classroom, one corridor with a fire exit which is used as a classroom, one converted small library which is used as a classroom and the principal's office. There are 270 children attending the school, including special needs children, some of whom are autistic or have Down's syndrome, impaired hearing or cerebral palsy, among other conditions.

Due to the seven portacabins in the schoolyard the play area is severely restricted. This situation presents an ongoing daily nightmare in the schoolyard for both pupils and teachers. Running is curtailed due to lack of space in the playground, which is just 22 m by 16 m. As a result, children are allowed outside for only half the normal play time as the yard is too small to accommodate everyone. Basketball was played but this no longer happens in the schoolyard as portacabins are now located in the basketball play area. Portacabins present health problems for children and teachers due to fluctuating temperature in winter and summer, and in any case the portacabins are undersized.

There is also a major difficulty with car parking. The carpark in front of school, which I pass regularly, is extremely dangerous; but for good traffic management, accidents would happen. The carpark is shared with Nano Nagle special school, although just 20 carpark spaces are available. A green area could be converted into carparking spaces and I do not know why this has not been done.

There are 18 teachers and nine ancillary staff in the Convent primary school and 11 teachers and 32 ancillary staff in the Nano Nagle school. Therefore, there is a shortfall of 50 carparking spaces, without taking into account the number of parents and others who visit the school on a regular basis. This presents daily a chaotic and dangerous situation for teachers, parents and children and all concerned.

An application was made on 4 November 2004 for an extension to the school. The commission on accommodation recommended an immediate extension to the Convent primary school. The projection of new pupils is very consistent for future years and Listowel is a growing town with a population that will increase gradually. At present, parents are being forced to send their children to the neighbouring rural schools and this in turn puts pressure on those schools to increase their accommodation.

I appeal to the Minister to give some positive news to the principal, staff and board of management of the convent primary school in Listowel. They have a very strong case. It is not acceptable that children should have to be taught in Portakabins that are not of proper size. In this age of obesity, young children need play areas and it is not acceptable that their playground should be taken over and restricted by the presence of Portakabins.

Deputy Seán Haughey: I thank the Deputy for raising this matter as it provides me with the opportunity to outline to the House the position regarding a proposed building project for the Convent national school in Listowel, County Kerry.

I wish to explain the Deputy's reference to the commission on school accommodation. He is referring here to what is known as an area development plan for the north Kerry area which was published by the commission on school accommodation in January 2007. This plan examined primary and post-primary educational infrastructure provision in the
5 o'clock Tarbert, Listowel, Ballybunion, Causeway, Castleisland and Tralee areas of north Kerry. The final plan derives from, among other things, a widespread public consultation process and, in its final format, the Department's long-term educational strategy at both primary and post-primary level is set out for the areas concerned. The plan also forms the framework against which capital investment for those areas will be made for the foreseeable future, subject to the published prioritisation criteria for large-scale building projects.

There are 12 primary schools in Listowel. In its examination of enrolments in these schools, the commission found no change in enrolments between 1997 to 1998 and 2006 to 2007. While pointing out increases and decreases in enrolments in individual schools, the commission also found that there was no trend that would indicate a discernible increase in enrolments in the future in an overall context. From census data, the commission found that there was no significant increase in the demographics of the area either.

The convent national school is an all girls' school catering for pupils from junior infants to sixth class. It has a current enrolment of 271 pupils. The current staffing comprises a principal, seven classroom assistants, one resource teacher for Travellers, four learning support-resource teachers, one language support teacher and two teachers under the programme Giving Children an Even Break.

In its recommendation on the Convent national school, the commission on school accommodation said that attention should be given by the Department to its proposed building project. The project in question relates to the replacement of prefab accommodation. The application for capital funding to enable this has been assessed and assigned a band two rating under the published prioritisation criteria for large-scale building projects to which I already referred. This reflects the fact that the school has a significant element of permanent accommodation and some prefab structures.

The Deputy will appreciate that the focus for my Department's capital programme for 2008 is on providing accommodation in areas of rapid population growth where little or no school accommodation exists. Where the budgetary situation allows, however, other projects may be approved to proceed, but this will be in accordance with the band rating assigned to individual projects to ensure that the highest priority projects are targeted first. This is the purpose of the prioritisation criteria in the first place. Progression of the project for the Convent national school in Listowel will be considered in this context.

I again thank the Deputy for raising this matter. The Government has invested heavily in extending and upgrading the existing school stock in recent years because it has a full appreciation of the need to ensure that all our schools have adequate facilities. It is the Department's intention to continue this process to build on the huge progress which has been made.

School Accommodation.

Deputy Jack Wall: I thank the Ceann Comhairle and the Minister of State, Deputy Haughey, for taking this Adjournment debate.

[Deputy Jack Wall.]

The daily e-mails and representations I currently receive about educational facilities in Kildare paint a sorry picture of crowded classrooms, poor prefabricated buildings, a lack of quality sanitary services and a lack of the most basic utilities any school needs to carry out its daily function. The pressure and stress on the wonderful teachers who have to teach in such substandard facilities is exacerbated by letters received from the Department, some stretching back over seven years, which offer hope for modern facilities and dates for new modern buildings. These letters now gather dust as the dates and promises contained within have come and gone and the facilities in these schools continue to disimprove, with no announcement from the Minister.

I am deeply concerned about safety issues, especially in regard to electrical installations in some schools. The Department does not appear to take any responsibility for this matter. When schools are on the building list funding is not provided for maintenance. Perhaps the Minister of State, Deputy Haughey, will bring this issue to the Minister's attention when he gets a chance.

I am informed that such a letter was sent to the national school at Caragh on 26 November 2006. Despite the fact that there is only one staff toilet for 35 to 40 staff members, that more than 65% of pupils are educated in largely sub-standard prefabs, many of which are leaking and contain holes, the new school, as promised in the Minister's letter of 18 months ago, has not gone ahead and the wait for pupils, teaching staff and parents continues. The national school at Nurney is also waiting final approval. An effort was made by the parents and local people to purchase a site for a new school through fundraising. The Minister's speeches are awaited with bated breath but unfortunately Nurney has not made the cut either.

The wonderful school of Scoil Bhríde Naofa in Athgarvan has operated for approximately 28 years in mainly prefabricated buildings. In spite of the fact that schools in the nearby town of Newbridge are almost at bursting point, the Minister did not use the recent announcement of capital funding to reduce the burden on the pupils and teaching staff of this school and on the greater community of the biggest town in my constituency. In this case land was zoned by the local authority but the owner of the land said it was not for sale. I believe the Department cannot compulsorily purchase land for educational needs. I do not understand the lack of progress or how this zoning could be made, especially given the urgent need in this area for a school and the fact that the existing school has no play area and only prefabricated buildings.

An unbelievable situation surrounds the Community College in Athy. The Taoiseach performed a sod-turning ceremony on this site seven years ago, yet despite the lack of adequate hot water, or a modern comprehensive heating system and the deplorable fact that there are only three toilet cubicles for 101 boys and four cubicles for 133 girls, the wait for the pupils and staff continues. Not alone is the education of the children in Athy and surrounding districts suffering but adult education is suffering also. Provision in this area, which is so popular and is vital to any community, has to be cut back due to a lack of facilities. Time and again we have been promised funding will be made available for this school but nothing has happened to date. Local people eagerly await each roll-out but have been sadly disappointed to date. Given the fact that the Taoiseach, who is now in the last days of his tenure, turned the sod on a new school seven years ago, I hope and pray the genuine intention was there to build a new school rather than to engage in a political ploy. Whatever the case, seven years later there has not been any advancement of the school.

At a time when the population of Kildare is at an all-time high, planning for educational facilities in the county appears to have been forgotten. Such facilities bring satisfaction and allow children who are the future Deputies and Ministers to receive their education in the comfort and security of which any modern country would be proud. The four schools to which

I referred are unfortunately not the only ones in my constituency that experience problems currently. They are, however, among the worst cases I have come across and I urge the Minister immediately to address their concerns.

This is the most important time in the lives of the students of these four schools and it is up to the Minister to ensure they have happy memories rather than memories of cold prefabs where they and their teachers had to queue to use the toilet facilities each day. I could speak about other schools.

I welcome the impending visit of the Minister next week to open facilities at Kilmead and Athy. The general consensus is that Kildare has been forgotten in terms of funding for schools. I hope the new Community College will be included in the next roll-out for the sake of the students but also of the adult population of Athy and its hinterland who are also suffering.

Deputy Seán Haughey: I thank the Deputy for raising these matters and giving me the opportunity to outline to the House the actions being taken by the Department of Education and Science to address the accommodation needs of the schools referred to in County Kildare. Under the national development plan, €4.5 billion has been assigned to the capital requirements of the primary and post-primary sectors. Almost €600 million will be spent this year on school buildings.

Regarding the schools referred to by the Deputy, Caragh national school and Athy community college are situated in locations — Naas and Athy — designated as developing areas in the school planning and building unit. As part of the programme for Government, a developing areas unit was established recently in the Department to focus on the school accommodation needs of such developing areas, with the main emphasis in 2008 centring on the provision of sufficient school places in these areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation.

Architectural planning of a new community college in Athy is at an advanced stage and a tender report has been received in my Department. This project will deliver a new 4,850 m² school to cater for a projected enrolment of 400 pupils. Along with a wide range of general and specialist classrooms and associated administration-ancillary accommodation, a dedicated physical education hall and facility for students with autism are also included in the plans.

Caragh national school's building project is also at an advanced stage of architectural planning. An extension of 15 classrooms, a general purpose room and ancillary accommodation are planned. When the project is complete the school will have a total of 20 mainstream classrooms.

In the context of developing areas, the status of all schools in Naas and Athy is being assessed as part of an overall delivery plan for each centre and work on these plans is at an advanced stage. Delivery plans will be used to inform future programmes for construction in developing areas from 2009 onwards.

Scoil Bhríde national school in Athgarvan is at a very advanced stage of architectural planning. It is proposed to provide four additional classrooms plus ancillary accommodation to provide a ten classroom school. Nurney national school is also at a very advanced stage of architectural planning. It is proposed to demolish the existing school and replace it with a new eight classroom school.

The Deputy will appreciate that the progression of all large-scale building projects from initial design stage through to construction phase is considered on an ongoing basis in the context of the Department's multi-annual school building and modernisation programme, in which the main focus is to deliver school places within rapidly developing areas. He will also be aware that a school building programme for any year is rolled out in tranches to ensure the steady flow of projects to underpin the multi-annual nature of the school building and

[Deputy Seán Haughey.]

modernisation programme. The first tranche of the Department's capital programme for 2008 was announced last February. The Minister for Education and Science intends to make a further announcements during this year regarding projects to progress in the context of the Department's building programme. I thank the Deputy again for raising these matters in this House.

The Dáil adjourned at 5.15 p.m. until 2.30 p.m. on Tuesday, 15 April 2008.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 10, inclusive, answered orally.

Question No. 11 answered with Question No. 7.

Defence Forces Equipment.

12. **Deputy Joan Burton** asked the Minister for Defence if the working group established by the Defence Forces to investigate the possible provision of roll-over protection systems in troop carrying vehicles has presented its report to the Deputy Chief of Staff; and if he will make a statement on the matter. [13546/08]

27. **Deputy Peter Kelly** asked the Minister for Defence if he will report on the recent road traffic accident on the M50 involving military vehicles carrying Army personnel; the plans he and the military authorities have for installing safety devices such as roll bars and safety belts; if he has received the report following the Granard accident; and if he will make a statement on the matter. [13454/08]

28. **Deputy Joe Costello** asked the Minister for Defence if he has received a preliminary report in regard to the accident involving Defence Force personnel which recently occurred on the M50; and if he will make a statement on the matter. [13548/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): I propose to take Questions Nos. 12, 27 and 28 together.

On the morning of Tuesday 18th March, 2008, a nine vehicle convoy containing 75 Defence Forces personnel departed Cathal Brugha Barracks for an exercise in the Cooley Mountains in County Louth.

While on route, three of the military trucks were involved in a multi-vehicle road accident on the northbound carriageway of the M50 near the Ballymun exit. A total of 28 Defence Forces personnel, who had sustained injuries, were taken to five hospitals in Dublin following the accident. All 28 were discharged from the various hospitals by 7pm that evening.

[Deputy Tom Kitt.]

An investigation by the Military Police into the accident is ongoing and interviews are continuing at present. I do not propose to make any comment on the incident until this investigation is completed and the findings are presented to the military authorities.

As the Deputies are aware the Defence Forces established a Study Group to examine the possible introduction of Roll Over Protection Systems in Troop Carrying Vehicles, following the accident in Granard last year.

The Study Group presented their report to the military authorities in February this year. The Group have recommended the fitting of a Roll Over Protection System incorporating roll bars and safety belts to military trucks. The Defence Forces have begun the process of setting up a programme for the purchase of this equipment. Funds have been allocated to commence this programme and potential suppliers are being sought. This programme will proceed as soon as possible in accordance with relevant public procurement procedures.

Overseas Missions.

13. **Deputy Bernard J. Durkan** asked the Minister for Defence if he has received communication from the EU or UN requesting further deployment of Irish troops on overseas missions; and if he will make a statement on the matter. [13576/08]

158. **Deputy Bernard J. Durkan** asked the Minister for Defence if he has had recent discussions with his UN colleagues regarding possible future UN lead peacekeeping deployments; and if he will make a statement on the matter. [13773/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): I propose to take Questions Nos. 13 and 158 together.

Currently, a total of 486 Defence Forces personnel are serving overseas, full details of which are listed in the following statement.

Ireland has offered, through the UN Standby Arrangements System (UNSAS), to provide up to 850 military personnel, configured as a light infantry mounted battalion, for overseas service at any one time. This figure equates to some 10% of Ireland’s standing Army (excluding Reserves) and demonstrates Ireland’s commitment to the cause of international peace. This is the maximum sustainable commitment that Ireland can make to overseas peacekeeping operations. There are no plans at this time to increase the level of our commitment to UNSAS.

Ireland receives requests, from time to time, in relation to participation in various missions and these are considered on a case-by-case basis. In response to an EU request in 2007, Ireland agreed to participate in the UN mandated EU-led mission to Chad and the Central African Republic, EUFOR TCHAD/RCA, When the deployment of the Irish contingent of some 450 personnel is completed at the end of next month, we will have reached the limit of our sustainable commitments. No further such requests have been received.

Members of the Permanent Defence Force Serving Overseas as of 07 April 2008

	No.
1. <i>UN Missions</i>	
(i) <i>UNIFIL</i> (United Nations Interim Force in Lebanon) HQ	7
(ii) <i>UNTSO</i> (United Nations Truce Supervision Organisation) — Israel, Syria and Lebanon	12
(iii) <i>MINURSO</i> (United Nations Mission for the Referendum in Western Sahara)	3
(iv) <i>UNMIK</i> (United Nations Interim Administration Mission in Kosovo)	4

	No.
(v) <i>MONUC</i> (United Nations Mission in Democratic Republic of the Congo)	3
(vi) <i>UNOCI</i> (United Nations Mission in Ivory Coast)	2
TOTAL	31
<i>UN Mandated Missions</i>	
(vii) <i>EUFOR</i> (EU-led Operation in Bosnia and Herzegovina)	45
(viii) <i>EUFOR TCHAD/RCA</i> (EU-led Operation in CHAD and the Central African Republic) OHQ — Paris	18
<i>EUFOR TCHAD/RCA</i> (EU-led Operation in CHAD and the Central African Republic) FHQ — Chad	10
<i>EUFOR TCHAD/RCA</i> (EU-led Operation in CHAD and the Central African Republic) Initial Entry Force	53
<i>EUFOR TCHAD/RCA</i> (EU-led Operation in CHAD and the Central African Republic) — 97th Infantry Battalion (National Support Element)	2
(ix) <i>KFOR</i> (International Security Presence in Kosovo) Framework Nation	57
<i>KFOR</i> (International Security Presence in Kosovo) HQ	11
<i>KFOR</i> (International Security Presence in Kosovo) 37th Inf Group	217
(x) <i>ISAF</i> (International Security Assistance Force in Afghanistan)	7
<i>Total number of personnel serving with UN missions</i>	451
<i>2. Organisation for Security and Co-operation in Europe (OSCE)</i>	
(i) OSCE Mission to Bosnia & Herzegovina	2
(ii) OSCE Mission in Tbilisi — Georgia	1
(iii) OSCE Mission in Belgrade — Serbia	1
(iv) OSCE Mission in Skopje — Macedonia	1
(v) Staff Officer, Higher Level Planning Group, Vienna	1
<i>Total number of personnel serving OSCE</i>	6
<i>3. EU Military Staff</i>	
Brussels	7
New York	1
<i>4. HQ EU Nordic Battlegroup</i>	12
<i>5. Military Representatives/Advisers/Staff</i>	
(i) Military Adviser, Permanent Mission to UN, New York	1
(ii) Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii) Military Representatives to EU (Brussels)	4
(iv) Liaison Office of Ireland, NATO/PfP (Brussels)	2
(v) Military Representative to NATO/PfP Co-ordination Cell/Supreme Headquarters Allied Powers Europe (SHAPE), Mons, Belgium	1
<i>Total Number Defence Forces Personnel Serving Overseas</i>	486

Question No. 14 answered with Question No. 7.

Question No. 15 answered with Question No. 6.

Benchmarking Awards.

16. **Deputy Jack Wall** asked the Minister for Defence if his attention has been drawn to the disappointment expressed by PDFORRA at the failure of the benchmarking body to recommend an increase in the level of pay for the members it represents within the Defence Forces;

[Deputy Jack Wall.]

the steps being taken to address the concerns of members regarding rates of pay; and if he will make a statement on the matter. [13555/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): As the Deputy is aware the Benchmarking Body is an independent body set up to carry out a detailed evaluation of the pay and jobs of certain grades in the public service in accordance with its terms of reference. The Body reported in January 2008.

As part of its work the Body invited submissions from directly interested parties and from the general public. The Associations representing Other Ranks (PDFORRA) and Officers (RACO) both made written and verbal submissions in this regard.

The Minister is aware of the general disappointment expressed by Public Service trade unions/associations in relation to findings of the Body. The Deputy will be aware that personnel represented by PDFORRA have benefited in full under national pay agreements including Towards 2016.

It is of course open to PDFORRA subject to the terms and conditions of Benchmarking, the partnership agreement Towards 2016 and the Conciliation and Arbitration Scheme to avail of the mechanisms in place should the Association want to pursue any particular concerns in relation to the rates of pay of its members.

Random Drug Testing.

17. **Deputy Barry Andrews** asked the Minister for Defence if recent court decisions have had implications for the Defence Forces' drug testing policy; if members are still being randomly tested for drugs abuse; the procedures involved; and if further changes need to be made. [13497/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The Defence Forces policy in relation to Drug Testing has not changed. This policy is based on the premise that unlawful possession, supply, or use of a controlled drug is incompatible with membership of the Defence Forces. Drug and Substance abuse, because of its insidious and addictive nature, and because of the possible residual effects on the abuser, is particularly dangerous in the military environment and is wholly unacceptable.

The primary objective of Compulsory Random Drug Testing is deterrence. In order to provide a credible level of deterrent, the testing programme has been devised to maximise the possibility of random selection for testing. Testing by a trained drugs testing team commenced on 14th November 2002 and the programme is now in its sixth year of operation.

The recent High Court case to which the Deputy refers raised a number of issues around the procedures that apply following a positive test result. We are currently awaiting the written High Court judgement on the case. In anticipation of this, the relevant procedures are being reviewed. It is expected that this review, and any consequent changes to procedures, will be completed in the near future.

In the meantime, the programme of Random Drug Testing has not been affected. Tests continue to be conducted in accordance with the planned schedule. The target consists of annual testing of 10% of the Permanent Defence Force and 10% of all Reserve Defence Force (RDF) personnel who report on annual camp. Any positive results will be processed under the revised procedures.

Overseas Missions.

18. **Deputy Ciarán Lynch** asked the Minister for Defence if he will report on the situation of the 217 personnel that are deployed in KFOR. [13549/08]

33. **Deputy Peter Kelly** asked the Minister for Defence if he has been briefed on the security situation in Kosovo; if he is satisfied as to the safety of the Defence Forces personnel serving there; if he has plans to visit Kosovo in the near future; and if he will make a statement on the matter. [13455/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): I propose to take Questions Nos. 18 and 33 together.

KFOR was established on 10 June 1999 in accordance with UN Security Council Resolution (UNSCR) 1244, for an initial period of twelve months, to continue thereafter unless the UN Security Council decides otherwise. KFOR's mandate is to establish a secure environment in Kosovo conducive to the implementation of refugee return and reconstruction.

KFOR has a current strength of approximately 15,700 troops drawn from 25 NATO countries and 10 non-NATO countries including Ireland, Austria, Finland and Sweden. KFOR operates under Chapter VII of the United Nations Charter, that is, it is entitled to use force to implement its mandate and to protect itself and the international civil presence.

Ireland has participated in KFOR since August 1999. The total number of Irish troops currently serving in Kosovo is 285. The figure is broken down as follows:

- Infantry Group — 217
- Headquarters Staff — 11
- Framework Nation Staff — 57

The Irish Infantry Group, which is currently rotating, serves in the Multi-National Task Force (Centre) — MNTF (C) — with Ireland as current lead nation. In addition to Ireland, the Task Force also comprises troops from the Czech Republic, Slovakia, Sweden, Finland and Latvia. The Task Force's area of responsibility is generally the Pristina region, covering 7 municipalities with a population of approximately 1 million. The Irish commitment comprises a MOWAG mounted APC Company together with support and logistic elements and various HQ personnel.

In August 2007, Ireland assumed responsibility as Framework Nation for the Multinational Task Force Centre (MNTF (C)) in KFOR for a period of 12 months and additional Defence Forces personnel were deployed to KFOR, for the Framework Nation period. Brigadier General Gerry Hegarty from the Defence Forces assumed command of the MNTF (C) when Ireland took on the framework nation role commanding 1,200 troops from 6 nations. Currently 57 Irish Defence Forces personnel serve with the Framework Nation.

Minister O'Dea is satisfied that all appropriate security measures are in place to ensure the safety of all Defence Forces personnel serving in KFOR. They are equipped with the most modern and effective equipment. This equipment enables troops to carry out the mission assigned, as well as providing the required protection specific to the mission. Minister O'Dea would like me to assure the House that ongoing threat assessments are carried out in mission areas and we continually review both personal equipment and force assets, to ensure that Defence Forces personnel are appropriately equipped to fulfil their roles. No mission is without danger, but Minister O'Dea is satisfied that all appropriate security measures are in place to ensure the safety of all Defence Forces personnel serving in KFOR.

[Deputy Tom Kitt.]

Minister O’Dea receives regular briefings from the Defence Forces on the security situation in Kosovo and other missions in which the Defence Forces are serving. The situation in the Irish Area of Responsibility continues to be described as calm and stable, though unpredictable. The threat of attacks on KFOR personnel is assessed as low. Minister O’Dea is planning to visit Kosovo later this month to meet with Brigadier General Hegarty and the Irish personnel serving in Kosovo.

Question No. 19 answered with Question No. 8.

Defence Forces Accommodation.

20. **Deputy Paul Kehoe** asked the Minister for Defence the number of standard, substandard and emergency accommodation units and rooms for officers by post and barracks; and if he will make a statement on the matter. [13512/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): In referring to “standards” as they apply to living in accommodation there are two separate aspects which must be addressed i.e. Building Standards and Accommodation Standards. In relation to Building Standards, all accommodation provided to Officers of the Defence Forces adhere to National Building Standards and the appropriate Health and Safety Standards. In relation to “Accommodation Standards”, all accommodation provided is measured against standards established by the Defence Forces in 1992, in the absence of any other national standard. The main criteria used for setting and measuring standards is the floor area of the accommodation. The “standard” is currently set at 35sq metres for Senior Officers and 20sq metres for Junior Officers.

It was not possible to compile details of the accommodation by post and barracks within the time available. However overall numbers, as of late 2006, in the various categories of accommodation are shown in tabular format in the following table which I propose to circulate with the Official Report. This table indicates that 447 officers were availing of accommodation, 89 in “standard” 356 in “substandard” and 2 in emergency/transit. In addition 60 “standard” 95 “sub-standard” and 67 transit/emergency units were available and unoccupied. The Deputy should note that no charge is made for occupancy of accommodation other than standard accommodation. The charge for officer accommodation ranges from € 24.35 to € 40.20 per month for standard accommodation.

Until recently there were no recognised National Standards for any living in accommodation. In August 2007 the Health Information and Quality Authority published Draft National Quality Standards for Residential Care Settings, a consultation document proposing accommodation standards. This document outlines standards in relation to all aspects of accommodation including floor area, heating, ventilation, furniture, electrical sockets, laundry facilities and toilet and washing facilities. My Department is considering these new standards with a view to establishing a “desirable standard” to be applied across the Defence Forces which will ensure that all accommodation provided aspires to that similar to the civilian community generally.

A detailed survey of living in accommodation across the Defence Forces is currently under way and is expected to be completed by mid-May. The application of the new “desirable” standard will see a re-classification of a significant number of existing sub-standard units. In addition the new standard will set the benchmark for all refurbishment of existing and provision of new living in accommodation.

Living in Accommodation — Officers.

Single Living in (SLI) Accommodation

	Standard	Sub Standard	Transit / Emergency	Total
<i>Eastern Brigade</i>				
Occupied	15	121	0	136
Unoccupied	0	21	13	34
<i>Southern Brigade</i>				
Occupied	0	52	0	52
Unoccupied	0	25	5	30
<i>Western Brigade</i>				
Occupied	31	138	2	171
Unoccupied	30	16	12	58
<i>DFTC</i>				
Occupied	5	5	0	10
Unoccupied	25	33	37	95
<i>AIR CORPS</i>				
Occupied	16	33		49
Unoccupied				
<i>NAVAL BASE</i>				
Occupied	22	7		29
Unoccupied	5			5
<i>Total</i>				
Occupied	89	356	2	447
Unoccupied	60	95	67	222

Note: There is no standard associated with transit/emergency accommodation.

EU Treaties.

21. **Deputy Ciarán Lynch** asked the Minister for Defence the impact the Lisbon treaty will have on the Defence Forces. [13550/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The Lisbon Treaty will have little or no impact on the Defence Forces as an organisation. The Treaty does make some amendments to existing provisions on security and defence. However, it does not alter their essential features. Firstly, national security will continue to remain the sole responsibility of each member state. Secondly, the Treaty will not have any impact on Ireland's traditional policy of military neutrality. Any decision by Ireland to participate in EU-led military crisis management operations will be for sovereign decision on a case-by-case basis and in line with Irish constitutional and legislative arrangements.

The "triple lock" provisions requiring a Government decision, Dáil approval, and UN authorisation will continue to apply in relation to service abroad by contingents of the Irish Defence Forces. Finally, Ireland's position on the question of an EU common defence is also very clear. Under our Constitution we cannot and will not participate in a common defence without the prior consent of the people in a referendum.

Defence Forces Legal Costs.

22. **Deputy Brian O'Shea** asked the Minister for Defence his views on the fact that the Defence Forces paid €15.3 million in compensation claims for injury and illness during the period 2003 to 2007 while the legal fees amounted to €10.5 million; if he will have a full audit carried out of these legal fees; and if he will make a statement on the matter. [13542/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): Costs paid in any particular year do not necessarily relate to the cases for which compensation has been paid in that year. This is because there is a time lag in submitting and agreeing costs in any particular case.

Compensation claims are dealt with on behalf of the Department either by the Office of the Chief State Solicitor or by the State Claims Agency as appropriate. I am fully satisfied that there are systems in place in the Chief State Solicitor's Office and the State Claims Agency to address all related claims for legal costs before they are agreed between parties. In cases where agreement between the parties is not reached, costs are submitted to the Taxing Master for adjudication. I do not therefore intend to have an audit carried out on legal fees paid by my Department in relation to compensation claims.

Question No. 23 answered with Question No. 7.

Defence Forces Personnel.

24. **Deputy Jimmy Deenihan** asked the Minister for Defence if a claim for an increase on overseas allowance submitted by PDFORRA has been agreed by his Department and the representatives association under the C and A schemes; and if he will make a statement on the matter. [13519/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): A claim for an increase in Overseas Allowance was received from the Permanent Defence Force Other Ranks Representative under the Conciliation and Arbitration Scheme (C&A scheme) for members of the Permanent Defence Force. The claim has been the subject of correspondence between the Department and the Representative Association. The Deputy will appreciate that as discussions under the C&A scheme are confidential to the parties involved it would not be appropriate for me to comment further on the matter at this time other than to say that the claim will of course have to meet the terms of the Social Partnership Agreement, Towards 2016.

Question No. 25 answered with Question No. 7.

Explosive Ordnance Disposal.

26. **Deputy Liz McManus** asked the Minister for Defence the number of occasions during 2006, 2007 and to date in 2008, on which the Army bomb squad has been called out to deal with suspected explosive devices; the number of instances in each year in which the devices were hoaxes and authentic explosive devices; and if he will make a statement on the matter. [13553/08]

42. **Deputy Charlie O'Connor** asked the Minister for Defence the number of times the Army bomb disposal team has been called out in 2007 and to date in 2008; the procedures in place for deciding to call them out; the number of hoaxes they have had to deal with since January 2007; the estimated average costs involved each time they are deployed; and if he will make a statement on the matter. [13412/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): I propose to take Questions Nos. 26 and 42 together.

The primary responsibility for the maintenance of law and order rests with An Garda Síochána. The Defence Forces, pursuant to their role of rendering aid to the civil power assist the Gardaí as required. Requests for aid to the civil power are normally made by a member of the Garda Síochána not below the rank of Inspector. The Explosive Ordnance Disposal (EOD) Team respond when a request is made by An Garda Síochána, to the relevant Brigade, for assistance in dealing with a suspect device or for the removal of old ordnance.

Information on the number of callouts in 2006, 2007 and 2008 (to date) are set out in the following table.

Year	Total Number of Callouts	Number of Hoaxes (included in total)
2006	101	8
2007	98	11
2008 (as of 4 April 2008)	42	11

An EOD team normally consists of the following configuration: one officer, one NCO and one driver. The cost of each individual callout is not recorded separately but costs would include: the salary and allowances of the team, fuel for the distance travelled by the vehicle to and from the location of the incident and any ordnance used to dispose of the device.

Questions Nos. 27 and 28 answered with Question No. 12.

Defence Forces Review.

29. **Deputy Thomas P. Broughan** asked the Minister for Defence if he has received a report following the first meeting of the review group within the Defence Force in regard to the implementation of the recommendations of the original Doyle report; and if he will make a statement on the matter. [13544/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): In accordance with the recommendations of the Independent Monitoring Group's report, "Response to the Challenge of a Workplace", a review group was established in February this year to review progress within the Defence Forces on the implementation of the recommendations of the original Doyle report. The group is working under the chairmanship of Dr. Doyle and includes representatives of military management, PDFORRA, RACO and my Department. Two meetings have been held to date. It is expected that the report of the group will be completed before the end of the year.

Departmental Expenditure.

30. **Deputy Willie Penrose** asked the Minister for Defence if he envisages cutbacks in services provided by or through his Department in 2008; and if he will make a statement on the matter. [13561/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): There are no proposals for cutbacks in the level of services provided by or through my Department in 2008. The gross total allocation for my Department in 2008 is €1,078m, comprising €888m in the Defence Vote and €190m in the Army Pensions Vote. This represents an increase of 7% on the 2007 allocation.

[Deputy Tom Kitt.]

About 70% of the Defence Estimate is expended on pay and allowances for an average of 10,500 Permanent Defence Force personnel, some 880 civilian employees and about 380 civil service staff. The Defence Estimate includes additional funding of €37m for Defence Forces participation in the EUFOR mission to Chad, the bulk of which will be expended on transport costs. This additional funding will ensure that our troops in Chad will have the best possible equipment and facilities in what will be a very challenging environment.

The ongoing investment in modern equipment and facilities for the Defence Forces will continue in 2008, as will the major programme to provide modern accommodation for the Defence Forces which has been ongoing over recent years. Overall, the increased level of resources underlines the Government's commitment to ensuring that the modernisation process in Defence will continue to make solid progress.

Question No. 31 answered with Question No. 6.

Overseas Missions.

32. **Deputy Alan Shatter** asked the Minister for Defence if it is inappropriate that a person (details supplied) play a role in briefing members of the Irish Army going to Chad; his views on whether such briefings could result in Army members being given a biased perspective on the situation there, place them at risk of being unfairly accused of partiality by other parties to conflict in the region and place in jeopardy their United Nations mission; if he has received expressions of concern in this regard; and the action proposed by him. [11519/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The person to whom the Deputy refers was not involved in the mission-specific briefing conducted by the Defence Forces for members of the Defence Forces about to deploy to the EU-led mission in the Republic of Chad and the Central African Republic, known as EUFOR TCHAD/RCA. This mission-specific briefing was conducted by the United Nations Training School Ireland (UNTSI), Curragh, from 10 to 14 March 2008.

The EU mission to Chad, which was established under the authority of UN Security Council Resolution 1778 (2007), is committed to the establishment of a force that is neutral and impartial and operates in full co-operation with the UN. A Defence Forces Centre of Excellence for Cultural Awareness has been established in UNTSI. It provides Defence Forces personnel with an understanding of the complex issues of cultural diversity affecting both the host nation and troops from other contributing nations.

The event at which this person spoke was a Cultural Awareness Course conducted by UNTSI from 12 to 14 February 2008. This course focused on the diverse cultural aspects of Central Africa and the Horn of Africa. A broad spectrum of speakers addressed the course including academics from UCD, UL, NUIM, a representative from the Department of Foreign Affairs, Irish Aid, an Irish missionary with experience in Central Africa and Irish officers who have previously served in the region.

The person referred to by the Deputy was invited to address the course on Wed 13 February 2008 on the recommendation of National University Ireland, Maynooth (NUIM). NUIM is the academic partner of the Military College and the speaker is head of a Department there. The theme of his address was Darfur Culture and this person was eminently qualified to discuss this area. The members of the course were informed in advance of his involvement in the Justice Equality Movement and so were aware of his political affiliations. The audience consisted of senior officers of the Permanent Defence Officer and foreign officers from other

international Peace Support Training Schools, some of whom, at that point in time, were likely to be deployed to Chad.

Given the ever-evolving nature of Peacekeeping Operations, it is imperative UNTSI provides all members of the Defence Forces with a broad perspective and understanding of cultural, social, political, legal and humanitarian factors impacting on likely areas of deployment. Association with outside agencies, such as academic institutions, Government Departments and NGO's are essential in ensuring that Irish Peacekeepers are deployed with a comprehensive understanding of all of these issues, in accordance with best international standards and practice.

Question No. 33 answered with Question No. 18.

Public Information Campaigns.

34. **Deputy Charlie O'Connor** asked the Minister for Defence when it is proposed to run the public information campaign on emergency planning; the research, consultations and planning that have gone into preparing the campaign; and if he will make a statement on the matter. [13413/08]

49. **Deputy Emmet Stagg** asked the Minister for Defence the progress made with regard to the distribution of a new handbook on emergency planning to every household here; when the distribution of the booklet will begin; when it will be completed; the anticipated cost; and if he will make a statement on the matter. [13559/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): I propose to take Questions Nos. 34 and 49 together.

The Public Information and Awareness Campaign on Emergency Planning will be formally launched by An Taoiseach Mr. Bertie Ahern T.D., on Monday next, the 14th of April, in the National Emergency Coordination Centre. The campaign follows the outcome of market research conducted in 2006 that showed that a majority of people were unaware of the State's plans to deal with major emergencies or what actions they themselves should take in the event of an emergency occurring.

On foot of this research, the Government approved a strategy for the implementation of the public information campaign that provides for:

- the production and countrywide distribution of a handbook on emergency planning
- a media advertisement campaign to let people know what the handbook is about and to provide reassurance that its publication is part of the continuing development of emergency planning and therefore not a cause for alarm
- the use of structured exercises on an ongoing basis by the State's departments and agencies to deliver key messages on their emergency plans to the wider public.

The Office of Emergency Planning is coordinating the implementation of the campaign and a firm of public relations consultants was engaged to support the process. There has been significant consultation with a wide range of stakeholders in the preparation of the handbook. Extensive discussions were held with the key government departments and agencies. The National Council for the Blind and the National Disability Authority were consulted for advice on their member's requirements. Finally, the draft handbook was submitted to a focus group drawn from various backgrounds for their views and opinions.

[Deputy Tom Kitt.]

A national advertisement campaign commenced this week. The handbook, which has been printed in Irish and English, will be distributed to each household commencing on the 14th April and its nationwide distribution will take approximately two weeks to complete. The handbook is also available in braille, large print, audio cd, and 'easy to read' versions. It will be available on-line in Polish, Russian and Chinese on the emergencyplanning.ie website. The total cost of the campaign will be approximately €2.25 million.

Question No. 35 answered with Question No. 7.

Departmental Funding.

36. **Deputy Joan Burton** asked the Minister for Defence if the discussions between his Department and ONET and IUNVA in regard to an annual grant being made to both of these voluntary organisations has been concluded; and if he will make a statement on the matter. [13545/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The Organisation of National Ex-Servicemen and Women, or Óglaigh Náisiúnta na hÉireann Teoranta (ONET) has enjoyed the long-standing official recognition of the Department of Defence and the Defence Forces. ONET is dedicated to looking after the welfare of all ex-service personnel of the Irish Defence Forces. A main objective of ONET is to ensure the welfare of ex-servicemen and women by way of providing accommodation to homeless members in need of such domestic accommodation and providing other assistance that may be required by way of advising referrals to the relevant agencies.

The Irish United Nations Veterans Association (IUNVA) was formed in 1990. Membership is available to those, both serving and retired, who have successfully completed a tour of duty with a UN Force or Organisation. Both associations are financed primarily through membership fees, voluntary contributions and fundraising.

The Agreed Programme for Government June 2007 commits to the provision of annual subventions to support ONET and IUNVA in their valuable work. The Minister has decided that this can best be achieved through the payment of an annual grant-in-aid to both of these voluntary organisations. The Minister expects to be in a position shortly to announce the agreed arrangements.

Commemorative Events.

37. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence the regularity with which the all-party 1916 Rising Commemorative Committee has met since it was announced and the remit of the committee. [7561/08]

45. **Deputy Willie Penrose** asked the Minister for Defence the progress made to date with regard to the proposed establishment of the All Party Oireachtas Consultation Group on the commemoration of the 1916 Rising; and if he will make a statement on the matter. [13560/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): I propose to take Questions Nos. 37 and 45 together.

During the lifetime of the 29th Dáil an All-Party Consultation Group on the commemoration of the 1916 Rising was established in relation to official preparations for the re-instatement of the traditional military parade at Easter and the commemorative programme to be put in place

in coming years in relation to the centenary of the Easter Rising. The Group met in November 2006 and March 2007.

As a result of the last General Election, the Group had to be reconstituted to take account of the make-up of the current Oireachtas membership. On the 17th of January 2008, I wrote to the Party leaders asking them to nominate a representative for the re-constituted group. I have now received nominations from the Party Leaders and I intend to convene a meeting of the Group shortly.

Defence Forces Personnel.

38. **Deputy Chris Andrews** asked the Minister for Defence the procedure in place for members of the Defence Forces who received approaches from persons linked to criminal activity; his views on recent media reports that a number of members have been so approached; and if he will make a statement on the matter. [13571/08]

51. **Deputy Kathleen Lynch** asked the Minister for Defence if his attention has been drawn to reports that members of criminal gangs have approached members of the Defence Forces offering them money in return for assistance in carrying out armed crimes; if he will confirm that such approaches have been made; the steps that are being taken to ensure that such approaches are spurned and reported to the appropriate authorities; and if he will make a statement on the matter. [13552/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): I propose to take Questions Nos. 38 and 51 together.

All members of the Defence Forces are advised to report any inappropriate contacts or requests linked to criminality, to their Commanding Officers. Such incidents will be dealt with by the Military Authorities and where necessary will be passed to the Gardaí. The Defence Forces do not openly discuss specific incidents that may have a direct impact on the security of its personnel.

39. **Deputy Seymour Crawford** asked the Minister for Defence the number of qualified dental hygienists serving in the Permanent Defence Force; the number who have been trained at public expense; the number currently working as dental hygienists within the Defence Forces; and if he will make a statement on the matter. [13509/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): There are no Defence Forces personnel working as Dental Hygienists at present. Two persons are currently serving in the Defence Forces who had been trained as Dental Hygienists, at public expense. Both of these were subsequently re-assigned to other duties on promotion.

Defence Forces Recruitment.

40. **Deputy John Curran** asked the Minister for Defence if he will request the military authorities to review the regulations governing the recruitment of persons who have had laser eye treatment to bring in into line with prevailing regulations in other armies; and if he will make a statement on the matter. [13506/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The position is that there are a number of physical and medical standards laid down by the Military Authorities for entry to the Defence Forces. These requirements are based on the professional advice of the Medical Corps and having regard to the nature of the job, the duties of military service and the training exercises undertaken by members of the Defence Forces.

[Deputy Tom Kitt.]

The Medical Corps regularly reviews the medical standards for entry to The Defence Forces. The question of the suitability for military service of persons who have had laser surgery to correct their visual acuity is complex, because it depends among other factors on the exact type of surgery and on the amount of visual correction effected.

The Minister has asked the Military Authorities to report to him specifically on the issues relating to laser eye treatments and he will review the vision requirement in light of that report. The Minister has been advised because of the complexity of the issues that it may take some time to complete this report.

Overseas Missions.

41. **Deputy Olivia Mitchell** asked the Minister for Defence if it is intended to deploy a Defence Forces dentist to Chad; his views on whether such a deployment is necessary in view of the fact that the dental standards aimed for by the medical corps is that all personnel should be dentally fit for a 12 month deployment and whether such a deployment is cost effective in view of the shortage of military dental officers and the increased costs of using civilian dentists here that would ensue from deploying a dentist to Chad; and if he will make a statement on the matter. [13513/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): As part of the Defence Forces deployment to the UN mandated EU-led mission to Chad and the Central African Republic, EUFOR TCHAD/RCA, it is intended to deploy a Dental Officer and a Dental Surgery Attendant to CHAD.

Experience in Liberia has shown that even among personnel who are dentally fit, unforeseen dental health issues can arise which, if not taken care of as they arise, can lead to later dental morbidity which could have been avoided by timely treatment. Therefore, in the long-term interests of the Dental Health of the personnel of the Defence Forces, this deployment is necessary.

Question No. 42 answered with Question No. 26.

Departmental Correspondence.

43. **Deputy Brian O'Shea** asked the Minister for Defence if he has received a reply to a letter he wrote to a political party (details supplied) requesting an illegal organisation to desist from misusing a title; and if he will make a statement on the matter. [13554/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): Minister O'Dea first wrote to the President of Sinn Féin, Mr Gerry Adams, M.P., M.L.A., on 3 November 2005 requesting the removal, from a website associated with that party, of a range of items bearing the title “Óglaigh na hÉireann” which were being offered for sale on the site. This letter was acknowledged on November 11th 2005, noting that Mr Adams was away on business. There was no subsequent substantive response.

The Minister wrote again on 21 December 2005 and on 24 February 2006. In his letter of 24 February 2006 he also raised the issue of the use of the title Óglaigh na hÉireann as a reference to the Provisional IRA in Mr Adams' speech to that year's Árd Fheis. While these letters were also acknowledged, Minister O'Dea still has not received a substantive response to the issue raised. Copies of these letters were also sent to Sinn Féin's Dáil leader.

Section 16 of the Defence Act 1954 to 1998 provides that “It shall be lawful for the Government to raise train, equip, arm and maintain Defence Forces to be called and known as Óglaigh

na hÉireann or (in English) the Defence Forces.” Accordingly, only the Defence Forces properly established are entitled to use the nomenclature “Óglaigh na hÉireann”.

No permission for use of the title “Óglaigh na hÉireann” on the items featured on the website has been sought from the Department of Defence, nor could such permission be given.

National Monuments.

44. **Deputy Jan O’Sullivan** asked the Minister for Defence the reason for the delay in the construction of the promised national monument to honour deceased members of the Defence Forces; if it is intended to proceed with the planned location in Merrion Square, Dublin 2; when it is expected to be completed; and if he will make a statement on the matter. [13558/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The Memorial being designed by the artist, Mr. Brian King, is a complex art piece comprising many components, the four main components being, stone, steel, glass and bronze. Each individual component is crafted by specialists and the artist has worked closely with the various craftspeople to ensure precision in each component part to ensure minimum delay in constructing the piece.

The concept, though simple in theory, has proven more difficult in practice due to the intricacy of the design and the need to ensure precise compatibility of each component part. It is important that the extra time needed is spent at this stage to ensure the overall success of the project.

Construction work at the site in Merrion Square is due to commence later this month and the memorial is expected to be completed by the end of June 2008.

Question No. 45 answered with Question No. 37.

Question No. 46 answered with Question No. 7.

Question No. 47 answered with Question No. 6.

Official Engagements.

48. **Deputy John Curran** asked the Minister for Defence if he will report on his recent visit to Bosnia Herzegovina; the meetings he had while there; the nature of duties being undertaken by Irish troops based there; and if he will make a statement on the matter. [13505/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): During the period of the 4th — 6th March 2008, Minister Willie O’Dea visited troops serving with EUFOR in Bosnia and Herzegovina and met the Senior Irish Officer (SIO) EUFOR and the Irish Contingent Commander. There are currently 29 countries contributing to EUFOR and the force now numbers some 2,500 troops. Ireland contributes 45 members of the Irish Defence Forces to EUFOR.

The Minister also had meetings with the High Representative EUSR Mr. Miraslav Lajcak, the Commander of EUFOR, Major General Ignacio Martín Villalaín and the Head of the European Police Mission (EUPM), Brigadier General Vincenzo Coppola. Within the Force, Ireland provides personnel for the headquarters, the Military Police Unit, Verification Teams and a National Support Element (which co-ordinates logistics support for the Irish contingent). All Irish personnel are located at Camp Butmir, Sarajevo.

The role of the Verification Teams, established under the Dayton Agreement, is to monitor arms caches and arms movements by the two forces in Bosnia and Herzegovina. The teams are advised as to weapons purchases and movements, inspect the arms holdings of the two forces

[Deputy Tom Kitt.]

and monitor movements, to ensure that both sides comply with their obligations under the Dayton accord.

Question No. 49 answered with Question No. 34.

Overseas Missions.

50. **Deputy Liz McManus** asked the Minister for Defence if the UNIFIL investigation team lead by an Irish officer which is investigating the incident involving a roadside bomb on the main coastal road north of Sidon in Lebanon is complete; and if he will make a statement on the matter. [13543/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): Two members of the Permanent Defence Force, serving with the United Nations Interim Force in Lebanon (UNIFIL), were injured in an incident on 8 January 2008. The soldiers had superficial injuries and were taken to the local hospital in Sidon by Lebanese army personnel. The soldiers were treated for their injuries and kept in over-night for observation. Both were discharged from the hospital on the following day, 9th January, and they then returned to UNIFIL Headquarters in Naqoura.

An Irish officer serving with UNIFIL led the initial investigation into the incident. The incident is currently being investigated by a UNIFIL investigation team, which includes an Irish officer. This investigation is ongoing and will conclude in due course. However, this team cannot report until the concurrent investigation by the Lebanese Government into the incident is completed.

Question No. 51 answered with Question No. 38.

Child Care Services.

52. **Deputy Olwyn Enright** asked the Minister for Defence if he has received the report from the Defence Forces partnership steering group sub committee on the feasibility of the provision of childcare facilities, particularly in the Curragh, County Kildare; and if he will make a statement on the matter. [13518/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): A request to provide crèche facilities for members of the Defence Forces has been made by the Defence Forces Representative Associations. The Defence Forces Partnership Steering Group, which was established following on from Partnership 2000, has tasked a Partnership Sub-Committee with examining the issue of the provision of childcare facilities under a number of headings, including demand for places, location and cost.

A review of progress on the report from the Sub-Committee on the feasibility of the project was received at a meeting of Defence Forces Partnership Steering Group, which was held yesterday, 9 April 2008. A survey will shortly commence in relation to the demand for crèche places in the vicinity of the Curragh and further work is being undertaken in relation to a possible site and estimates of costs for development of the facility. The Minister has been assured that a report will be available by the end of September 2008.

Drug Smuggling.

53. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance if an evaluation of coastal surveillance and air-sea rescue has been undertaken with particular reference to the

need for enhanced activity arising from drug smuggling around the coast of Ireland; and if he will make a statement on the matter. [13770/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that they constantly evaluate their maritime intelligence gathering and coastal surveillance activities. Revenue's Customs Service works proactively with an Garda Síochána and the Naval Service in the fight against drug trafficking by sea as part of the Joint Task Force on Drugs Interdiction.

In addition to national patrolling and surveillance activities, the Customs Service also participates in a number of international Joint Surveillance Operations each year. These operations have proved to be particularly successful in improving the sharing of intelligence within the law enforcement community and in the deployment of operational resources to prevent the trafficking of drugs into the EU. As part of the Customs Drugswatch programme, a confidential 24/7 freephone is also promoted and maintained as a communications channel for the maritime and coastal communities to report suspicious activity.

Drug trafficking has become increasingly globalised in its nature. On 30 September 2007 year in a combined response to this threat, Ireland and six other EU states established a Maritime Operations and Analysis Centre — Narcotics in Lisbon, Portugal. The Commissioners are currently arranging for the recruitment of a Customs Liaison Officer for assignment to Lisbon. This centre, which is supported by the US authorities, is already playing a leading role in the fight against the trafficking of drugs, particularly cocaine, into the EU from South America and also from West Africa, which is increasingly being used as a staging post. Earlier this year at the launch of the Commissioners' new Statement of Strategy, I was pleased to announce the decision to purchase a second Customs Cutter to complement the important work being done by the RCC Suirbhéir. It is expected that this new vessel will be commissioned next year. My Department does not have responsibility for air-sea rescue.

Outdoor Events.

54. **Deputy Joan Burton** asked the Tánaiste and Minister for Finance the procedure of the Office of Public Works in making decisions on staging rock concerts or other events in the Phoenix Park; the number of such events proposed and approved for 2008; the duration and expected attendance of each of these events; the comparative figures for the years 2005, 2006 and 2007; if the OPW receives payments in respect of these events; if so, the amount of same; and if he will make a statement on the matter. [13682/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): In addition to concerts, the Office of Public Works processes hundreds of requests annually for use of the Phoenix Park to stage events there, primarily of a sporting or athletic nature. A new event last year was the Bloom Garden festival which was a great success and due to be held again in June this year.

The Policy Document drawn up in 1997 sets out the guidelines in relation to the staging of large scale concerts in the Phoenix Park. A number of large scale concerts — in excess of 100,000 attendees — have been staged in the Park in the past but in recent years, relatively small scale concerts have taken place. These have been confined to the Visitor Centre area, with the objectives of minimising any adverse impacts both on the Park environment and on local communities. Each application for a concert is considered on its' merits.

A list of the concerts, dating back to 2005, is as follows:

- 2008 — Approval in principle has been granted for a series of small scale concerts with a capacity of c.4,000 each, on the 30th July, 31st July and 1st August: Duration 7.00pm to 10.30pm

[Deputy Noel Ahern.]

- 2007 — a series of small scale concerts were staged on 23rd October, 24th October, 28th October and on the 3rd, 4th and 5th November with a maximum capacity of 10,000 each. Duration 7.00pm to 11.00pm. A further series of small scale concerts were staged on 30th November, 1st December, 5th and 6th December with a maximum capacity of 5,000 each. Duration 7.00pm to 10.30pm
- 2006 — two large scale day long concerts were approved; a commercial concert on 18th August (c.85,000) and a sponsored free concert (c. 50,000) on 26th August. Neither of these concerts actually went ahead.
- 2005 — a sponsored, free, day long concert was staged on 27th August with a capacity of c.50,000.

Fees are payable for use of the park for concerts. The total amount for 2005, 2006 & 2007 was €85,000 (no fees payable in 2006). The fee varies in each case depending on a number of factors, including for example the scale of a concert and whether it is a commercial or free event.

Tax Code.

55. **Deputy John Deasy** asked the Tánaiste and Minister for Finance if he is satisfied with the interpretation by the Revenue Commissioners that relevant contracts tax must be applied to all payments of a construction nature made by a principal contractor, irrespective of whether the payment is being made in the course of their business or not; and if he will make a statement on the matter. [13700/08]

57. **Deputy John Deasy** asked the Tánaiste and Minister for Finance if his attention has been drawn to the fact that relevant contracts tax is being applied to principal contractors on payments being made in relation to work carried out on their jointly owned principal private residences; his views on whether such work does not involve business related payments; and if he will make a statement on the matter. [13702/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 55 and 57 together.

I am informed by the Revenue Commissioners that the legislation governing Relevant Contracts Tax (RCT) is set out in Sections 530 and 531 of the Taxes Consolidation Act 1997. The general position is that the obligation to operate RCT is placed on a principal contractor as defined in the legislation. Thus, in making a payment to a sub-contractor a principal contractor must deduct and remit to Revenue RCT at 35% of the payment being made, except in circumstances where, inter alia, the sub-contractor has a certificate of authorisation, commonly known as a C 2 certificate. In the latter case, a principal may make the payment without deduction of RCT.

I am also advised by the Revenue Commissioners that the legal obligation on principal contractors to operate RCT is cast widely. Taking construction operations as an example, a principal contractor must operate RCT on payments to a sub-contractor not only where the construction work being carried out relates to a third party construction project but also in a situation where the construction work might be carried out on the principal contractor's private residence. It should be noted, however, that the exposure to RCT in respect of a private residence arises only because the contract payment is being made by a person who is a principal contractor. Payments made in respect of construction work on private residences by persons who are not principal contractors would not give rise to RCT.

56. **Deputy John Deasy** asked the Tánaiste and Minister for Finance his views on reducing the rate of stamp duty on private educational establishments which are levied at the commercial rate of 9%; if his attention has been drawn to the fact that this rate is a severe disincentive to investment in private education establishments, such as Montessori schools. [13701/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Stamp Duty on non-residential property is charged at various rates based on the consideration involved and, in this regard, it can be regarded as one of the constituent costs of purchasing a property. It also follows that the costs relating to the purchase of property, including stamp duty and other costs such as legal fees, etc., have to be taken into account when an individual is considering the merits of investing in particular activities, which may include private educational establishments. The Deputy will be aware that all taxes and duties are considered annually in the context of the Budget and Finance Bill.

Question No. 57 answered with Question No. 55.

58. **Deputy Michael Creed** asked the Tánaiste and Minister for Finance his views on extending the provisions of the seafarers allowance in the tax code to the fishing community; and if he will make a statement on the matter. [13717/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The seafarers allowance, which is provided for under section 472B of the Taxes Consolidation Act 1997, applies to the shipping industry and under EU rules constitutes a State Aid. The allowance of €6,350 at the marginal rate applies to seafarers who are at sea on a voyage to or from a foreign port for at least 161 days in total in a tax year on a passenger or cargo ship which is registered in an EU Member State's shipping register. Other EU States have a similar concession. The EU has exempted the shipping industry from certain State Aid provisions and has published guidelines (OJ C 205 of July 1997) to this effect. There is no similar exemption for the fishing industry and the extension of the seafarers allowance to fishermen would breach the EU guidelines.

Leaving the State Aid issue to one side, I should point out that since the introduction of the seafarers allowance in 1998 a number of groups have sought the extension of the allowance or the introduction of a similar tax allowance. Such a concession for the fishing community as suggested would almost certainly lead to claims from other workers for similar treatment. The Deputy will appreciate that tax reliefs, no matter how worthwhile in themselves, reduce the tax base and make general reform of the tax system that much more difficult.

59. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the reason a ten-year limit has been set on the look-back period for tax credits for research and development in view of the length of time it can take to research and develop certain technologies such as pharmaceuticals; and if he will make a statement on the matter. [13720/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The R&D tax credit scheme is specifically designed to reward increased expenditure on R&D by allowing companies a tax credit of 20% of the increase in qualifying R&D spend as compared with such expenditure in a base year. Following further improvements to the scheme in Finance Act 2008, which fixed the use of the base year 2003 for a further 4 years, qualifying R&D expenditure incurred by a company in any year to 2013 will qualify for a tax credit where it represents an increase over the amount incurred in the base year. This change provides an additional incentive for incremental expenditure on R&D in future years and offers more certainty to industry in relation to the tax credit scheme.

[Deputy Brian Cowen.]

For the years after 2013, the base year will move forward by one year and there will be a 10 year gap on a “look back” basis between the year in which the tax credit is claimed and the base year expenditure used for calculating the credit. Thus, for claims made under the scheme in respect of 2014, the base year will be 2004 and for 2015 the base year will be 2005 and so on.

The planning period for R&D is likely to vary from industry to industry. I have been advised that the average R&D cycle for product research programmes can extend to 8 years and that a longer period can apply in certain industries such as in the pharmaceutical sector. I believe that the 10 year gap which now applies under the tax credit scheme between the year of claim and rolling base year expenditure will accommodate the planning of most R&D cycles and strikes a reasonable balance in this area.

Employment Rights.

60. **Deputy Willie Penrose** asked the Tánaiste and Minister for Finance the costs incurred to date by his Department and the taxpayer, including man hours, legal fees, compensation pay, travelling costs and other associated costs in pursuing cases against 92 members of IMPACT who have been seeking their entitlements under the Protection of Employees (Fixed-Term Work) Act 2003 and the European directive; and if he will make a statement on the matter.

[13724/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The information requested by the Deputy is as follows.

Department	Legal Fees	Compensation Payments Paid	Travelling Costs	Other	Total
					€
Agriculture and Food	Nil	Nil	1,158	Nil	1,158
Arts, Sport and Tourism	Nil	25,000	Nil	Nil	25,000
Communication, Marine and Natural Resources	Nil	22,000	Nil	Nil	22,000
Transport	Nil	60,000	Nil	Nil	60,000
Justice, Equality and Law Reform	Nil	3,000	Nil	Nil	3,000
Chief State Solicitors Office	96,824	Nil	3,294	Nil	100,118
Office of the Attorney General	Nil	Nil	571	Nil	571
Finance	Nil	Nil	1,208	Nil	1,208
Total	96,824	110,000	6,231	Nil	21,3055

The costs incurred to date by the Department of Finance and the tax payer as requested by the Deputy are set out in the preceding table. The figures for the staff costs involved are not available. The relevant staff dealt with these issues as part of their day to day work and Departments did not task a dedicated resource to address these matters.

The Protection of Employees (Fixed-term Work) Act 2003 (the Act) applies to fixed term workers employed in the Civil Service. In accordance with the Rights Commissioner’s decision published on the 3rd of February 2005, the Department of Finance instructed the employing Departments to pay the compensation amounts, in cases where the findings were not being appealed. This compensation amounted to €110,000 and a breakdown by Department is included in the table of costs above.

The decision to appeal to the Labour Court aspects of the Rights Commissioner's determination was taken following legal advice. It was considered necessary to clarify matters regarding the jurisdiction of the Rights Commissioner over alleged breaches that took place prior to the implementation of the Act and also issues of the interpretation of European Law. The determination also had implications for the legislation governing recruitment and appointments to the Civil Service which needed to be clarified. It should be noted that IMPACT the trade union representing the claimants also appealed aspects of the Rights Commissioners decision.

The Labour Court decided to refer a number of questions relating to the interpretation of European Law to the European Court of Justice (ECJ) for clarification before proceeding to a full hearing of the cases. I understand that it is expected that the ECJ will be publishing its ruling on the questions on 15th April 2008.

Unemployment Levels.

61. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if, in view of the fact that unemployment is increasing at a much faster rate than the Government projected, he has revised his projections for the live register and the standardised unemployment rate; and if he will make a statement on the matter. [13751/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am aware of recent upwards pressures on this forecast. As is the norm, the unemployment forecast made at Budget time will be formally reviewed later this year in the Pre-Budget Outlook in the light of more complete data at that time. While I will continue to monitor the position closely over the coming months, I do not propose to re-cast the forecast at this stage.

House Prices.

62. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if his Department has made an estimate of the number of residential property owners in negative equity; and if he will make a statement on the matter. [13752/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): My Department does not compile estimates of the nature requested by the Deputy. Negative equity, as the Deputy is aware, is where the nominal value of the mortgage exceeds the nominal value of the property to which the mortgage relates. A first-time residential property buyer who has obtained a '100% mortgage is the more likely type of mortgage holder to be affected by negative equity as s/he is likely to have the least amount of equity available to compensate for any drop in nominal house prices. However, 2007 figures show that first time buyers represent only about 20% of the residential mortgage market. Investment in property is usually seen as a long term investment.

It is also important to note that though '100% mortgages only became generally available in Ireland with effect from July 2005 onwards, most financial institutions do not now provide '100% mortgages to the average residential property loan applicant. It is, therefore, reasonable to assume that few residential property owners in Ireland should be exposed to negative equity.

In any event, the key issue for any prospective or existing residential property owner is the affordability of the mortgage and I have consistently highlighted the need for responsible behaviour by both borrowers and lenders and, in particular, the need to factor into their financial decision-making the effects of potential future changes in economic and financial conditions. Furthermore, I introduced a number of measures — most notably the reform of stamp duty and mortgage interest relief — in the December 2007 Budget — to assist in making housing more affordable for the residential property owner.

Tax Code.

63. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the estimated cost of introducing a middle income tax rate of 35% to be applied to all those with an income in a band of €35,400 to €50,000 for a single person, €44,000 to €60,000 for a married couple with one income and €70,800 to €100,00 for a married couple with two incomes; and if he will make a statement on the matter. [13753/08]

67. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the estimated cost of introducing a middle income tax rate of 30% to be applied to all income in a band of €35,400 to €50,000 for a single person, €44,400 to €60,000 for a married couple with one income and €70,800 to €100,000 for a married couple with two incomes; and if he will make a statement on the matter. [13802/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 63 and 67 together.

It is assumed that the thresholds for the proposed new tax bands mentioned by the Deputy would not alter the existing standard rate band structure applying to single and widowed persons, to lone parents and married couples. I am advised by the Revenue Commissioners that the full year cost to the Exchequer, estimated by reference to 2008 incomes, of the introduction of each of these 35% and 30% rate bands could be of the order of €560 million and €1,020 million respectively, depending on how the bands were structured. Given the current band structures there would be major issues to be worked out as to how such a new rate could be integrated in practice into the current system and how this would affect the relative position of different types of income earners. These figures are provisional and subject to revision.

Tax Yield.

64. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if he has revised his projections for tax receipts and budget deficit; and if he will make a statement on the matter. [13754/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): At Budget time my Department forecast that during 2008 tax revenues would increase by approximately €1.6 billion or 3.5 per cent and that there would be an Exchequer deficit of €4,866 million. Since the early part of this year, some of the international risks identified at Budget time have materialised, specifically in relation to the weaker international economic environment, developments in oil prices and the movements in the dollar and sterling exchange rates.

My Department recently reported on the position as at end of March. In this context of the changed international environment, a good proportion of income tax — up 5% year on year in the first quarter, is a welcome indicator of the resilience of the Irish economy. However, overall tax receipts were €600 million, or 5.1% behind target in the first three months of 2008. Over half of this shortfall is due to the poor performance of Capital Gains Tax which reflects the more adverse conditions in equity and property markets. The next key payment date for CGT is at the end of October. At this stage it is not expected that this tax shortfall, particularly in CGT, will be recouped later in the year. It is important to point out that I believe that the current situation is manageable given the strong position of the public finances such as our low debt to GDP ratio. My Department will continue to closely monitor overall tax performance over the coming months as a clearer trend emerges.

Public Finances.

65. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if he is satisfied with his management of the public finances since his appointment; and if he will make a statement on the matter. [13755/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Yes, I am satisfied with the management of the public finances. As the Deputy is aware our record on the public finances stands for itself. The fundamentals of the Irish economy are strong. For example, General Government debt is estimated at 25 per cent of GDP at the end of 2007, which is one of the lowest levels of public debt in the euro area. When account is taken of the build-up of assets in the National Pensions Reserve Fund, the debt to GDP ratio net of those assets is estimated to be around 14 per cent at end-2007. The strong position of the public finances means that we are well placed to manage the challenges ahead.

Tax Code.

66. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the estimated cost of honouring the Government's commitment to reduce the higher rate of income tax to 40%; and if he will make a statement on the matter. [13801/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that the full year cost to the Exchequer, estimated by reference to 2008 incomes, of reducing the higher rate of income tax from 41% to 40% would be of the order of €268 million. This figure is provisional and subject to revision.

Question No. 67 answered with Question No. 63.

Hospital Services.

68. **Deputy Billy Timmins** asked the Minister for Health and Children the position in respect of the oncology service at Tallaght Hospital; her plans to upgrade this vital service in Tallaght; and if she will make a statement on the matter. [13626/08]

Minister for Health and Children (Deputy Mary Harney): The decisions of the Health Service Executive (HSE) to designate four managed cancer control networks and eight cancer centres, under the National Cancer Control Programme will be implemented on a managed and phased basis. The delivery of cancer services on a programmatic basis will serve to ensure equity of access to services and equality of patient outcome irrespective of geography. This will involve significant realignment of services to move from the present fragmented system of care to one which is consistent with international best practice in cancer control.

The HSE has advised that discussions are underway with the eight designated centres and with the non-designated hospitals currently providing cancer services, including Tallaght Hospital in order to manage the transition. A detailed transitional plan will be put in place to facilitate the progressive, gradual and carefully managed transfer of services over the next two years or so.

Where diagnosis and treatment planning is directed and managed by multidisciplinary teams based at the cancer centres, then much of the treatment (other than surgery) can be delivered in other hospitals, such as Tallaght Hospital. In this context, chemotherapy and support services will continue to be delivered locally. Cancer day care units will continue to have an important role in delivering services to patients as close to home as possible.

69. **Deputy James McDaid** asked the Minister for Health and Children when the last review of renal services took place here; and if her attention has been drawn to the situation regarding kidney dialysis patients in County Donegal. [13627/08]

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 issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the issues investigated and to have a reply issued directly to the Deputy.

My Department is aware that the HSE undertook a National Renal Review to inform the approach to the future development of renal services. The Report of the Review Group was completed over a year ago and developments in renal services have since been guided by the thinking in the report. The Renal Review Group identified the need for the early introduction of a follow-on implementation plan. The HSE has decided that such a plan needs to be aligned with its Transformation Programme. The HSE has further determined that the Report of the Review Group should be reviewed by an external expert/consultancy and arrangements are to be put in place to this effect.

70. **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 Dublin. [13629/08]

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.

71. **Deputy Michael Ring** asked the Minister for Health and Children the reason a person (details supplied) in County Mayo has been refused transport to a hospital appointment in Dublin in view of the outstanding circumstances of their case. [13634/08]

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.

Health Services.

72. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist in the case of a person (details supplied). [13641/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

73. **Deputy Finian McGrath** asked the Minister for Health and Children if she will advise in the case of a person (details supplied) in Dublin 17. [13648/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospital Services.

74. **Deputy Ciarán Lynch** asked the Minister for Health and Children her views on whether it is acceptable that a person (details supplied) in County Cork who was referred by their general practitioner in February 2007 is still awaiting a specialist appointment; if she will examine this case in order to secure the earliest possible appointment; and if she will make a statement on the matter. [13653/08]

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.

75. **Deputy Thomas P. Broughan** asked the Minister for Health and Children the new developments that have taken place for each of the past 12 years at the Mater Hospital; and if she will make a statement on the matter. [13655/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

76. **Deputy Thomas P. Broughan** asked the Minister for Health and Children her plans to open a new gastrointestinal unit at Beaumont Hospital; and if she will make a statement on the matter. [13657/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 77 withdrawn.

Asylum Support Services.

78. **Deputy Denis Naughten** asked the Minister for Health and Children the funding options open to support groups, play-schools and other agencies to establish communal areas, family

[Deputy Denis Naughten.]

supports and child care to children of asylum seekers; and if she will make a statement on the matter. [13673/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): In relation to the funding options open to support groups, play-schools and other agencies to establish communal areas, family supports and child care to children of asylum seekers, my colleague, Deputy Brian Lenihan, Minister for Justice, Equality and Law Reform, is the Minister with responsibility for these matters.

Hospital Services.

79. **Deputy James Reilly** asked the Minister for Health and Children the steps she will take to ensure that a review is conducted of communication within hospitals, between hospitals and with the Health Service Executive to ensure effective communications, policies and procedures are in place to provide an efficient and coordinated response to the patient when a serious incident arises, as recommended by the Health Information and Quality Authority report into the misdiagnosis of a person (details supplied); and if she will make a statement on the matter. [13685/08]

80. **Deputy James Reilly** asked the Minister for Health and Children the steps she will take to ensure that formal communications processes and procedures are put in place within hospitals in order that in the event of an incident there is an immediate and appropriate response to the patient; and if she will make a statement on the matter. [13686/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 79 and 80 together.

On the 4th March, I asked the Board of the Health Services Executive to immediately adopt an interim serious incident management protocol which would incorporate key commitments to patients. I also asked the Board to engage closely with this issue through its Risk Management Committee until it is satisfied that serious incidents of this nature are being managed to the required standard and to designate one person at national level to ensure that any future reviews are conducted in accordance with the protocol.

At its meeting on the 13th of March the Board adopted an interim Policy and Procedures for Serious Incident Management which had been developed by their management in conjunction with their Risk Committee. The Chief Executive Officer of the HSE has appointed a senior official to take responsibility at national level for the immediate implementation of this Policy and Procedures for Serious Incident Management. He will be reporting directly to the Chief Executive Officer in relation to this matter and in respect of all existing reviews/investigations into serious incidents.

Health Service Expenditure.

81. **Deputy James Reilly** asked the Minister for Health and Children the reason the pre-budget outlook for 2008 estimates the day-to-day cost in 2008 of maintaining health services at 2007 levels to be only €14,133 million, when the Health Services Executive estimated the cost to be €14,707 million; and if she will make a statement on the matter. [13687/08]

82. **Deputy James Reilly** asked the Minister for Health and Children the locations where health service cutbacks are planned in 2008 in the context of the €370 million shortfall in the spending allocation provided to the Health Service Executive in Budget 2008; and if she will make a statement on the matter. [13688/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 81 and 82 together.

The Post Budget gross provision (both current and capital expenditure) for the Health Services Executive for 2008 is € 14,931 million. When the provision for the Health (Repayments Scheme) Act is excluded the increase in 2008 is over € 1.1 billion or almost 9%. The HSE has received very substantial additional resources from the Exchequer in the three years since its establishment. The revenue funding for the health services in 2004 was €9.8 billion. The revenue (non-capital) funding provided to the HSE for service delivery in 2007 was €13 billion — an increase of €3.2 billion in three years or 10% a year.

Each year, the Government decides what level of funding should be made available to the HSE following consideration by the Minister for Finance of the expenditure proposals submitted by all Ministers across the full range of expenditure areas. In the case of health, information and views provided by the HSE are taken into account, as well as my own priorities as the Minister for Health & Children in relation to service developments.

Under the Health Act 2004, the Health Service Executive (HSE) submits to the Minister for Health each year a National Service Plan (NSP), which represents the level of services which the HSE is committed to providing given the funding which the Dail has made available to it as part of the Estimates process. The Health Service Executive submitted its 2008 NSP to me in November 2007 following which I approved it. The plan provides for the delivery of the existing level of service which the HSE will provide in 2008. The Pre-Budget Outlook (incorporating the Pre-Budget Estimates for Public Services) provided for a net amount (both current and capital) for the HSE of €12.04 billion to fund these services.

The HSE has also submitted an Addendum to the NSP which sets out the new developments and service priorities identified and agreed by Government and which were announced in Budget 2008. The Revised Estimates Volume for Public Services 2008, which incorporates the Budget 2008 changes, provides for a gross allocation (both current and capital) for the HSE Vote as €14.93 billion. This amount includes an estimate for Appropriations -in-Aid of €2.6 billion giving a net provision to the HSE for 2008 of €12.33 billion.

Nursing Homes Repayment Scheme.

83. **Deputy Denis Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 71 of 13 March 2008, the position regarding the issue of interest owing to long stay patients and the recommendations and conclusion as a result of these meetings; the estimate of the value of interest which is owed to patients; when repayment will commence; the cost of the administration of this repayment programme; and if she will make a statement on the matter. [13689/08]

Minister for Health and Children (Deputy Mary Harney): The Department has been advised by the Health Service Executive (HSE) that it is progressing with the task of transferring past interest retained on invested Patient Private Property Accounts. A process to undertake this transfer, initially for the period 2005-2006, has been agreed and the HSE is now making final arrangements to commence repayments.

The HSE is currently in discussion with the Revenue Commissioners to seek agreement that any interest owed to clients will not have a tax implication for either individual clients or for the HSE. The Department has been advised by the HSE that it is working on proposals to refund interest retained on the investment of PPP funds prior to 2005. Until these proposals are agreed, the HSE has indicated that it will not be in a position to provide estimates of the cost of administering these refunds. The overall estimate for total refund of interest remains

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as previously advised, approximately €31m or approximately €48m when adjusted for inflation by reference to the Consumer Price Index.

Medical Cards.

84. **Deputy John McGuinness** asked the Minister for Health and Children if an appeal for a full medical card by a person (details supplied) in County Kilkenny will be expedited and approved in view of the medical circumstances of the applicant. [13694/08]

Minister for Health and Children (Deputy Mary Harney): Persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services qualify for a medical card, which entitles them to a range of health services free of charge. In 2005, the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who did not qualify for a medical card, would not be deterred on cost grounds from visiting their GP.

The assessment of eligibility for medical cards and GP visit cards is statutorily a matter for the Health Service Executive (HSE) and, with the exception of persons aged 70 and over, who have an automatic statutory entitlement to a medical card, is determined following an examination of the means of the applicant and his/her dependants (income and relevant outgoings). The GP visit card assessment threshold is 50% higher than the medical card threshold.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

85. **Deputy John McGuinness** asked the Minister for Health and Children if an application for a medical card by persons (details supplied) in County Kilkenny will be expedited and approved in view of the circumstances of the case. [13695/08]

Minister for Health and Children (Deputy Mary Harney): Persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services qualify for a medical card, which entitles them to a range of health services free of charge. In 2005, the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who did not qualify for a medical card, would not be deterred on cost grounds from visiting their GP.

The assessment of eligibility for medical cards and GP visit cards is statutorily a matter for the Health Service Executive (HSE) and, with the exception of persons aged 70 and over, who have an automatic statutory entitlement to a medical card, is determined following an examination of the means of the applicant and his/her dependants (income and relevant outgoings). The GP visit card assessment threshold is 50% higher than the medical card threshold.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Mental Health Services.

86. **Deputy Michael Creed** asked the Minister for Health and Children her Departments plans to address the issues of poverty and social exclusion experienced by people with mental

health problems; her views on the National Economic and Social Forum report in this regard; and the way its findings can be implemented. [13718/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Report of the Expert Group on Mental Health Policy, ‘A Vision for Change’, which was launched in January 2006, acknowledges links between social inclusion and mental ill-health and the pervasive impact of stigma and discrimination on those experiencing mental ill-health. The report provides strong evidence linking poverty and mental ill-health and recognises the impact that the lack of housing and education can have on an individual’s mental health and wellbeing. ‘A Vision for Change’ makes a number of key recommendations designed to promote greater social inclusion for people with mental health problems. The National Economic and Social Forum’s report on Mental Health and Social Inclusion is consistent with ‘A Vision for Change’.

A key recommendation of the NESF report was the establishment of cross-departmental structures to address mental health and social inclusion. In January 2008, the Government announced the establishment of the Office for Disability and Mental Health. The Office is a cross-departmental Government office with functions in four Departments: Health and Children, Education and Science, Enterprise, Trade and Employment and Justice, Equality and Law Reform. The Director of the Office is a member of the Senior Officials Group on Social Inclusion.

The Office’s functions include driving the recommendations of ‘A Vision for Change’, bringing a new impetus to the implementation of the Report through working in partnership with the HSE and other stakeholders to achieve implementation of agreed targets. The recommendations of the NESF report will inform the work of the Office in this regard.

Hospital Services.

87. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to have a person (details supplied) in County Westmeath admitted for an orthopaedic appointment; and if she will make a statement on the matter. [13722/08]

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 asked the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Pharmacy Services.

88. **Deputy Willie Penrose** asked the Minister for Health and Children if her attention has been drawn to the fact that a significant number of pharmacists have been in contact with the Health Service Executive indicating that if the HSE persists in altering the terms and conditions of their contract in regard to the reimbursable medicines dispensed by the pharmacies by 1 May 2008, that they would consider such a change to be a fundamental breach of contract and in such circumstances they would reserve the right to terminate their contracts with effect from 1 May 2008; the position in relation to trying to reach an amicable resolution of this impasse; and if she will make a statement on the matter. [13723/08]

Minister for Health and Children (Deputy Mary Harney): At this point, two individual community pharmacists have given formal notification to the HSE of their intention to cease dis-

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pensing to public patients under the terms of the Community Pharmacy Contractor Agreement. Separately, a significant number of community pharmacists have notified the HSE that they either intend to formally withdraw services under their contracts at a future date, or alternatively that they are considering their contractual position with the HSE. In none of these cases has formal notification of cessation of services been received.

The HSE does not accept that it is in breach of contract with community pharmacists and has written to all those pharmacists who have notified it of their intention to withdraw services at some future date pointing out that, under the terms of the Community Pharmacy Contractor Agreement, each pharmacy contractor is required to give three months notice in writing of termination of the agreement.

The HSE also points out that, in the circumstances where the health of participating patients in the GMS and related schemes is of paramount importance, the HSE has no option, in the interests of patient care and safety, but to require pharmacists to abide by the three-month notice period required under the contract and to continue to provide services until the end of that period. This is to ensure that the HSE is in a position to put alternative arrangements in place for public patients who may be affected by the actions of individual pharmacists. In the event of withdrawal, patients are also entitled to retrieve their repeat prescriptions and a copy of their dispensing records to enable them to access the services of another pharmacy.

In response to demands from community pharmacists to address the alleged impact of the new wholesale pricing arrangements on GMS dependent pharmacies, in particular, the HSE has offered a voluntary interim contract with a flat rate dispensing fee of not less than €5 for all dispensing under the GMS and community drugs schemes.

I have also established an Independent Body to assess an interim, fair community pharmacy dispensing fee to be paid for the medical card scheme, the DPS and other community drug schemes. This Body is being chaired by Mr Sean Dorgan, former Head of IDA Ireland. It has been asked to make its recommendations by the end of May 2008.

Health Services.

89. **Deputy Pádraic McCormack** asked the Minister for Health and Children the position regarding the Health Service Executive and the dental surgeons in the HSE western area where a number of dentists are not carrying out work for medical card patients since March 2007; the steps that have been taken to settle this dispute; and if she will make a statement on the matter. [13730/08]

Minister for Health and Children (Deputy Mary Harney): The Dental Treatment Services Scheme (DTSS) provides for a range of dental services for adult medical card holders from participating dentists holding contracts with the Health Service Executive (HSE).

The DTSS Review Group was established in May, 2006 to undertake a comprehensive review of Primary Care Oral Health Services provided under the DTSS. Represented on the Review Group are the HSE, the HSE — Employers Agency, the Department of Health and Children, the Department of Social and Family Affairs, the Department of Finance and the Irish Dental Association (IDA). The Group is chaired by Mr. Finbar Flood.

During the course of the review, based on legal advice made available to the HSE, an issue arose in relation to the Competition Act, 2002 and the collective negotiation of fees with the IDA. The HSE was advised that the coming together of the DTSS contractors under the auspices of the IDA to negotiate fees would constitute a breach of the Act. The IDA was advised of the legal situation and, in January, 2007, discussions on the fee aspects of the review

were temporarily put on hold. Officials of my Department are working with the Attorney General's office to clarify the way forward.

Parliamentary Questions.

90. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 191 of 20 February 2008. [13740/08]

Minister for Health and Children (Deputy Mary Harney): My Department has requested the Parliamentary Affairs Division of the Health Service Executive to arrange to expedite the issuing of a reply to the Deputy on the matter.

91. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when replies will issue from the Health Service Executive to Parliamentary Questions Nos. 85 to 87, 89 to 90 and 94 to 95 of 14 February 2008. [13741/08]

Minister for Health and Children (Deputy Mary Harney): The Parliamentary Affairs Division of the Health Service Executive has advised my Department that replies to Questions 87 and 94 issued to the Deputy on the 6th March 2008 and that a reply to Question 86 will issue shortly.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to expedite the issuing of replies to the Deputy on the other outstanding Questions.

Residential Care Homes.

92. **Deputy Paul Kehoe** asked the Minister for Health and Children the Health Service Executive's policy with regard to locating residential care homes for troubled teenagers in residential areas; the facilities and local infrastructure they would normally expect in an area where such a facility is located; and if she will make a statement on the matter. [13757/08]

94. **Deputy Paul Kehoe** asked the Minister for Health and Children the amount it is costing the State for troubled teenagers in residential care; the number of troubled children in residential care; and if she will make a statement on the matter. [13759/08]

95. **Deputy Paul Kehoe** asked the Minister for Health and Children if any residential care homes for troubled teenagers were closed by the Health Service Executive or its agents during 2006 or 2007; if any were closed, were they privately operated and by whom; if those individuals or companies are still managing other properties on behalf of the HSE; and if she will make a statement on the matter. [13760/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): I propose to take Questions Nos. 92, 94 and 95 together.

Under the Health Act 2004, responsibility for the provision of health and personal social services, including residential care for troubled children, lies with the Health Service Executive. Therefore I have forwarded the Deputy's questions to the Executive and have requested them to reply to the Deputy directly.

93. **Deputy Paul Kehoe** asked the Minister for Health and Children the safeguards in place for inspection and monitoring of residential care homes for troubled teenagers; and if she will make a statement on the matter. [13758/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The Social Services Inspectorate (SSI) was established in April 1999, initially on an administrative basis. The main function of the Inspectorate is to support the child care services by promoting and ensuring the development of quality standards. The Inspectorate play a crucial role in ensuring a quality assured system of care for children and young people who are in the care of the state. Legislation and standards have been developed in this area. The inspections against the standards and legislative provisions are essential to ensuring that the services are monitored and meet the requirements set down and that any deficiencies are identified and corrected.

The establishment of the SSI on a statutory basis was provided for in the Health Act, 2007 which is currently being commenced. Section 6 and Section 40 of the Health Act, 2007 which provide for the establishment of the Health Information and Quality Authority and the Office of the Chief Inspector of Social Services were commenced on 15th May 2007. The Office of the Chief Inspector of Social Services will register and inspect children's residential services, both statutory and non statutory operated centres. The Act will also extend the SSI functions to cover the registration and inspection of residential services for older people and people with disabilities.

Currently the SSI inspects HSE operated children's residential care and foster care services against the Child Care Regulations, 1995 and the following standards:

- National Standards for Children's Residential Centres
- National Standards for Special Care Units
- Special Care Regulations made under Part 3 of the Children Act 2001
- National Guidelines on the use of Single Separation in Special Care Units
- National Standards for Foster Care

The SSI conduct both announced and unannounced inspections. Special Care residential centres are inspected at a minimum of once a year.

Residential centres operated by private or voluntary agencies are inspected and registered by the HSE at a minimum of every 3 years. This role will transfer to the Office of the Chief Inspector of Social Services when the relevant provisions of the Health Act, 2007 are commenced. Currently all HSE operated centres and private centres are monitored by a HSE monitoring officer between formal inspections. The SSI also receives HSE inspection reports of the voluntary residential children's centres. Regular meetings take place between the SSI Inspectors and the HSE Inspectors in order to work towards equity in the inspection process.

In addition to the inspection process all children in care are entitled to a statutory care plan and a designated social worker. These play an important role in safeguarding children and young people in care and in ensuring their needs are met through regular visits, care plan reviews involving the young people and their families, where appropriate, and meetings with key staff or foster carers.

Questions Nos. 94 and 95 answered with Question No. 92.

Parliamentary Questions.

96. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 149 of 26 February 2008. [13761/08]

Minister for Health and Children (Deputy Mary Harney): My Department has requested the Parliamentary Affairs Division of the Health Service Executive to arrange to expedite the issuing of a reply to the Deputy on the matter.

Community Care.

97. **Deputy James Reilly** asked the Minister for Health and Children the cost of the new community nursing home opened recently in Cherry Orchard Dublin; the time frame from the original decision to approve the unit by the HSE, to planning permission, to final construction and opening of the unit; the locations of any further units; the number of beds in those units and the target deadline for the opening of those units; if funding for the requisite staffing for those planned units is in place; if the recruitment embargo does not apply to these proposed community units; and if she will make a statement on the matter. [13764/08]

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.

Medical Cards.

98. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare. [13779/08]

Minister for Health and Children (Deputy Mary Harney): Persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services qualify for a medical card, which entitles them to a range of health services free of charge. In 2005, the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who did not qualify for a medical card, would not be deterred on cost grounds from visiting their GP.

The assessment of eligibility for medical cards and GP visit cards is statutorily a matter for the Health Service Executive (HSE) and, with the exception of persons aged 70 and over, who have an automatic statutory entitlement to a medical card, is determined following an examination of the means of the applicant and his/her dependants (income and relevant outgoings). The GP visit card assessment threshold is 50% higher than the medical card threshold.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Nursing Homes Repayment Scheme.

99. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the position in relation to the application by a person (details supplied) in County Kildare who made the application under the national repayment scheme on 2 April 2005; and if she will make a statement on the matter. [13781/08]

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.

Nursing Home Fees.

100. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if further assistance can or will be offered to a person (details supplied) in County Kildare in relation to nursing home fees; and if she will make a statement on the matter. [13782/08]

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.

Health Service Allowances.

101. **Deputy Tom Sheahan** asked the Minister for Health and Children, further to Parliamentary Question No. 204 of 26 February 2008 regarding a person (details supplied) in County Kerry, when a reply will issue from the Health Service Executive. [13834/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): The Health Service Executive has advised that a reply issued to the Deputy on the 27th February 2008.

Shipping Services.

102. **Deputy Thomas P. Broughan** asked the Minister for Transport the number of ships on the Irish Shipping Register for the years 2002 to 2007 and to date in 2008; and if he will make a statement on the matter. [13663/08]

Minister for Transport (Deputy Noel Dempsey): I am informed by the Registrars of Ships that the following table reflects the number of commercial vessels, registered under the Mercantile Marine Act, 1955, for the dates stated.

Year	Date	No. of Vessels of 500GT and Over
2002	31/12/2002	40
2003	31/12/2003	50
2004	31/12/2004	51
2005	31/12/2005	46
2006	31/12/2006	41
2007	31/12/2007	41
2008	31/03/2008	42

State Airports.

103. **Deputy Simon Coveney** asked the Minister for Transport the action he will take to

proceed with plans to grant independence to Cork Airport, if the board does not accept the Cassells proposals. [13690/08]

Minister for Transport (Deputy Noel Dempsey): Mr Cassells' recommendations provide an opportunity for a final decision to be made on the financial consideration to be paid by the Cork Airport Authority in respect of the transfer of net assets of €220m on its establishment as an independent airport. If agreement can be found based on Mr Cassells' proposals, there is then the opportunity for Cork Airport to move ahead and achieve autonomy.

As I have said previously I have asked Mr. Cassells to assist the two boards in finding agreement on the basis of his recommendations and I am hopeful that there will be a positive outcome to this process.

Road Safety.

104. **Deputy Leo Varadkar** asked the Minister for Transport his views on whether the Road Safety Authority are acting within their legislative remit in refusing to recognise or give exemptions to driving instructors with qualifications from the Driving Instructor Register or the Institute of Advanced Motoring; and if he will make a statement on the matter. [13748/08]

105. **Deputy Leo Varadkar** asked the Minister for Transport his views on the decision of the Road Safety Authority to refuse to recognise or give exemptions to driving instructors with qualifications from the Driving Instructor Register or the Institute of Advanced Motoring; and if he will make a statement on the matter. [13749/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 104 and 105 together.

The Road Safety Authority (RSA) has given me comprehensive proposals for the registration and regulation of driving instructors, with the target date of 1 January 2009. These are under consideration, with a view to making the necessary Regulations. In the meantime, the RSA has arrangements in hand to permit existing driving instructors to demonstrate that they already meet the qualification requirements for registration as approved driving instructors.

Departmental Expenditure.

106. **Deputy Frank Feighan** asked the Minister for Transport the level of subsidies paid to all transport bodies, that is, Iarnród Éireann, Bus Éireann, Dublin Bus and regional airports for 2006 and 2007; and if he will make a statement on the matter. [13794/08]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is contained in the tables below.

	2006	2007
	€m	€m
Iarnród Éireann	188.716	194.911
Bus Éireann	26.459	31.595
Dublin Bus	69.845	80.078

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Subvention under the Core Airport Management Operational Expenditure Subvention Scheme

Airport	2006	2007
	€	€
Donegal	64,600	44,000
Galway	677,848	859,000
Knock	—	—
Kerry	—	—
Sligo	231,200	9,000
Waterford	687,685	1,352,000
Total	1,661,333	2,264,000

Diplomatic Representation.

107. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the countries with whom Ireland has diplomatic relations through a non-resident ambassador; if he has discouraged any of those countries from establishing relations on a resident basis; and if he will make a statement on the matter. [13803/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): Article 2 of the Vienna Convention on Diplomatic Relations, incorporated in the Diplomatic Relations and Immunities Act 1967, states that “The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent”. Ireland currently has diplomatic relations with 62 countries that have accredited Ambassadors on a non-resident basis. These countries are listed in the following table.

In addition, in the context of the last Security Council Campaign in 2000, Ireland established diplomatic relations with over 30 countries via an exchange of letters between the respective Missions to the United Nations in New York. This type of diplomatic relations did not commit either country to the appointment of either a resident or non-resident Ambassador. A number of these countries have since upgraded their diplomatic relations with Ireland with the appointment of an Ambassador (usually on a non-resident basis). In some cases, Ireland has also appointed an Ambassador to their country.

The normal practice is to accede to the request to accredit an Ambassador where diplomatic relations exist. In that regard, the issue of my discouraging any of the countries in the attached list from establishing resident Missions has not arisen.

Embassies accredited to Ireland on a non-resident basis

1	Albania
2	Algeria
3	Andorra
4	Angola
5	Armenia
6	Azerbaijan
7	Bahrain
8	Bangladesh
9	Belarus

Embassies accredited to Ireland on a non-resident basis

10	Bolivia
11	Bosnia and Herzegovina
12	Botswana
13	Brunei
14	Burkina Faso
15	Cambodia
16	Colombia
17	Eritrea
18	Fiji
19	Georgia
20	Ghana
21	Honduras
22	Iceland
23	Indonesia
24	Iraq
25	Jamaica
26	Jordan
27	Kazakhstan
28	Korea, Democratic Republic of
29	Kuwait
30	Lebanon
31	Libya
32	Luxembourg
33	Republic of Macedonia
34	Moldova
35	Mongolia
36	Namibia
37	Nepal
38	New Zealand
39	Nicaragua
40	Oman
41	Peru
42	Philippines
43	Qatar
44	Rwanda
45	San Marino
46	Saudi Arabia
47	Serbia
48	Sierra Leone
49	Singapore
50	Sri Lanka
51	Sudan
52	Syria
53	Tanzania
54	Thailand
55	Tunisia

 Embassies accredited to Ireland on a non-resident basis

56	Uganda
57	United Arab Emirates
58	Uruguay
59	Venezuela
60	Vietnam
61	Zambia
62	Zimbabwe

Work Permits.

108. **Deputy Pat Breen** asked the Minister for Enterprise, Trade and Employment when a green card will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [13652/08]

110. **Deputy Pat Breen** asked the Minister for Enterprise, Trade and Employment when an employment permit will issue to a person (details supplied) in County Clare. [13647/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I propose to take Questions Nos. 108 and 110 together.

The Employment Permits Section of my Department informs me they have requested some additional information from the employer in relation to this case. On receipt of that information a decision will be made on this application.

Job Creation.

109. **Deputy Paul Kehoe** asked the Minister for Enterprise, Trade and Employment the grants or funding available to a person who is wishing to start a hurley making factory; and if he will make a statement on the matter. [13796/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): My Department does not provide direct funding or grants to businesses but provides funding to a number of State Agencies, including the County and City Enterprise Boards, Enterprise Ireland and FÁS, through whom assistance is delivered directly to businesses.

The 35 County and City Enterprise Boards provide a source of support to small businesses with 10 employees or fewer. Subject to certain eligibility criteria new and developing enterprises may qualify for financial support from the CEBs in the form of feasibility, employment and capital grants. All of the CEBs operate to the same criteria in relation to the assistance which they can offer i.e. they can support the establishment and/or the development of enterprises provided that the projects, which should generally be in the manufacturing and internationally traded services sector, have the capacity to achieve commercial viability and which over time may develop into strong exporting entities. In addition, the CEBs deliver a range of non-financial supports to improve management capability development within micro-enterprises designed to help new and existing enterprises to operate effectively and efficiently so as to last and grow.

I would suggest that the person concerned should, in the first instance, make direct contact with their local CEB and explore what level of assistance, if any, may be available to them. Contact details for individual CEBs can be found by accessing the following website: www.enterpriseboards.ie.

Question No. 110 answered with Question No. 108.

111. **Deputy John Curran** asked the Minister for Enterprise, Trade and Employment the number of new jobs created in the Clondalkin, Dublin 22 area with the aid of State support for the years 2000 to 2007. [13660/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Employment data in respect of companies supported by the Enterprise Agencies is collated by Forfás on a county-wide basis.

The following table outlines the full-time jobs created in enterprise agency supported firms (Enterprise Ireland and IDA Ireland) in County Dublin in the years 2000 to 2007 inclusive. Full time permanent employment in enterprise agency supported firms in Co. Dublin stood at 96,375 permanent jobs at end 2007.

In addition, during the period from 2000 to 2007, South Dublin County Enterprise Board, which includes the Clondalkin area, assisted in the creation of a net total of 241 jobs.

Full Time Jobs Created	2000	2001	2002	2003	2004	2005	2006	2007	Total Jobs Created '00-'07
Dublin	17,425	11,510	8,926	7,870	9,421	9,929	10,670	9,106	84,857

Small Business Forum.

112. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the recommendations of the small business forum; the position regarding each recommendation stating the progress that has been made towards its implementation; and if he will make a statement on the matter. [13744/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The measures outlined in my reply to Parliamentary Question No. 546 of 26 September 2007 clearly ensure that there continues to be a supportive environment for small business in Ireland and show the Government's commitment to the small business sector.

A copy of the Third Progress Report on the Implementation of the Recommendations is available on my Department's website (www.entemp.ie) under "latest publications" and sets out in detail the progress being made in respect of all of the Small Business Forum's recommendations.

Since the publication of this Progress Report, further new measures designed to help the small business sector were announced in Budget 2008 by the Tánaiste and Minister for Finance on 5 December 2007 and are confirmed in the Finance Bill 2008, as follows:

- VAT Registration Turnover Thresholds are being further increased — for the second year successive year — from 1 May 2008, to €37,500 for services and to €75,000 for goods respectively.
- Small companies are now permitted to calculate their Preliminary Corporation Tax payments based on 100% of the prior-period tax liability if their tax liability for the prior period did not exceed a certain threshold. This threshold is being further increased to €200,000. This will be effective for preliminary tax payment dates arising after 5 December 2007.

[Deputy Micheál Martin.]

- New companies, which do not expect their tax liability for the first year to exceed €150,000, are no longer obliged to pay preliminary tax in that first year. This threshold is being further increased to €200,000. This will be effective for preliminary tax payment dates arising after 5 December 2007.

The implementation of the recommendations contained in the Small Business Forum Report, to the maximum extent possible, remains a priority for the Government. Work is ongoing on this important agenda.

Employment Rights.

113. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if a regulatory impact assessment was carried out with respect to the new regulatory provision in the Employment Law Compliance Bill; and if he will make a statement on the matter.

[13745/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The Employment Law Compliance Bill is designed to secure better compliance with employment legislation in accordance with commitments in “Towards 2016”, the national Social Partnership Agreement. Through that social partnership process, employer and employee representatives have been fully apprised at all stages of the issues to be legislated for and the likely impacts of the new legislation. In light of this, a screening Regulatory Impact Analysis was prepared, which in turn was summarised in the Explanatory and Financial Memorandum published with the Bill.

In summary, the Bill is intended to benefit low-paid and other vulnerable employees in particular, by securing vindication of their employment-related rights. This will have clear benefits in terms of alleviating poverty and preventing exploitation and distortion of competition from non-compliance with employment legislation, and generally improving relations in the workplace.

It is not envisaged that the Bill will give rise to significant extra costs for responsible employers generally in terms of record-keeping, etc. requirements to be met. It is expected that only those employers who are non-compliant with employment legislation will have to incur additional expenditure to meet requirements, or face substantial interest and other penalties if they do not do so.

Departmental Programmes.

114. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the timeframe over which the 25% regulation reduction target will be met; the mechanism by which this regulation reduction will be measured; if there are interim targets; if so, the interim targets in relation to same; and if he will make a statement on the matter. [13746/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The target of 25% is intended to be achieved by 2012, consistent with the approach being adopted by the European Union in its burden reduction programme.

All Government Departments have been instructed to initially list the information obligations arising out of laws and regulations which impose an administrative burden on the business sector and put in place the necessary personnel and structures to that end. Each

Department will then prioritise those obligations imposing the biggest burden and measure the burden involved with a view to achieving the Government target. At that point, my Department will further refine the process, taking into account the need for an efficient and value-for-money approach and the approaches being adopted in other countries.

There are no interim targets but I will be responsible for coordinating the cross-Government approach and reporting annually to the Government on progress.

Science and Technology Groups.

115. **Deputy David Stanton** asked the Minister for Enterprise, Trade and Employment the actions he has taken or will take to encourage female participation in science based careers; and if he will make a statement on the matter. [13766/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The overall investment in the Strategy for Science, Technology and Innovation 2006-2013 is predicated on the basis of equal access to opportunities arising for careers in Research and Development.

There are complex historical, cultural and social factors militating against proportionate take up by women of science-based careers. For example, re-establishing oneself following a period of absence from the research field is a significant structural barrier. For these reasons the agencies and bodies with a Science and Technology competence under the aegis of my Department support additional dedicated programmes or initiatives to enhance potential participation by women.

My Department has also developed a sustained and positive partnership with WITS (Women in Technology and Science), the independent organisation which fosters and supports increased participation by women in careers in science and technology.

Science Foundation Ireland

SFI encourages both men and women equally to participate in its research programmes on the criteria of scientific expertise, knowledge and potential. Three dedicated programmes were introduced in 2005 with the objective of increasing take up by women of careers as researchers:

(i) The SFI Principal Investigator Career Advancement Award

This award supported researchers returning to pursue their career subsequent to a period of time spent on childcare. The Award was a pilot measure and SFI is currently examining how elements of this programme could be merged into other award programmes.

(ii) The SFI Institute Planning Grant and Institute Development Awards

These awards constituted a linked two-stage programme. The Institution Planning Grant provided research institutions with support to conduct a self-assessment of women's participation in science and engineering research activity and management. The follow-on Institute Development Award provided support for institutions which had carried out the self-assessment to implement initiatives to support the enhancement of women's participation in science and engineering.

(iii) The SFI Young Women in Engineering Scholarship

This award, supported by Dell, aims to attract and encourage more young women into designated third-level education courses in engineering disciplines.

[Deputy Micheál Martin.]

InterTradeIreland

My Department supports InterTradeIreland's Re-Enter Programme, an all-island structured return to work programme for women scientists, engineers and technologists. This programme integrates educational, mentoring and networking dimensions.

Discover Science and Engineering

DSE, Ireland's national science promotion programme, aims inter alia to increase take up of science and engineering at third level. All its programme literature seeks to feature both females and males equally so as to clearly communicate that careers in science and engineering are equally available to both sexes.

Work Permits.

116. **Deputy Bernard J. Durkan** asked the Minister for Enterprise, Trade and Employment the reason a work permit has not issued in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [13778/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department informs me that the last valid permit in respect of the above named expired on the 11/2/2008 and there is no record of any new application concerning this individual.

Arts Funding.

117. **Deputy Áine Brady** asked the Minister for Arts, Sport and Tourism when his Department will advertise for applications for grants under his Department's Access programme fund; the guidelines his Department have in relation to grant application under the access programme; and if he will make a statement on the matter. [13697/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): I hope to announce a further round of capital funding for the arts shortly. The scheme will be renamed the Arts Capital Grants Scheme and will follow up on the highly successful ACCESS scheme. The application forms and guidelines for the scheme will be made available immediately after I announce the funding round.

Human Rights Issues.

118. **Deputy Joe Costello** asked the Minister for Social and Family Affairs the reason the Government has appealed the case of a person (details supplied); and if he will make a statement on the matter. [13679/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The case referred to by the Deputy concerns the rights of a person who has undergone gender reassignment surgery to recognition of her acquired gender. On foot of a High Court judgement delivered on 19 October 2007, the judge made an order 14 February 2008 and the perfected order was issued on 10 March 2008. The order contains a declaration pursuant to Section 5 of the European Convention on Human Rights Act 2003 that Sections 25, 63 and 64 of the Civil Registration Act 2004 are incompatible with the obligations of the State under the European Convention on Human Rights by reason of their failure to respect the private life of the Applicant as

required by Article 8 of the Convention in that there are no provisions which would enable the acquired gender identity of the Applicant to be legally recognised in this jurisdiction.

This is the first time that the High Court has made a declaration of incompatibility with the European Convention on Human Rights in respect of a provision of Irish law. As such, the High Court judgement is very significant and raises complex and far-reaching issues, not merely for this case but for future cases under the European Convention on Human Rights Act. The judgment has implications for a wide range of legislative and policy areas including taxation, social welfare, pensions, family law, criminal law, equality, employment, sport, financial services, health, education and so on. In that context, an appeal has been lodged in the Supreme Court against the High Court decision in the interests of seeking clarity on all its implications.

As the judgment is the subject of an appeal, it is not considered appropriate for me to comment further at this time.

Parliamentary Questions.

119. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs when a reply will issue from the Health Service Executive to Parliamentary Question No. 359 of 4 March 2008. [13763/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The matter that was the subject of the Deputy's question of 4 March was referred to the Chief Executive of the Health Service Executive for investigation of the substantive issue and for direct reply to the Deputy.

Enquiries have been made with the Chief Executive, and I have been informed that his investigation of this matter is nearing completion and that a reply will issue to the Deputy in the very near future.

Social Welfare Benefits.

120. **Deputy James Bannon** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Longford has had a disability allowance withdrawn when under his Department's guidelines such a person should be entitled to a disability allowance and an independent living allowance; and if he will make a statement on the matter. [13668/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): Disability allowance is a weekly allowance paid to people with a disability who are aged between 16 and 66 years. The disability must be expected to last for at least one year and the allowance is subject to both a medical examination and a means test.

The weekly rate of Disability Allowance payment depends on the amount of weekly means assessed. The legislative provisions regarding Disability Allowance state that means will be assessed from all income which the claimant or claimant's spouse may reasonably expect to receive during the year following the date of their claim with certain exceptions. Income derived from earnings from employment is not included in these exceptions and is accordingly assessable in full as means for Disability Allowance.

The person concerned had his Disability Allowance reviewed in September 2007. Following this review he was assessed with weekly means of €389.89 derived from his spouse's employment. As the weekly means exceeded the statutory limit of €353.10, the person concerned had his Disability Allowance stopped on 20 September 2007. The person concerned was notified by letter of this decision and of his right to appeal this decision to the independent Social Welfare Appeals Office.

[Deputy Martin Cullen.]

His weekly means were derived as follows:

	€
Gross weekly earnings (per payslip)	795.24
<i>Less</i>	
PRSI/Union/Superannuation	85.42
Insurable Employment Disregard	60.00
	649.82
Weekly means @ €0.60 per €1	389.89

He subsequently appealed this decision on 3 October 2007.

On 28 November 2007, the Chief Appeals Officer decided that the weekly means of €389.89 derived from spouse's earnings are correct and in accordance with Social Welfare legislation. In the absence of new evidence, the Appeals Officer is final and conclusive.

121. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason one parent family allowance has been refused in the case of a person (details supplied) in County Kildare who has three dependant children; and if he will make a statement on the matter in view of the fact that they are a lone parent. [13828/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): I refer to my reply to the Deputy on 6/3/08 in relation to the person concerned. I am advised by the Social Welfare Appeals Office that since that reply, an Appeals Officer again reviewed this case following the submission of further correspondence from the person concerned. However, the Appeals Officer considered that the correspondence contained no new facts or fresh evidence which would warrant a revision of his decision. The Social Welfare Appeals Office is an office of my Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

The person concerned came to Ireland, from Nigeria, in February 2003 and first applied for One Parent Family Payment in July 2005. Her circumstances were investigated by a Social Welfare Inspector who reported that, in her view, the person concerned had not established that she is a separated person within the meaning of the Social Welfare legislation and that there is evidence of an ongoing relationship with her husband. On the basis of the Inspector's report the Deciding Officer disallowed her application to One Parent Family Payment. The person concerned appealed the decision to the Social Welfare Appeals Office. Following an oral hearing on 20 September 2006 the Appeals Officer disallowed her appeal on the grounds that she had not shown that the marriage tie had been broken and he considered the separation to be geographic in nature.

On 17 April 2007 the person concerned again applied for One Parent Family Payment. Her application was investigated by a Social Welfare Inspector who reported that her circumstances were basically unchanged from the previous investigation. On the basis of a further Inspector's report the Deciding Officer disallowed her application to One Parent Family Payment. The person concerned appealed the decision to the Social Welfare Appeals Office. Following an oral hearing on 8 January 2008 the Appeals Officer, having considered all the appellant's evidence including that adduced at the oral hearing, concluded that he was not satisfied that the appellant had established that she is a separated person within the meaning of the legis-

lation. The appeal was disallowed. An Appeal Officer's decision is final in the absence of new facts and fresh evidence.

Social Welfare Code.

122. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if entitlements such as supplementary welfare allowance or back to education allowance are not available to non Irish nationals unless they have achieved residency status, can be made available while applications for status are awaiting determination. [13830/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The habitual residence condition was introduced in order to ensure that a person, who has had no attachment to the work force since arrival in Ireland and whose habitual residence is therefore elsewhere, would not be entitled to payment under certain exchequer-funded schemes on arrival in Ireland.

Applications for supplementary welfare allowance payments (e.g. a basic weekly payment or a rent supplement) are subject to the habitual residence condition. However, an EU migrant worker, who has been employed since arrival in Ireland, has lost that employment and does not qualify for an alternative social welfare payment, may have an entitlement to such a payment subject to the normal scheme conditions. This provision arises from the freedom of movement of workers legislation which applies within the EU but not to persons coming from non-EU countries.

Additionally, once-off payments of supplementary welfare allowance may be made where appropriate under the exceptional or urgent needs provisions which are not subject to the habitual residence condition. Asylum seekers who are awaiting a decision on their application for permission to remain have direct provision available to them. I believe the habitual residence condition is fulfilling its intended purpose and I do not intend amending its application to supplementary welfare allowance.

Back to education allowance is a scheme enabling persons who might otherwise be or become welfare-dependent to progress through education into employment. It is only available to persons who have been in receipt of certain social welfare payments for at least 6 months in the case of the second level education option or 12 months in the case of the third level option. I do not consider it appropriate to remove this condition in the case of non-Irish nationals.

Community Development.

123. **Deputy Peter Power** asked the Minister for Community, Rural and Gaeltacht Affairs when his Department will next be seeking applications for a new round of applicants for the programme of grants for locally based community and voluntary organisations; and if he will make a statement on the matter. [13636/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The Programme of Grants for Locally-Based Community and Voluntary Organisations, funded by my Department, supports the activities of local voluntary and community groups addressing disadvantage in their community. The Programme offers grants to community groups in respect of refurbishment of premises, equipment and training. Preparations for the launch of the new Programme are at an advanced stage and I expect to be in a position to make an announcement in the coming weeks.

124. **Deputy Thomas P. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide funding to a charity (details supplied) in County Tipperary that supports citizens with disabilities, to support their scheme which provides accessible transport

[Deputy Thomas P. Broughan.]

for their clients; the amount of funding his Department allocates each year for the provision of transport services for citizens with disabilities; and if he will make a statement on the matter. [13659/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, I do not have statutory responsibility for the provision of transport services for citizens with disabilities. In relation to the project that the Deputy refers to, some funding may be available for an element of the project under the Dormant Accounts Fund. Details in relation to the measures supported by the Fund are available on my Department's website www.pobail.ie.

Legislative Controls.

125. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food the reason the introduction of an EU compliant commercial fertiliser is being processed at such a slow pace to the detriment of a business concern (details supplied) in County Westmeath; and if she will make a statement on the matter. [13667/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): There have been ongoing discussions between my Department and the business concern involved in this matter. The business proposes to use meat and bone meal (MBM) in the manufacture of fertiliser. The use of MBM, which is an animal by-product, is strictly regulated under both EU and national legislation, in order to protect public and animal health.

The business proposes to get a third party to manufacture the fertiliser. This party has applied for approval of a technical plant to manufacture the product in accordance with the requirements of Article 18 of Regulation (EC) 1774/2002. It has not been possible as yet to issue approval for this plant as it does not meet the regulatory requirements at present. Discussions are ongoing between my officials and the third party in an attempt to resolve this matter.

The business operator has also applied for approval to conduct research trials using the MBM based fertiliser. My Department has sought additional information on these proposed trials. When this information is supplied the application will be processed as a matter of urgency.

World Trade Negotiations.

126. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food her plans to counteract the negative impact of the World Trade Organisation proposals which would see Irish beef and lamb prices cut by 70%; and if she will make a statement on the matter. [13674/08]

127. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food her plans to counteract the negative impact of the proposals of the World Trade Organisation which are giving no recognition to farmers for the fact that the EU is a high cost region; and if she will make a statement on the matter. [13675/08]

128. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food her plans to counteract the negative impact of the proposals of the World Trade Organisation which are giving no recognition to farmers for the range of higher standards demanded from EU producers in relation to food safety and traceability, animal health and welfare and the protection of the environment; and if she will make a statement on the matter. [13676/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I propose to take Questions Nos. 126 to 128, inclusive, together.

As I have stated on many occasions the current round of WTO negotiations represent a significant challenge for EU and Irish agriculture. These negotiations are ongoing and given the significant number of unresolved issues it is not possible to draw conclusions regarding the overall impacts on the different agriculture sectors until the negotiations are completed in full.

The 2003 reform of the CAP was carried out with the WTO negotiations clearly in mind. The move to non-trade distorting decoupled payments allowed the EU to make significant commitments to reducing trade-distorting supports which are linked to production and prices. This is a very significant contribution to these negotiations. As Ireland has fully decoupled the 2003 CAP Reform provides certainty in relation to levels of income support for farmers up until 2013, while freeing them to increase their income from the market by responding to consumer demands and guaranteeing a supply of safe food, produced to high animal welfare and environmental standards, at reasonable cost. This is a crucial provision which offers farmers stability at a time when markets are changing rapidly.

The Agrivision 2015 Action Plan which I published in March 2006 sets out my vision for a competitive, consumer-focused and knowledge driven agri-food sector which will contribute to a vibrant rural economy, society and environment and which exploits opportunities in non-food areas. It was drawn up in the light of recent CAP reforms and the likelihood of a more liberalised trade policy under a new WTO agreement but also against the background of other changes which will impact on the sector such as lifestyle changes, the emergence of technology and Research and Development as market drivers and structural changes in the farming and the retail sector.

I believe the measures provided for in the Agri-Vision 2015 Action Plan in conjunction with the provisions of the 2003 CAP reforms will facilitate the continued growth of the Irish Agri-Food sector and will serve to address the challenges posed by the WTO.

In that context, it is clear, were there to be a WTO agreement, the outcome could have a significant influence on the future of Irish agriculture. The outcome will determine the levels of protection and support that the EU may provide for the duration of the next agreement. I am continuing to seek recognition in the negotiations of the additional costs incurred by EU producers in implementing non-trade measures such as environmental, animal welfare and animal health controls. I have consistently outlined my position on non-trade concerns in the Council of Agriculture Ministers, by emphasising that the Commission must pursue recognition of these issues in the ongoing negotiations.

My overriding objective in the ongoing agriculture negotiations is to ensure that the terms of the agreement can be accommodated within the framework of the reformed CAP. This represents the limit of the EU Commission's negotiating position in these negotiations and I will continue to insist that this position is respected.

Grant Payments.

129. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when the single farm payment will issue to a person (details supplied) in County Galway; and if she will make a statement on the matter. [13709/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): As previously advised in reply to a question from the Deputy on 12 February 2008, after expiry of an existing lease and the reversion of entitlements from the person named to another farmer, no application to transfer entitlements was received under the 2007 Single Payment Scheme year. The person

[Deputy Mary Coughlan.]

named was advised of this and subsequently submitted an application to transfer 17.88 entitlements by way of lease from another farmer for the 2007 scheme year.

This late application was received on 15 February 2008 and was accepted. As essential elements of the application form were incomplete it was necessary to return it to the person named for completion. The completed form was received on 29 February 2008 and the requested transfer was completed on the same day. A supplementary payment relating to these leased entitlements issued to the person named on 31 March 2008.

Fishing Industry Development.

130. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food her plans to compensate crews on fishing boats that may be decommissioned; and if she will make a statement on the matter. [13715/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): All fishermen are eligible to undertake Bord Iascaigh Mhara (BIM) training programmes including those serving on vessels that are decommissioning. In this regard, BIM and FÁS have agreed to co-operate to provide training for fishing vessel crew members that find themselves without a job when their fishing vessel is decommissioned. Both agencies will work closely together to provide retraining, up-skilling or diversification opportunities in the seafood industry or elsewhere in the economy as required.

In addition, funding will be provided within BIM's overall programmes to support the sustainable development and improvement of the quality of life in fisheries areas as part of an overall strategy that will support the implementation of the objectives of the common fisheries policy, in particular taking account of its socio-economic effects.

The measures for sustainable development of fisheries areas shall seek to:

- (a) maintain the economic and social prosperity of these areas and add value to fisheries and aquaculture products;
- (b) maintain and develop jobs in fisheries areas through support for diversification or the economic and social restructuring of areas facing socio-economic difficulties as a result of changes in the fisheries sector;
- (c) promote the quality of the coastal environment;
- (d) promote national and transnational cooperation between fisheries areas.

It should also be noted that while the decommissioning scheme will remove some of the older and less economically viable vessels from the fleet right around the coast, the majority of the fleet will continue fishing and will continue to need crew. At present many skippers are experiencing great difficulty securing crew, as there is an overall shortage of crew for fishing vessels. In this situation there remains good opportunities for crew members whose current boats are leaving the fleet.

Grant Payments.

131. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment of their installation aid. [13716/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person concerned is an applicant for aid under the Young Farmers' Installation Scheme. His application for payment is currently being examined within my Department and the outcome will be notified to the person concerned as soon as possible.

Departmental Appointments.

132. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 226 of 1 February 2007, the number of positions that have been filled from members of the panel formed from a competition (details supplied); the number of applicants who have withdrawn from the panel; and if she will make a statement on the matter. [13738/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): 28 positions have been filled from the Assistant Agricultural Inspector Panel. 14 applicants withdrew from the panel.

Physical Education Facilities.

133. **Deputy Enda Kenny** asked the Minister for Education and Science the position in so far as provision of a sports hall is concerned for a school (details supplied) in County Cork; and if she will make a statement on the matter. [13677/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is currently at a very advanced stage of architectural planning process. The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered on an on-going basis in the context of my Department's multi-annual School Building and Modernisation Programme.

Schools Refurbishment.

134. **Deputy David Stanton** asked the Minister for Education and Science the funding she is making available in 2008 to carry out remedial works and upgrading works in primary schools; the way in which such funding can be applied for; and if she will make a statement on the matter. [13681/08]

Minister for Education and Science (Deputy Mary Hanafin): Primary school authorities may use their annual minor works grant to deal with such works. In November 2006 I increased funding for the minor works grant by 44% on the previous year. Around €27m was paid out to primary schools throughout the country late last year to enable thousands of small scale works to be completed without the need to interact with my Department. Individual primary schools received a grant in the sum of €5,500 plus €18.50 per pupil. This is intended to be used by schools to address most of the type of works to which the Deputy refers.

In the case of larger scale works an extension to a school building is generally considered as a major capital application. The relevant application forms are available on the Department's website at www.education.ie. Where an extension project is required in conjunction with other renovation works, the approach generally taken would be to roll all the works together under one large scale project.

As the Deputy may be aware, the Summer Works Scheme was introduced in 2004 to fund necessary smaller scale works in schools. Since then, over 3,000 projects 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.

[Deputy Mary Hanafin.]

There is not, therefore, a new Summer Works Scheme as part of our building programme this year. There will be a Summer Works Scheme in 2009.

Special Educational Needs.

135. **Deputy Andrew Doyle** asked the Minister for Education and Science the criteria for invitation to the one day conference, Education through the Spectrum, to be held in Croke Park on 15 April 2008; and if she will confirm whether members of boards of management of schools with autism classes will be invited to attend. [13691/08]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware that my Department works closely with the Education Partners including the various management bodies which represent school boards of management.

I am pleased to advise the Deputy that invitations have been issued to these management bodies for distribution by them to their members. The remaining invitations were issued to other education partners, educational professionals and various autism organisations representing parents of children with autism. The Department of Education, Northern Ireland also distributed invitations to interested parties in Northern Ireland.

This conference is being jointly hosted by my Department and the Department of Education, Northern Ireland and aims to provide parents and professionals, north and south, with an opportunity to hear internationally acclaimed speakers address aspects of autism education.

Site Acquisitions.

136. **Deputy Ulick Burke** asked the Minister for Education and Science if a request has been received by her Department for the acquisition of lands beside a school (details supplied); and if she will make a statement on the matter. [13707/08]

Minister for Education and Science (Deputy Mary Hanafin): There is no record in my Department of correspondence from the school in question regarding a site extension.

School Transport.

137. **Deputy Paul Connaughton** asked the Minister for Education and Science the reason a person (details supplied) in County Galway is not entitled to school bus transport; and if she will make a statement on the matter. [13711/08]

138. **Deputy Paul Connaughton** asked the Minister for Education and Science the reason a person (details supplied) in County Galway is not entitled to school bus transport; and if she will make a statement on the matter. [13712/08]

139. **Deputy Paul Connaughton** asked the Minister for Education and Science the reason a person (details supplied) in County Galway is not entitled to school bus transport; and if she will make a statement on the matter. [13713/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I propose to take Questions Nos. 137 to 139, inclusive, together.

Under the terms of my Department's Post Primary School Transport Scheme, a pupil is eligible for transport if s/he resides 4.8 kilometres or more from her/his local post primary education centre.

The scheme is not designed to facilitate parents who choose to send their children to a post-primary centre outside of the catchment area in which they reside. However, children who are fully eligible for transport to the post-primary centre in the catchment area in which they reside may apply for transport on a concessionary basis to a post-primary centre outside of their own catchment area — otherwise known as catchment boundary transport. These children can only be facilitated if spare seats are available on the bus after all other eligible children travelling to their local post-primary centre have been catered for. Such children have to make their own way to the nearest pick up point within that catchment area.

The Transport Liaison Officer for County Galway has advised that the pupils referred to by the Deputy, in the details supplied are eligible for catchment boundary transport. The pupils concerned should liaise with Bus Éireann regarding the availability of spare seats.

School Enrolments.

140. **Deputy James Reilly** asked the Minister for Education and Science if she will make a statement on the chronic under-provision for both primary and secondary school places in Lusk, Balbriggan, Balrothery, Donabate and Swords; her immediate plans to address this serious and stressful situation for parents and their children; and if she will make a statement on the matter. [13719/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware the Programme for Government includes a commitment to establish a Developing Areas Unit in my Department, dedicated solely to progressing school planning in rapidly developing areas, building on improvements that have already been made in recent years.

This Developing Areas Unit, in conjunction with Fingal County Council has been working to identify and acquire sites, under the Fingal School Model, for rapidly growing areas, including the areas to which the Deputy refers.

The specific plans for each area to which the Deputy refers for September 2008 are as follows:

- Provision of a new 16 classroom temporary school in Lusk to facilitate the relocation and expansion of an existing school. Phase I for occupation in September 2008 will include the provision of the sixteen mainstream classrooms with appropriate resource and ancillary space.
- Provision of a new 16 classroom temporary school on the Naul Road in Balbriggan to facilitate the relocation and expansion of an existing school. Phase I for occupation in September 2008 will include the provision of the sixteen mainstream classrooms with appropriate resource and ancillary space. In addition the Department is acquiring a second site in Castlelands Balbriggan for the relocation and expansion of a further two existing schools in Balbriggan. Phase I for occupation in September 2008 will include the provision a sixteen classroom school with appropriate resource and ancillary space and an eight classroom school with appropriate resource and ancillary space.
- Provision of a new temporary post primary school in Donabate under the patronage of Co. Dublin VEC which will be ready for occupation in September 2008. Provision of a new 16 classroom school in Swords with the provision of the first eight classrooms with appropriate resource and ancillary space being provided as phase I for occupation in September 2008.

With regard to Balrothery, the Department is cognisant of the site restrictions which would impede further expansion of the existing school. Greenfield provision for this school will be considered in the context of the Department's school building and modernisation programme.

[Deputy Mary Hanafin.]

It is envisaged that the additional primary school accommodation being provided in 2008, as outlined above, will dissipate the pressure on accommodation being experienced by existing schools in the areas outlined. The Developing Areas Unit will continue to monitor developments in these areas and will continue to work closely with Fingal County Council to meet the long term needs of the Fingal area.

School Transport.

141. **Deputy Joanna Tuffy** asked the Minister for Education and Science the charges for the school transport scheme; the reasoning for the price difference between junior cycle and senior cycle post-primary pupils; and if she will make a statement on the matter. [13721/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): In framing the school transport charges in the early 1980s, my Department was anxious to positively discriminate in favour of pupils at the earlier stages of their education and accordingly eligible junior cycle pupils were allowed, as a concession, to avail of a lower rate of charge than senior cycle pupils.

The current charges per term for eligible pupils, applicable from the final term of the current school year are: Junior Cycle €46, Senior Cycle €71 with a maximum family contribution of €150 per term. The term charge may be waived in the case of eligible post-primary children where the family is in possession of a valid medical card. These revised charges at Junior and Senior Cycles equate to about 82 cent and €1.27 cent per day respectively.

In overall terms, receipts from school transport charges represent only about 5% of the school transport allocation.

Schools Building Projects.

142. **Deputy Seymour Crawford** asked the Minister for Education and Science when she will provide the money for building the long overdue extension to a school (details supplied). [13756/08]

Minister for Education and Science (Deputy Mary Hanafin): The process of appointing a design team to the school building project referred to by the Deputy is at an advanced stage. The advancement of all large scale building projects from initial design stage through to construction phase, including this project, will be considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

Education Schemes.

143. **Deputy David Stanton** asked the Minister for Education and Science the measures she has taken or will take to encourage girls to opt for third level science courses; and if she will make a statement on the matter. [13765/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department is fully committed to strengthening the quality of science teaching and learning, promoting increased scientific literacy and encouraging more students, both girls and boys, to choose science subjects. Progress in these areas is a vitally important part of our national strategy to support competitiveness and employment.

Significant progress is being made in regard to curricular reform and inservice support for science at both primary and post-primary levels. Science was introduced as a key component in the revised Primary School Curriculum in 1999 and it has been implemented in all schools

since September 2003. A revised syllabus in Junior Certificate Science was introduced in 2003 and it was examined for the first time in June 2006. I believe that this syllabus, with its hands-on investigative approach and its new emphasis on scientific process skills, will be instrumental in encouraging more students to continue their study of science in senior cycle. Advice from the National Council for Curriculum and Assessment in regard to reform of science at senior cycle is expected shortly. Some €16m in equipment and resource grants was provided to schools in 2004, and laboratories continue to be refurbished as part of the ongoing school building programme.

The book, *Irish Innovators in Science and Technology*, produced with the assistance of Enterprise Ireland and the Royal Irish Academy was distributed to all Post-Primary Schools. The *Irish Scientist* is distributed every year. 20 copies of a CD-rom called *Up2u*, produced for the National Skills Awareness Campaign on behalf of the Expert Group on Future Skills Needs and Forfás, were sent to each Post-Primary School, providing information and assistance to help students make choices about subjects, colleges and careers in the areas of science, technology and engineering. Both my Department and the Discover Science programme continue to engage with school guidance counsellors on the importance of science, technology and engineering careers, and Discover Science operates a comprehensive range of initiatives to promote the attractiveness of careers in this area.

The WITS initiative (Women in Science and Technology) was launched in 1990 to actively promote women in technology and science. It organises regional information and recruitment workshops, a Re-Enter programme which provides on line training, support and mentoring and an internship in industry for 20 women aiming to return to science careers, organises the provision of plaques to commemorate female role models in science and technology, and provides information generally on opportunities for women in the sector.

In the Leaving Certificate examinations in 2007, females participation rates in Physics and Chemistry at Higher level were 30% and 58% female respectively, and at Ordinary Level were 16% and 46% respectively.

Higher Education Grants.

144. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the reason she continues to prevent the sons and daughters of stamp four asylum seekers from qualifying for higher education grants; if her attention has been drawn to the fact that this causes hardship and forces such children out of the State even where their parents qualify for citizenship; and if she will make a statement on the matter. [13777/08]

150. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if entitlements such as higher education grants, not available to non-Irish nationals unless they have achieved residency status, can be made available while applications for status are awaiting determination. [13831/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 144 and 150 together.

My Department funds four maintenance grant schemes for third level and further education students. These are the Higher Education Grants Scheme, the Vocational Education Committees' Scholarships Scheme, the Third Level Maintenance Grants Scheme for Trainees and the Maintenance Grants Scheme for Students attending Post Leaving Certificate Courses.

The Higher Education Grant Scheme is administered by the Local Authorities. The other three schemes are administered by the Vocational Education Committees.

[Deputy Mary Hanafin.]

Under the terms of the maintenance grant schemes, grant assistance is awarded to students who meet the prescribed conditions of funding including those which relate to nationality, residency, means and previous academic attainment.

The Nationality requirement as set out in the 2007 Grant schemes states candidates must:

- hold E.U. Nationality; or
- have Official Refugee Status; or
- have been granted Humanitarian Leave to Remain in the State (prior to the Immigration Act 1999); or
- be a person in respect of whom the Minister for Justice, Equality and Law Reform has granted permission to remain following a determination not to make a deportation order under section 3 of the Immigration Act 1999; or
- have permission to remain in the State by virtue of marriage to an Irish national residing in the State, or be the child of such person, not having EU nationality; or
- have permission to remain in the State by virtue of marriage to a national of another EU Member State who is residing in the State and who is or has been employed, or self-employed, in the State, or be the child of such a person, not having EU nationality; or
- be nationals of a member country of the European Economic Area (EEA) or Switzerland.

The Department of Justice, Equality and Law Reform adjudicates on a person's entitlement to remain in the State and on the stamp that is awarded where permission to remain is sanctioned.

A Stamp Four does not automatically satisfy the residency requirement of the grant schemes. My Department understands a Stamp Four can be awarded to categories of applicants other than those specified in my Department's grant schemes.

Eligibility for the Back to Education Allowance is a matter for the Department of Social and Family Affairs. Supplementary Welfare Allowance is administered by the Health Service Executive through the Community Welfare Officers.

Schools Building Projects.

145. **Deputy Paul Kehoe** asked the Minister for Education and Science the position of an application for a school extension for a school (details supplied) in County Wexford; when this funding which was promised to them earlier will be granted; and if she will make a statement on the matter. [13795/08]

Minister for Education and Science (Deputy Mary Hanafin): The building project to which the Deputy refers is at an advanced stage of architectural planning. The project includes extension and refurbishment works to create an eight classroom school.

The advancement of all large scale building projects from initial design stage through to construction phase, including this project, will be considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

146. **Deputy Shane McEntee** asked the Minister for Education and Science when construction work will commence and a timeframe for the completion of the project at a school (details supplied) in County Meath; and if she will make a statement on the matter. [13797/08]

Minister for Education and Science (Deputy Mary Hanafin): The process of appointing a design team to the school building project referred to by the Deputy is at an advanced stage. The advancement of all large scale building projects from initial design stage through to construction phase, including this project, will be considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

147. **Deputy Shane McEntee** asked the Minister for Education and Science when construction work will commence and a timeframe for the completion of the project at a school (details supplied) in County Meath; and if she will make a statement on the matter. [13798/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy may be aware a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

As is the case of all large capital projects currently on hand within the Developing Areas Unit, progression of the project will be considered in the context of the multiannual School Building and Modernisation programme.

148. **Deputy Shane McEntee** asked the Minister for Education and Science when construction work will commence and a timeframe for the completion of the project at a school (details supplied) in County Meath; and if she will make a statement on the matter. [13799/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is at a very advanced stage of architectural planning. The project includes extension and refurbishment works to create a five classroom school.

The further progression of the project through the remaining stages of architectural planning will be considered on an ongoing basis in the context of my Department's multiannual School Building and Modernisation Programme.

149. **Deputy Shane McEntee** asked the Minister for Education and Science when construction work will commence and a timeframe for the completion of the project at a school (details supplied) in County Meath; and if she will make a statement on the matter. [13800/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is at an advanced stage of the architectural planning process. The project is for the construction of a new 4 classroom school.

The further progression of the project through the remaining stages will be considered on an ongoing basis in the context of my Department's multiannual School Building and Modernisation Programme.

Question No. 150 answered with Question No. 144.

Overseas Missions.

151. **Deputy David Stanton** asked the Minister for Defence the progress that has been made in facilitating members of the Reserve Defence Force to serve overseas; the timescale for such development; and if he will make a statement on the matter. [13646/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The White Paper on Defence outlines the blueprint for a new Reserve Defence Force. An Implementation Plan has

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been developed that will ensure the realisation of the White Paper vision. The Implementation Plan is being rolled out over the period to end 2009. The new Reserve has a clearly defined role, an enhanced relationship with the PDF, better equipment and training and opportunities to serve on overseas peace support missions.

The Reserve has already seen significant improvements in terms of organisation, clothing, equipment, training and resourcing. It is now structured along similar lines to the PDF and the development of the integrated element of the Reserve is in its second year. All of these developments enhance the capabilities of the Reserve as well as improving interoperability with the PDF. These factors are significant enablers in facilitating participation by Reserve personnel in overseas missions.

While there are no plans for participation by members of the Reserve in overseas missions in the current year, policies to support the selection of suitably qualified personnel for overseas duties are being developed. It is hoped that a small number of Reservists may be available to serve overseas by the end of next year (2009). This is likely to be in specialised areas such as medical, transport, engineering and communications and information services. This will also be subject to personnel having suitable qualifications, their personal availability and appropriate training.

Pension Provisions.

152. **Deputy Jack Wall** asked the Minister for Defence the reason for the reduction in the pension entitlements of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13650/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The person concerned retired on grounds of ill-health from his position as a civilian employee with the Defence Forces in April 1986. He was awarded a gratuity amounting to £4,709.33 and an annual pension amounting to £508.61 on retirement, under the terms of the non-contributory pension scheme for non-established State employees. The person in question received on his retirement all of his entitlements under that pension scheme. Over the years, the rate of occupational pension paid to the person concerned has been increased in line with pay awards, both general and special, for serving employees.

Under the terms of the non-contributory pension scheme for non-established State employees, the rate of occupational pension paid to a retired civilian employee must be recalculated at age 65 years to take account of any increases in the level of social welfare benefits due at that stage so that there is no net financial gain from the two sources of income. As a result of the increase in the rate of social welfare benefits due to the person concerned from his 65th birthday, the rate of occupational pension paid to the person in question was reduced when he attained the age of 65 years in June 1997.

National Emergency Plan.

153. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which he has upgraded an updated plans in the event of a national emergency, particularly those precipitated by acts of terrorism; and if he will make a statement on the matter. [13767/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The Minister for Defence as Chairman of the Government Task Force on Emergency Planning has encouraged all departments and agencies to ensure that their plans are kept up to date and are exercised regularly.

Potential threats to the State arising from international terrorism are continuously monitored by those involved, principally the Garda Síochána and the Defence Forces. They provide a security threat analysis at every meeting of Task Force. The current threat level is assessed as low.

Overseas Missions.

154. **Deputy Bernard J. Durkan** asked the Minister for Defence the discussions that have taken place with his EU or UN colleagues with regard to the future formation of EU lead battlegroups; and if he will make a statement on the matter. [13768/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): With regard to Ireland's participation in future Battlegroups we are committed in principle to participation in the Nordic Battle Group (NBG) in 2011. Other contributors to the (NBG) are Estonia, Finland, Norway and Sweden acting as framework nation. Potential participation from other EU member states in the battle group has at this moment not been announced but the possibility of additional force contribution cannot be excluded. This Battlegroup will be on stand-by the first six (6) months of 2011. As yet, the contribution that Ireland will be making to this Battlegroup has not been finalized.

Preliminary discussions have also taken place between staff in the Department of Defence and representatives from EU Member States regarding Ireland's possible participation in the proposed Austrian/German Battlegroup that will be on stand-by in the second six (6) months of 2012.

Defence Forces Strength.

155. **Deputy Bernard J. Durkan** asked the Minister for Defence the strength of the Army, Naval Service and Air Corps reserves; and if he will make a statement on the matter. [13769/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The Reserve Defence Force (RDF) is comprised of the Army Reserve and the Naval Service Reserve. The current number serving in the Army Reserve is 8,018 and in the Naval Service Reserve is 311.

The White Paper on Defence outlines the blueprint for the RDF. An Implementation Plan has been developed to realise the White Paper vision and is being rolled out over the period to end 2009. The RDF has already seen significant improvements in terms of organisation, clothing, equipment, training and resourcing. It is now structured along similar lines to the PDF and the development of the integrated element of the Reserve is in its second year. All of these developments enhance the capabilities of the Reserve as well as improving interoperability with the PDF. These factors are also significant enablers in facilitating the planned participation by Reserve personnel in overseas missions.

The Implementation Plan envisaged a requirement to promote recruitment to the RDF following the period of re-organisation and restructuring set out in the Plan. I am pleased to say that planning for this is now underway and an advertising campaign to promote recruitment to the RDF will be launched later in the year.

156. **Deputy Bernard J. Durkan** asked the Minister for Defence his views on whether the strength of the Army, Naval Service and Air Corps needs to be increased to compensate for deployments overseas; and if he will make a statement on the matter. [13771/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): The White Paper on Defence of February 2000 set out a figure of 10,500 personnel for the Permanent Defence Force as the strength sufficient to meet all foreseeable military requirements for the period comprehended by the White Paper (i.e. up to 2010). This remains the position. It is the Minister's intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. This recruitment will continue to maintain the strength at the level set out in the White Paper.

The agreed Programme for Government provides for an additional provision of up to 350 troops to be in training at any given time. However, due primarily to the requirement to prioritise funding for the Chad mission, it has not been possible to provide funding to activate this provision in 2008. This matter will be further considered in the context of the 2009 Estimates.

The White Paper on Defence provides for an allocation of up to 850 Permanent Defence Force personnel to be deployed overseas at any one time. While this may be exceeded for short periods, deployments above this level are not sustainable on an ongoing basis within existing resources. Any commitments to EU or UN missions will be met within this context.

Question No. 157 answered with Question No. 7.

Question No. 158 answered with Question No. 13.

Overseas Missions.

159. **Deputy Bernard J. Durkan** asked the Minister for Defence if he is satisfied that EU peacekeeping missions are adequately co-ordinated with a view to ensuring a complete understanding by all member states contributing with particular reference to the need to ensure the safety of all personnel; and if he will make a statement on the matter. [13774/08]

160. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which he has had discussions with his EU colleagues with future EU lead peacekeeping deployments; and if he will make a statement on the matter. [13775/08]

Minister of State at the Department of Defence (Deputy Tom Kitt): I propose to take Questions Nos. 159 and 160 together.

Minister O'Dea is constantly in touch with his EU colleagues both in the context of European Defence and Security and other matters, which would include discussions on possible future EU lead peacekeeping deployments. Two (2) official meeting of EU Defence Ministers are held during each six (6) month EU Presidency. These present the opportunity to engage in bilateral meetings with his Defence colleagues. The most recent meeting was the General Affairs and External Relations Council (GAERC) meeting in Brussels on 19 November 2007. He attended this meeting where the discussions covered a wide range of European Defence and Security issues. The Minister for Defence is also kept abreast of issues arising from meetings which officials from his Department attend to discuss European Defence and Security.

The final decision to engage in a particular EU peacekeeping mission is decided on by the European Council. Such a decision must always be taken unanimously. Thereafter, each Member State has a sovereign right to determine whether and to what extent it should take part in the mission.

In Ireland's case, any decision to participate in EU peacekeeping mission will be for sovereign decision on a case-by-case basis and in line with Irish constitutional and legislative arrangements i.e. "triple lock" — Government, Dáil and UN approval.

Among the factors taken into account by Ireland when considering any particular request to participate in a mission is the degree of risk that may be involved, the extent to which the required skills or characteristics relate to Irish capabilities and whether the operation is adequately resourced.

Prior to the official deployment of military forces from the European Union, the EU Military Committee (EUMC) briefs the Political and Security Committee (PSC), on a regular basis, on all security aspects of the particular mission. The EUMC is officially made up of Chiefs of Defence Staff of member countries and is the Union's most senior military body and a forum for consultation and cooperation between member states. The PSC consists of Ambassadors of each member state meeting twice a week in Brussels and deals with all aspects of European Security and Defence Policy. In the event of a deployment of military forces from the Union, it assumes political control of the day-to-day direction of military operations.

From Ireland's perspective, the Government's decision to send troops to a mission is not taken lightly. The safety of Irish personnel serving overseas is always of paramount concern to the Minister for Defence. While no absolute guarantees can be given with regard to the safety of troops serving in missions, it is the policy and practice to ensure that Defence Forces personnel are appropriately trained and equipped to carry out their mission. All possible precautions are taken to ensure the safety of our troops. The detailed threat assessment and reconnaissance undertaken informs decisions regarding the configuration of the contingent and its armaments and protection. In addition, Standard Operating Procedures are kept under review in light of experience and best practice.

Prior to the official launch of any EU mission, EU Military staff attend regular Force Generation Conferences, the focus of which is to ensure that the necessary key enablers and protection are in place. Unless the Minister of Defence is satisfied that all safety measures and protection would be in place in advance of deployment of Irish troops to a mission he would not recommend Ireland's participation in that mission.

Question No. 161 answered with Question No. 7.

Employment Rights.

162. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform the measures he will put in place to reform maternity leave for private sector employees to remove the inequity which sees such employees disadvantaged in comparison to those in the public sector. [13669/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Maternity Protection Acts 1994 and 2004 make provision for maternity leave and do not discriminate between employees in the private sector and those in the public sector. Employees and employers in either sector are free to agree terms more favourable to the employee than are set out in the Acts.

My Department is currently undertaking a review of maternity, paternity and parental leave. This review is in line with commitments given in Towards 2016 and the Programme for Government.

Citizenship Applications.

163. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the case of a person (details supplied) who applied for a certificate of naturalisation approximately one year ago; and the time-frame within which they can expect a decision on their application. [13628/08]

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 May 2007.

Officials in that section are currently processing applications received in August 2005 and have approximately 11,800 applications on hand to be dealt with before that of the person concerned. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that further processing of the application will commence in late 2009. I will inform the Deputy and the person in question when I have reached a decision on the matter.

Asylum Support Services.

164. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the level of payment made to a company (details supplied) in respect of accommodation provided for asylum seekers and refugees over each of the past five years; and if he will make a statement on the matter.

165. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the payments made under all headings to all companies involved in providing accommodation to asylum seekers and refugees for each of the past five years; the location of each premises involved; the cost of purchase of each such premises; and if he will make a statement on the matter. [13632/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 164 and 165 together.

The information sought by the Deputy is not separately compiled, and could be compiled in the short time available to the relevant authorities between the tabling of these Questions and the due date for answer only by the re-allocation of additional scarce staff resources from other important work, which would not be warranted.

When the information is compiled, it will be forwarded promptly to the Deputy, except where any such information may be so commercially sensitive as to prejudice the authorities' ability to engage in such accommodation-provision ventures in the future.

166. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the extent of accommodation purchased with the intent of providing accommodation for refugees and asylum seekers in each of the past five years which has not been used for the purpose for which it was intended; if such accommodation was in the ownership of his Department or an associated agency of his Department; and if he will make a statement on the matter. [13633/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Reception and Integration Agency (RIA) of my Department is charged with responsibility for the provision of accommodation for asylum-seekers while their asylum applications are being processed.

The RIA advises me that, in the last five years, no premises have been purchased on its behalf for the purpose of accommodating asylum-seekers.

Departmental Correspondence.

167. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will resolve an issue (details supplied). [13640/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can inform the Deputy that the concerns referred to are currently under consideration and that there is

ongoing communication with the Committee representing the families and their legal advisors on these matters.

Garda Strength.

168. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of full-time and part-time gardaí attached to the drug squad in the Donegal division of An Garda Síochána and their rank. [13643/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that there are one Sergeant and nine Gardaí, all of which are full-time, allocated to the Drugs Unit in the Donegal Division. Of course all Gardaí in the Donegal Division and elsewhere have a role to play in addressing drug issues as they arise.

The Deputy should appreciate that, as with any large organisation, on any given day, personnel strengths of individual stations may fluctuate due, for example, to promotions, retirements and transfers etc.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the allocation of Gardaí to the Drug Squad will be fully considered by the Commissioner within the overall context of the needs of Garda stations throughout the country.

169. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of community Gardaí based in Letterkenny town for each month since January 2007 to date in 2008. [13644/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that the personnel strength of the Community Policing Unit attached to Letterkenny Garda Station for each month from 31 January 2007 to 31 March 2008 was 4.

Of course, community policing involves more than just a single unit within An Garda Síochána. All Gardaí have a role to play in addressing community policing issues.

The Deputy should appreciate that, as with any large organisation, on any given day, personnel strengths of individual stations may fluctuate due, for example, to promotions, retirements and transfers etc.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the allocation of Community Gardaí will be fully considered by the Commissioner within the overall context of the needs of Garda stations throughout the country.

Criminal Prosecutions.

170. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform the enforcement success the gardaí are having in the way of prosecutions of boy racers and drivers who are using cars without insurance and who are not compliant with car test requirements in the most recent year for which statistics are available; if he is satisfied with the level of compliance; and if he will make a statement on the matter. [13645/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): One of the high level strategic goals set in the Garda Síochána Corporate Strategy 2007-2009 is to significantly reduce the incidence of fatal and serious injuries and improve road safety. Collision data identifies young male drivers as vulnerable persons in terms of road safety. Consequently, one of

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the actions identified in the Garda Policing Plan 2008 in support of this goal is targeted intelligence-led operations against offending young drivers.

I am informed by the Garda authorities that a number of initiatives to target the activities of young male drivers are being undertaken, and specific areas identified as places where young drivers congregate are being targeted. As a result, uniform members of An Garda Síochána, supported by Divisional Traffic Corps personnel, establish checkpoints and enforce in a highly visible manner the provisions of the Road Traffic Acts, including national car test regulations.

These initiatives have resulted in detections being made for a wide range of road traffic offences, including offences relating to dangerous driving, careless driving, national car test regulations, no silencer fitted, L plates not displayed, identification plates not conforming with legislation, road tax offences, insurance and driving licence offences, speeding offences, dangerously defective vehicles and modified vehicles. Offences detected are dealt with by way of prosecution, fixed charge notice or, where appropriate, through the Juvenile Diversion Programme.

In addition to these intelligence-led operations, all uniform members of An Garda Síochána are tasked with enforcing the relevant legislative provisions. Regular mobile patrols take place and roving checkpoints are conducted in areas where young drivers tend to congregate.

In addition websites are monitored so as to establish where such anti-social activities are taking place, with a view to providing an appropriate response. Garda road safety awareness programmes are conducted in schools, third level institutions, factories, workplaces and other facilities, with the aim of educating road users on the obligations on all road users under the Road Traffic Acts and to promote road safety among the target group. An Garda Síochána cooperate closely with other agencies, particularly the Road Safety Authority, in this.

Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Crime Levels.

171. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the crime statistics for Coolock, Blanchardstown, Clondalkin, Store Street, Pearse Street, Tallaght and Dun Laoghaire Garda Stations for the years 2006, 2007 and the first three months of 2008; and if he will make a statement on the matter. [13654/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Garda Strength.

172. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the location and strength of each local Garda drugs unit in 2004, 2005, 2006, 2007 and 2008; and if he will make a statement on the matter. [13656/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The personnel strength of the Garda National Drugs Unit and each Divisional Drugs Unit, as at 31st December, 2004 -2007 inclusive is as set out in the following table. I have requested the information sought by the Deputy in respect of the strength for 2008 from the Garda Commissioner and I will write to the Deputy directly when this information is to hand.

The Deputy should be aware that the numbers in any unit will fluctuate from time to time due to transfers, retirements, resignations etc.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. In that regard, the needs of all drug units will be fully considered by the Commissioner within the overall context of the allocation of Gardaí throughout the country.

Division	2004	2005	2006	2007
Garda National Drugs Unit	49	55	48	58
Carlow/ Kildare	11	9	9	8
Cavan/ Monaghan	9	10	10	9
Clare	4	4	4	5
Cork City	20	20	20	17
Cork North	6	6	6	8
Cork West	5	5	5	6
D.M.R. Eastern	17	17	17	17
D.M.R. North Central	15	14	16	16
D.M.R. North	24	25	22	29
D.M.R. South Central	19	19	22	24
D.M.R. South	23	22	21	23
D.M.R. West	24	22	28	34
Donegal	8	8	9	6
Galway West	8	7	7	7
Kerry	4	4	7	9
Laois/ Offaly	7	7	7	12
Limerick	11	10	10	14
Longford/ Westmeath	7	4	6	11
Louth/ Meath	12	13	20	13
Mayo	0	0	0	4
Roscommon/ Galway East	2	2	2	3
Sligo/ Leitrim	8	8	8	7
Tipperary	7	7	7	7
Waterford/ Kilkenny	9	8	10	13
Wexford/Wicklow	13	13	13	12
Totals	322	319	334	372

Asylum Applications.

173. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform his views on whether it is equitable that his Department overrides a decision of the High Court as in the case of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [13666/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned submitted an application to my Department on 18th May, 2005 seeking permission to remain in the State under the revised arrangements for non national parents of Irish born children born prior to 1st January 2005, commonly referred to as the IBC/05 scheme. On 19th August, 2005 this application was refused as the applicant did not meet the continuous residency criterion of the scheme.

On 21st November, 2005 the person concerned was granted leave by the High Court to apply by way of Judicial Review for a number of declarations relating to the alleged invalidity of the refusal decision. The High Court found in favour of the applicant, quashing the refusal of the application under the IBC/05 scheme.

My Department appealed the decision of the High Court to the Supreme Court. On 20th December, 2007 the Supreme Court found in favour of my Department, upholding the IBC/05 scheme and the refusal of applications thereunder, and reversing the decision of the High Court in the case of the person concerned. My Department is currently considering the judgements delivered by the Supreme Court and the implications these judgements have on individual cases.

Asylum Support Services.

174. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform his policy on the provision of communal areas, other than kitchens, in self-catering accommodation provided to asylum seekers; the policy in relation to the provision of family supports for asylum seekers; and if he will make a statement on the matter. [13671/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers primarily through the Government policy of direct provision and dispersal. Under direct provision, asylum seekers are provided with full board accommodation and ancillary services.

In addition to direct provision accommodation, the Agency operates a very limited number of self-catering accommodation centres in certain parts of the country. I am informed that they currently accommodate over 6,800 residents of whom approximately 500 live in self-catering centres. There are 8 such self-catering centres which are, in effect, apartments where residents live independently. In these circumstances, the question of providing additional communal areas does not arise.

With regard to the provision of family supports for asylum seekers, I am informed that these are provided by the Health Service Executive to all on the same basis regardless of status in relation to asylum.

175. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the funding options open to support groups, play-schools and other agencies to establish communal areas, family supports and childcare to children of asylum seekers; and if he will make a statement on the matter. [13672/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Funding is available from the Vote of the Office of the Minister for Justice, Equality and Law Reform through the ‘Asylum Seeker Supports Small Grant Scheme’ details of which are available on the website of the Reception and Integration Agency (www.ria.gov.ie). This scheme provides funding to locally-based organisations which befriend, support and involve asylum seekers living in direct provision in the local community. The aim of the scheme is to promote interaction between asylum seekers and the local communities through providing supports for intercultural events and activities.

In a small number of Direct Provision centres, RIA has assisted in the provision of finance for preschool services, the continuation of which funding will be the subject of ongoing discussions involving, inter alia, the HSE.

Departmental Correspondence.

176. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if he will respond to correspondence (details supplied); if he will allow the person referred to in the documents to remain here; and if he will make a statement on the matter. [13680/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been informed by the Immigration Division of my Department that they have recently been in contact with the person referred to by the Deputy in relation to his immigration status. Further documentation has been requested from the person concerned in order to facilitate the Immigration Division in examining his case.

Citizenship Applications.

177. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform when it is envisaged an Irish passport will issue to a person (details supplied) in County Roscommon who has applied for Irish citizenship. [13703/08]

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 March 2008. The application has not been examined in detail. Examination of the residency requirement will take place in the near future and the applicant will be informed at that time when her application will be further examined or of any shortfall in her residency.

Deportation Orders.

178. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform if he will suspend the deportation order to allow a person (details supplied) to complete their studies; and if he will make a statement on the matter. [13714/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 7 March 2004 and applied for asylum on 29 September 2004. Her asylum application was refused following the consideration of her application by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 17 August 2005, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why she should be

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allowed to remain temporarily in the State. In addition, she was later notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State and, following consideration of this application in accordance with these Regulations, the application was refused and the person concerned was notified in writing of this decision by letter dated 9 November 2007.

The case file of the person concerned, including all representations submitted, was then considered under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement following which a Deportation Order was made in respect of the person concerned. The person concerned was notified, by letter dated 12 March 2008, of the Minister's decision to issue a Deportation Order in respect of her. This communication also advised the person concerned of the requirement that she present herself at the Offices of the Garda National Immigration Bureau on 27 March 2008 to make arrangements for her removal from the State.

Subsequently, on 28 March 2008, an application pursuant to Section 3 (11) of the Immigration Act 1999 (as amended) for revocation of the Deportation Order was received from the legal representative of the person concerned. This application is currently under consideration in my Department.

179. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the reason a deportation order has issued in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [13783/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned entered the state on the 19 July 2003 and made an application for asylum on 21 July 2003. His application for asylum was refused and a Deportation Order was made in respect of the person concerned on 11 March 2005. The person concerned subsequently submitted an application for Subsidiary Protection pursuant to the European Communities (Eligibility for Protection) Regulations, 2006 S.I. No. 518 of 2006 ('The Regulations') on 19 February 2007. The applicant was informed on 22 February 2007 that the application was invalid as the Deportation Order had been made in respect of him prior to the coming into force of the Regulation on 10 October 2006. Judicial Review proceedings challenging this decision were instituted on 26 April 2007.

These Judicial Review proceedings were settled following the Judgment of Mr. Justice Feeney in the cases of H & D, where he determined that under Regulation 4(2) of the European Communities (Eligibility for Protection) Regulations, 2006 S.I. No. 518 of 2006 I have discretion to accept and consider applications for Subsidiary Protection from persons who do not have an automatic right to apply but who have identified new facts or circumstance which demonstrate a change of position from that which pertained at the time the Deportation Order was made.

Subsequently the person concerned submitted an application pursuant to Regulation 4(2) of the European Communities (Eligibility for Protection) Regulations, 2006 S.I. No. 518 of 2006 on 7 December 2007, requesting that I exercise discretion to accept and consider an application for Subsidiary Protection. Following a consideration of the material submitted it was concluded that the applicant had established no new facts or circumstance which demonstrated a change of position from that which pertained at the time the Deportation Order was made which would enable me to exercise discretion under Regulation 4(2). The person concerned was notified of my decision on 13 March 2008. In light of my decision the Garda National Immi-

gration Bureau was notified to proceed with the enforcement of the Deportation Order and it is now an operational matter for the Garda National Immigration Bureau.

Residency Permits.

180. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [13784/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position in relation to 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 2nd January 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.

181. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [13785/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 6 January 2003 and applied for asylum. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 31 August 2004, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

Deportation Orders.

182. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the reason it is proposed to deport in the case of a person (detail supplied) in County Meath; and if he will make a statement on the matter. [13786/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 24th February, 2003 and claimed asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner.

The person concerned was informed by letter dated 8 April 2004 that the Minister proposed to make a Deportation Order in respect of her and afforded her three options in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999, as amended, namely to leave the State voluntarily, to consent to the making of a Deportation Order, or to submit, within 15 days,

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written representations as to why they should be allowed to remain temporarily in the State i.e why they should not be deported.

Her case was examined under Section 3(6) of the Immigration Act 1999, as amended, and Section 5 of the Refugee Act, 1996, as amended, on the prohibition of Refoulement. On 3rd August, 2004 my predecessor refused the person concerned permission to remain in the State and instead signed a Deportation Order in respect of her. Notice of this order was served by registered post requiring the person concerned to present herself at the Garda National Immigration Bureau (GNIB), 13-14 Burgh Quay, Dublin 2 on 27th January, 2005 in order to make travel arrangements for her removal from the State. The person concerned failed to present as requested.

On 25th February, 2005, the person concerned claimed Asylum in the United Kingdom. Under Article 5.2 of the Refugee Act (Section 22) Order, 2003 and in accordance with Council Regulation (EC) 343 of 2003, the Minister agreed to the return of the person concerned to Ireland. On 6th October, 2006 the person concerned returned to Ireland. The person concerned was advised to present to GNIB, 13-14 Burgh Quay on 19th October, 2006 and presented as requested.

On 11th January, 2007, the child of the person concerned claimed asylum. The person was notified by letter dated 19th January, 2007 that an undertaking had been given not to enforce the Deportation Order signed in respect of her until the child's asylum application had been processed. The child's asylum claim was refused and the child's legal representatives initiated legal proceedings in relation to this refusal. The undertaking is still in place for the person concerned until the judicial proceedings have been finalised in relation to her child's claim for asylum.

The person concerned has continued to comply with the reporting requirements of the GNIB and is due to present with the GNIB, 13-14 Burgh Quay on the 28th April, 2008.

Residency Permits.

183. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of residency in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [13787/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 16 December 1997 and applied for asylum. His asylum application was refused following consideration of his case by the then Asylum Division of the Department of Justice, Equality and Law Reform and, on appeal, by the then Refugee Appeals Authority. He was notified of this decision by letter dated 2 August 2000. In addition, this letter notified him that, in accordance with Section 3 of the Immigration Act 1999 (as amended), the Minister was proposing to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered, under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

Residency Permits.

184. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

the current or intended residency status in the case of a person (details supplied) in County Limerick;; and if he will make a statement on the matter. [13788/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is not the practice to comment in detail on individual asylum applications. As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

185. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Clare; and if he will make a statement on the matter. [13789/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 12 March 2004 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 15 September 2005, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

186. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [13790/08]

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 January 2006. Officials in that section inform me that processing of the application is complete and the file will be forwarded to me for a decision in the very near future. I will inform the Deputy and the person concerned when I have reached a decision on the matter.

187. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of persons (details supplied) in Dublin 15; and if he will make a statement on the matter. [13791/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The first named person concerned arrived in the State on 16 July 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the (first named) person concerned was informed, by letter dated 5 July 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why

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he should be allowed to remain temporarily in the State. Representations have been received on behalf of the (first named) person concerned and will be fully considered, under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

The second named person concerned was the subject of an application for Family Reunification and notification issued to the applicant that she had been approved under the Family Reunification scheme in April 2004.

188. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of residency status in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [13792/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Questions No. 697 of Tuesday 25 April 2006, No. 193 of Thursday 9 March 2006 and No. 141 of Thursday 23 February 2006 and the written Replies to those Questions.

The person concerned arrived in the State on 4 October 2003 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 23 March 2005, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered, under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

189. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in regard to residency in the case of persons (details supplied) in County Meath; and if he will make a statement on the matter. [13793/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 13 June, 2005 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), he was informed, by letter dated 13 February, 2006, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. The person concerned subsequently submitted an application for residence based on his marriage to an EU citizen and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

190. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress in the case of a person (details supplied) in County Kildare in the matter of residency; and if he will make a statement on the matter. [13804/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I wish to inform the Deputy that the person in question was granted permission to remain in the State in November, 1999 on the basis of being the parent of an Irish born citizen child. This permission to remain in the State has been renewed until 2nd November, 2009.

Refugee Status.

191. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will expedite the process in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [13805/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

While it is not the practice to comment in detail on individual asylum applications, I would point out to the Deputy that delays in finalising cases can occur for a variety of reasons, including giving applicants and appellants the fullest opportunity possible to present their cases and the determination of Judicial Review proceedings, where appellants pursue such a course of action.

Where the latter is relevant, the time taken to discharge any proceedings is a matter for the Courts and is not something that I, as Minister, can comment on. It is, of course, open to the applicant or the appellant to withdraw any Judicial Review proceedings which they may have instigated and this would allow for their appeal to be processed in the normal manner. A final decision on this application will be made upon receipt of the decision of the Refugee Applications Commissioner.

Visa Applications.

192. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of future residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [13806/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned was granted a C visit visa to enter the State for a period of three months. An examination of the papers in relation to the case indicates that the person concerned sought an extension of her C Visit Visa with the Immigration Division of my Department and was refused.

A wrap-around information sheet accompanies every visa application form. That sheet makes it clear to the applicant that, in general, persons granted visas for particular purposes are not permitted to remain in the State for any purpose other than that for which the visa was granted.

Every visa applicant is required to state on the application form the dates on which he or she proposes to enter and leave the State. He or she is also required to declare that the information supplied is correct and complete. A C Visa is granted for visits of less than 90 days. As a consequence it is not the general policy to extend permission to remain to persons who are admitted initially for a period of 90 days or less on a C visit visa, save in very exceptional and unforeseen circumstances.

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The person concerned must leave and reapply from outside the State. Should she wish to return, she should include in her new visa application the purpose and duration of her intended stay.

Asylum Applications.

193. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress to date in the matter of residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [13807/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question No. 161 of Thursday 29 November 2007 and the written Reply to that Question.

The person concerned arrived in the State on 13 December 2001 and applied for asylum. The person concerned was requested to attend for interview at the Offices of the Refugee Applications Commissioner on two separate occasions but he failed to do so. Neither did he provide any reason for his non-attendance. As a result, the Refugee Applications Commissioner made a recommendation to the Minister that the person concerned should not be declared to be a refugee.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 5 June 2002, that the Minister proposed to make a deportation order in respect of him and he was made aware of the options open to him at that point in time namely; to leave the State voluntarily, to consent to deportation or to submit, within 15 working days, written representations setting out the reasons as to why he should be allowed to remain temporarily in the State. No such representations were submitted by or on behalf of the person concerned at that time. Following consideration of the person's case file under Section 3 of the Immigration Act 1999 (as amended), and Section 5 of the Refugee Act 1996 (as amended) on the prohibition on refoulement, a deportation order was signed in respect of the person concerned on 4 July 2003.

The person concerned subsequently sought to be re-admitted to the asylum process, in accordance with the provisions of Section 17 (7) of the Refugee Act, 1996 (as amended) and this application was successful. Arising from this decision, the deportation order in respect of the person concerned was revoked.

The asylum application of the person concerned was refused following consideration of his case by the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 7 July 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to deportation or of submitting, within 15 working days, written representations setting out the reasons as to why he should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

Residency Permits.

194. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

the progress to date in the determination of residency status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13808/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question No. 168 of Thursday 27 September 2007 and the written Reply to that Question.

The person concerned arrived in the State on 16 May 2002 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 23 April 2003, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered, under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

195. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress in the matter of residency in the case of persons (details supplied) in County Dublin; and if he will make a statement on the matter. [13809/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question No. 180 of Thursday, 22 November 2007 and the written Reply to that Question.

The first named person concerned arrived in the State on 16 April 2003 and applied for asylum. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 16 August 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

The second named person concerned was given permission to remain in the State, for an initial two year period, under the IBC/05 Scheme. She submitted an application for renewal of this permission on 24 October 2007. The Deputy will be pleased to learn that this permission to remain in the State has been renewed for a further three year period, to 2 November 2010. This position was conveyed to the second named person concerned by letter dated 14 November 2007.

Citizenship Applications.

196. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress in the past 12 months of an application for naturalisation in the case of persons (details supplied) in Dublin 15; and if he will make a statement on the matter. [13810/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. Some of these conditions are that the applicant must have had a period of one years continuous residency in the State immediately before the date of the application and, during the four years immediately preceding that period, have had a total residence in the State amounting to two years (residency requirement for applicants with Refugee status); intend in good faith to continue to reside in the State after naturalisation.

In the context of naturalisation, certain periods of residence in the State are excluded. These include: Periods of residence in respect of which an applicant does not have permission to remain in the State; periods granted for the purposes of study; periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act 1966.

Applications for certificates of naturalisation from the persons referred to in the Deputy's question were received in the Citizenship section of my Department in January 2005, April 2007, September 2007 and a further application from the first person mentioned was received in October 2007. On each occasion, the persons concerned did not meet the statutory requirements mentioned above. Letters informing them of this were issued for each application received. It is open to the persons in question to lodge new applications if and when they satisfy the statutory requirements applicable at that time.

Residency Permits.

197. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current, expected or pending residency status in the case of persons (details supplied) in County Galway; and if he will make a statement on the matter. [13811/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The persons concerned submitted applications to my Department in March 2007 for renewal of their permissions to remain in the State under the revised arrangements for non national parents of Irish born children born prior to 1st January, 2005, commonly referred to as the IBC/05 scheme. I am pleased to inform the Deputy that the permissions to remain have been renewed until 24th February, 2010 and the persons concerned were notified accordingly on 9th July, 2007.

198. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Meath who has lived and worked here for several years; and if he will make a statement on the matter. [13812/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Immigration Division of my Department has informed me that no application for residency or permission to remain in the State has been received from the person referred to by the Deputy.

Asylum Applications.

199. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status and progress to date in the matter of a residency application in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [13813/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is not the practice to comment in detail on individual asylum applications. As the Deputy will be aware, appli-

cations for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

Residency Permits.

200. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [13814/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that Judicial Review proceedings related to this person's residency application are currently before the High Court. Accordingly, as the matter is *sub judice*, it would not be appropriate for me to make any further comment in relation to the matter at this time.

Asylum Applications.

201. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress in the subsidiary protection application in the case of a person (details supplied) in County Dublin since 26 September 2008; and if he will make a statement on the matter. [13815/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question No. 200 of Thursday, 28 February 2008 and Question No. 971 of Wednesday, 26 September 2007 and the written Replies to those Questions.

The person concerned arrived in the State on 26 June 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 30 June 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out reasons as to why he should be allowed to remain temporarily in the State. Representations were received on behalf of the person concerned.

On 10 October 2006, Regulations known as the European Communities (Eligibility for Protection) Regulations, 2006, S.I. No. 518 of 2006, came into force. The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of *refoulement*. When this latter consideration has been completed, the case file of the person concerned will be passed to me for decision.

202. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency in the case of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [13816/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question No. 225 of Thursday, 3 April 2008 and the written reply to that question.

The person concerned arrived in the State on 12 September 2006 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), he was informed, by letter dated 14 February 2008, (and by amended letter dated 4 April, 2008) that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned will be passed to me for decision.

203. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in Dublin 7; if he can give an assurance that the procedures followed represent best practice; and if he will make a statement on the matter. [13817/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I would refer the Deputy to the reply I gave to his Dáil Question No. 214 of Thursday 14th February 2008. The status of the person concerned remains as set out in that reply i.e. he is currently evading his deportation and should present himself to the Garda National Immigration Bureau without further delay. With regard to the issue of procedures followed representing 'best practice', I am strongly of the view that the State has a comprehensive asylum system in place which is both fair and transparent and compares well with other EU States.

Citizenship Applications.

204. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current position and expected procedure in the matter of residency status in the case of a person (details supplied) in Dublin 7 who has previously made an application for naturalisation; and if he will make a statement on the matter. [13818/08]

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 July 2005. Officials in the Citizenship section inform me that processing of the application is complete 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.

Asylum Applications.

205. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in Dublin 3; and if he will make a statement on the matter having particular regard to their concern for their well-being. [13819/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Refugee Applications Commissioner (RAC) determined on 12 July, 2006 that the United Kingdom is responsible, pursuant to the provisions of Article 16(1)(e) of Council Regulation (EC) No 343/2003, for examining the asylum application of the person concerned. The Dublin II Regulation, (Council Regulation (EC) No. 343/2003), is intended to prevent the phenomenon of 'asylum shopping' across Europe and sets out criteria for determining which Regulation State is responsible for examining an asylum application where applications have been lodged in more than one Regulation State or whereby an asylum seeker has been granted a visa to enter another Regulation State and has entered that other State before entering Ireland and making an asylum application here. At the same time, it guarantees applicants that one State will process their application, thereby preventing the creation of 'refugees in orbit', a situation which had previously pertained in Europe.

The person concerned was transferred to the United Kingdom under the terms of the Dublin II Regulations on 16th April, 2007. If the person has subsequently entered and is residing illegally in the State she should be advised to present herself to the Irish Naturalisation and Immigration Service at 13/14 Burgh Quay, Dublin 2 without delay.

Citizenship Applications.

206. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when an application for naturalisation will be concluded in the case of persons (details supplied) in Dublin 15; and if he will make a statement on the matter. [13820/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Applications for certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship section of my Department in February 2008. The applications have not been examined in detail. Examination of the residency requirement will take place in the near future and the applicants will be informed at that time when their applications will be further examined or, of any shortfall in their residency.

207. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the reason the process of an application and approval for naturalisation is taking so long in the case of persons (details supplied) in Dublin 10; and if he will make a statement on the matter. [13821/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Applications for certificates of naturalisation from the persons referred to in the Deputy's question were received in the Citizenship section of my Department in September 2004. The files were forwarded to my predecessor for a decision in February 2007 and it was decided to defer making the final decision until April 2008. A letter informing the persons concerned of this was issued, via their solicitor, on 13 April 2007. The letter also requested that certain documentation be forwarded to the Citizenship section in April 2008 before a decision can be made. To date, none of these documents have been received. The applications will be forwarded to me for a decision once all documentation requested has been received.

Asylum Applications.

208. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if and when residency will be determined in the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [13822/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is not the practice to comment in detail on individual asylum applications. As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

Residency Permits.

209. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will allow extended residency on the basis of parentage of an Irish born child in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [13824/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned submitted an application for renewal of permission to remain in the State, under the revised arrangements for non-EEA parents of children born in Ireland prior to 1st January, 2005, commonly referred to as the IBC/05 Scheme. This application was received in my Department on 28th February, 2008. A request for additional supporting documentation issued to the person in question on 4th April, 2008. The renewal application will be considered further upon receipt of the requested documentation. In the interim the person concerned is advised to contact the Garda National Immigration Bureau, at 13/14 Burgh Quay, Dublin 2 to seek short term registration while the renewal application is under consideration.

Citizenship Applications.

210. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for naturalisation in the case of a person (details supplied) in County Laois; and if he will make a statement on the matter. [13825/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Officials in the Citizenship section inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

Refugee Status.

211. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question Nos. 206 of 6 March 2008 and 210 of 21 February 2008, if it is intended to convey the impression that once the Refugee Applications Commissioner and the Refugee Appeals Tribunal have made their respective decisions and that he has made or intends to make a deportation order, the person is then expected to be deported regardless of strong evidence that a serious threat to life and well-being exists in their homeland and if he will review the evidence in this case; and if he will make a statement on the matter. [13833/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An application for asylum is considered at first instance by the Office of the Refugee Applications Commissioner and, in the event of an appeal, by the Refugee Appeals Tribunal. The statutory brief of both of those bodies, as set out in the Refugee Act, 1996, as amended, is, *inter alia*, to make recommendations to the Minister for Justice, Equality and Law Reform, in each individual case, as to whether each applicant should, or should not, be declared to be a refugee. I, as Minister, decide whether to grant or refuse refugee status.

Similarly, following consideration of an application from a person who has been refused refugee status for consideration under Section 3 (6) of the Immigration Act, 1999, as amended, for temporary leave to remain in the State, I as Minister, decide whether to grant or refuse such leave to remain. Further, when temporary leave to remain in the State is refused by me pursuant to my statutory powers as Minister, this results in the signing of a deportation order by me.

The person concerned had his asylum claim examined by both the Refugee Applications Commissioner and the Refugee Appeals Tribunal, both of whom concluded that he did not meet the criteria for recognition as a refugee. His case was examined under Section 3(6) of the Immigration Act, 1999 as amended, and Section 5 of the Refugee Act, 1996 on the Prohibition of Refoulement. Consideration was given to representations received on his behalf from his legal representatives for temporary leave to remain in the State. On 10th December, 2004, my predecessor refused temporary leave to remain in the State and signed a deportation order in respect of him.

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter outside the State. On 7th September, 2007, the legal representatives of the person concerned were invited to make representations on behalf of their client setting out any new facts or circumstances which had arisen since the original decision to deport was made, which relate to a possible entitlement to Subsidiary Protection under the European Communities (Eligibility for Protection) Regulations, 2006 — Statutory Instrument No. 518 of 2006. Subsidiary Protection is a form of international protection offered to those persons who claim a risk of serious harm in their country of origin. It is available to those persons who are ineligible for or have been refused refugee status. As I previously advised in my reply to Dail Question No 200 of 8th November, 2007, no representations were received from the legal representative of the person concerned and on 3 October 2007 my officials wrote to the legal representative to advise that the time to make representations had passed.

The person concerned is currently evading his deportation and should present himself to the Garda National Immigration Bureau without further delay. The enforcement of the Deportation Order remains an operational matter for the Garda National Immigration Bureau.

Planning Issues.

212. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 507 of 11 March 2008, if he will provide a copy of the defence presented by his Department to the European Commission in respect of rural practice policies and practices; and if he will make a statement on the matter. [13624/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): On the basis of legal advice available to me, I am precluded from publishing or disseminating either the correspondence from the European Commission in relation to enquiries or investigations into possible infringements or the State's responses as these documents are regarded as part of possible legal proceedings. For this reason, I cannot provide specific details of my Department's response of 28 September 2007 to the issues raised by the Commission in its letter of formal notice of 27 June, regarding the "local needs" test for the granting of planning permission for one-off dwellings in rural areas.

However, once matters have been concluded and there is no longer any likelihood that possible proceedings could be undermined by the release of such documents, it is of course open to the Commission and the Department to release the correspondence. My Department will be pleased to make its papers available once the Commission has concluded its consideration of the issue and closed the case.

213. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government his views on the validity of residency clauses being applied in respect of planning permissions; the Government policy in this regard; and if he will make a statement on the matter. [13637/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Sustainable Rural Housing Guidelines for Planning Authorities, which were published in April 2005, are designed to strike a balance between establishing a good planning framework for rural housing and facilitating those who are part of or have links to local communities who want to build a house. The Guidelines consolidate the approach on rural housing in the National Spatial Strategy which aims at supporting rural communities and providing a framework within which they can develop economically and socially.

Section 39 of the Planning and Development Act 2000 provides that a condition attached to a grant of planning permission for a house may specify that the house must be occupied by persons of a particular class or description (i.e. an occupancy condition), with provision to that effect to be incorporated in an agreement under section 47 of the Act.

The Guidelines make it clear that occupancy conditions are only appropriate in certain cases, such as permissions being granted in areas close to the larger cities and towns which are under strong pressure for urban-generated development, and permissions being granted to a permanent resident in an area where there is an over-concentration of holiday or second-home development. The conditions also normally specify that planning authorities can give consent to the occupation of the dwelling by a different person with the same category of need as the applicant.

The approach set out in the Sustainable Rural Housing Guidelines in respect of the use of occupancy or residency clauses remains valid and I have no plans to alter them.

Special Areas of Conservation.

214. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the name and area of each bog in County Mayo designated under the EU habitat directive; the number of bog-owners in each of the bogs listed who have received compensation for the sale of their bog; and if he will make a statement on the matter. [13662/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested in the question is given in the following tables.

Raised Bogs nominated cSACs in 1999

No#	Year	Site Code	Site Name	County	Hectares of SAC	% of Raised Bog Habitat
1	1997	000457	Derrynabrock Bog	Mayo/Ros	Subsumed into SAC 2298	
2	1997	000497	Flughany Bog	Mayo/Sligo	231.09	47%
3	1997	000547	Tawnaghbeg Bog	Mayo	Subsumed into SAC 2298	
4	1999	000297	Lough Corrib	Galway/Mayo	25,253.37	2%
				Sub-totals	25,484.46	

Raised Bogs nominated cSACs in 2002

No#	Year	Site Code	Site Name	County	Hectares of SAC	% of Raised Bog Habitat
1	2002	002298	River Moy	Mayo/Ros/Sli	15,415.62	4%
				Sub-totals	15,415.62	4%
			Total SAC Raised Bog	Totals	40,900.08	

Blanket Bogs nominated cSACs in 1999

No#	Year	SAC	Site Name	County	Hectares of SAC	% of Blanket Bog Habitat
1	1997	000476	Carrowmore Lake Complex	Mayo	3,648.34	61%
2	1997	000500	Glenamoy Bog Complex	Mayo	12,901.80	59%
3	1997	000522	Louth Gall Bog	Mayo	362.74	72%
4	1997	000534	Owenduff/Nepin Complex	Mayo	27,063.61	50%
5	1997	000542	Slieve Fyagh Bog	Mayo	2,391.87	93%
6	1997	000633	Louth Hoe Bog	Mayo	3,215.41	38%
7	1997	001922	Bellacorick Bog Complex	Mayo	9,223.02	66%
8	1997	001932	Mweelrea/Sheeffry/Erriff Complex	Mayo	20,991.24	55%
				Sub-totals	79,798.03	

There have been 12 applications for sale of designated raised bog in County Mayo under the bog compensation scheme. There is relatively little raised bog habitat in Co. Mayo. My Department does not normally purchase blanket bog.

Departmental Bodies.

215. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government if a review of An Bord Pleanála has taken place since its foundation in 1977; and if he will make a statement on the matter. [13665/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In 1990, a Review Group was established by the then Minister for the Environment to undertake a review of the systems and procedures of An Bord Pleanála. The review was designed to identify any changes that might be made to support the most expeditious disposal of appeals while ensuring that the Board's procedures are adequate and fair for their purpose. The Review Group presented its report in January 1991.

The Planning and Development Act 2000 also provides for the independent review of the performance of the Board by the Oireachtas and by the Comptroller and Auditor General. Under Section 117 of the Act the Board must submit its accounts for audit by the Comptroller and Auditor General each year. Both the accounts and the Annual Report of An Bord Pleanála must be laid before both Houses of the Oireachtas. As part of these processes, the Chairman of the Board is required to appear before the Committee of Public Accounts and the Joint Committee on the Environment, Heritage and Local Government to review the performance of the Board during the year in question.

In 2002 the Comptroller and Auditor General conducted a Value for Money examination of the planning appeals system. The Board also monitors and reviews its performance and its internal procedures on an ongoing basis.

Special Areas of Conservation.

216. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the reason it is taking three years to complete the purchase of designated bogs; the steps which he is taking to expedite these purchases by his Department; and if he will make a statement on the matter. [13704/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The purchase of designated bogland may be complicated by the different types of land-ownership interests involved, either of the owner or third parties, and therefore can be time consuming from initial application to final closure of contract. Full title to the land must be proven, together with any third party rights. The primary matters which may cause delay include difficulty in sourcing surveyors to carry out inspections, problems in the resolution of title, other legal queries and time involved in processing by the Chief State Solicitor's Office or the landowner's own legal advisers.

My Department has taken steps to speed up the processing of the hundreds of requests on hands, including through the deployment of staff on secondment from the Department of Agriculture, Fisheries and Food, use of overtime and employment on contract of a number of additional surveyors. This has resulted in a significant increase in the rate of processing of applications within the Department; however delays in complex conveyancing procedures can sometimes be unavoidable.

Housing Aid for the Elderly.

217. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government the situation regarding Galway City Council which is unable to implement the housing grant scheme in particular the housing aid for the elderly scheme which was due to be administered through local authorities from 1 April 2008 but are unable to do so because of the lack of staff and resources; and if he will make a statement on the matter. [13729/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): I understand that Galway City Council has been experiencing difficulties as regards the operation of the Housing Aid for Older People Scheme, due to staffing

issues. However, I have been advised by the Council that arrangements are currently being put in place to ensure a sufficient level of staffing to administer the scheme in the Galway City area, pending the completion of ongoing discussions with the HSE on a number of issues, including the allocation of staffing.

I understand that there are no difficulties as regards the operation, by Galway City Council, of the Housing Adaptation Grant for People with a Disability Scheme or the Mobility Aids Grant Scheme.

Local Government Elections.

218. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the reason he decided not to increase the number of councillors in Fingal County Council in view of the unusually high ratio of councillors to population for a county council; and if he will make a statement on the matter. [13743/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The number of elected members in each local authority is set out in section 21 and schedule 7 of the Local Government Act 2001. The Programme for Government contains a commitment to publish a Green Paper on Local Government Reform, which will examine a number of issues in relation to the organisation of local government. The Green Paper will be published shortly; a White Paper on Local Government Reform will follow. As part of this reform process I will give consideration to those parts of the Local Government Act 2001 which have not yet been commenced, including section 22 which provides for the alteration of the number of members of a local authority.

I have established two Committees to review local electoral areas and to report to me not later than 20 June 2008. The Committees are to review the ratio of population to elected members in each local electoral area with a view to ensuring a reasonable relationship between the current population and representation within each local authority. For this purpose, and in keeping with the current legislative position, the Committees are to assume no change in the total membership of each local authority. I will consider the Committees' reports as the basis for a revision of the local electoral areas for use at the local elections to be held in 2009.

Fisheries Protection.

219. **Deputy Michael Ring** asked the Minister for Communications, Energy and Natural Resources the number of holders of drift-net fishing licences in County Mayo who benefited from the scheme of compensation for drift-net fishing licence holders, who ceased availing of said licences in the years 2007 and to date in 2008; the amount of compensation paid under the scheme for compensation in respect of drift-net licence holders in 2007 and to date in 2008. [13731/08]

220. **Deputy Michael Ring** asked the Minister for Communications, Energy and Natural Resources the number of holders of draft net-fishing licences in County Mayo who benefited from the scheme of compensation for draft-net fishing licence holders, who ceased availing of said licences in the years 2007 and to date in 2008; the amount of compensation paid under the scheme for compensation in respect of draft-net licence holders in 2007 and to date in 2008. [13732/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 219 and 220 together.

[Deputy Eamon Ryan.]

The Salmon Hardship Scheme to which the Deputy refers was administered by An Bord Iascaigh Mhara (BIM) and the regional fisheries boards. The closing date for making claims under the scheme was 31 December 2007. In March 2008, BIM published a report on the performance of the scheme and a copy can be downloaded from BIM's and my Department's websites.

According to that report, the number of holders of drift and draft net fishing licences in County Mayo who benefited from the hardship scheme was 97. A breakdown between both categories is not available at this stage. A further four cases are currently under appeal.

No drift net licences, which indiscriminately exploit mixed salmon stocks, were made available in 2007 or will be available in 2008 in the three fishery districts of County Mayo. The number of draft net licences available for issue in the Bangor and Ballinakill fishery districts, as set down in the Control of Fishing for Salmon Order, SI No 129 of 2007, was 42 in 2007. I understand that 40 draft net licences were issued by the fisheries boards for the 2007 season in County Mayo. No licences were available in the Ballina fishery district in 2007 or will be in 2008. Those who took up the licences had not availed of the hardship scheme as claimants are required to give an undertaking not to apply for a licence in the future in accordance with the terms of the scheme. The closing date for applications for a similar number of draft net licences to fish the 2008 season is 18 April.

According to the BIM report, a total of €22,043,078m has been claimed under the scheme by former drift and draft net licence holders of which €10,505,387 was paid in 2007 and €8,814,332 is due to be paid in 2008. A breakdown for County Mayo will be made available to the Deputy as soon as possible.

Grant Payments.

221. **Deputy Deirdre Clune** asked the Minister for Communications, Energy and Natural Resources the support available to owners of older houses in need of insulation or alternative heating systems to ensure these houses become more energy efficient; and if he will make a statement on the matter. [13670/08]

223. **Deputy Áine Brady** asked the Minister for Communications, Energy and Natural Resources the grants available to retro-fit wall and attic insulation in domestic dwelling houses (details supplied); and if he will make a statement on the matter. [13698/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 221 and 223 together.

I have provided €2.5 million to Sustainable Energy Ireland (SEI) in 2008 to fund the Warmer Homes Scheme. This scheme provides insulation and other energy efficiency solutions to low income homes across Ireland. The service is coordinated by SEI and is delivered principally through community based organisations. The scheme is targeted at householders who are in receipt of the Fuel Allowance, Disability Benefit or Invalidity Benefit and is provided either free of charge or for a nominal fee (less than €100). One of the grant aided community based organisations (Clondalkin Home Improvement Project — contact 01-4670344) covers the greater Dublin area and may be able to assist in the specific case referred to in question number 223.

I have provided €26 million to SEI in 2008 for the Greener Homes Scheme. This scheme provides grants to homeowners investing in domestic renewable energy heating technologies,

including solar panels, biomass boilers and stoves and heat pumps. The Scheme is administered by SEI.

My Department and SEI are finalising the details of a €5 million Pilot Home Energy Saving Scheme, which will be launched shortly. The pilot scheme, in 2008, will inform decisions in relation to the roll out of a national energy efficiency scheme for the residential sector in line with the Programme for Government commitment.

My colleague, John Gormley T.D., Minister for the Environment, Heritage and Local Government, introduced a new Housing Aid for Older People Scheme on 1 November 2007, with the aim of providing targeted support to improve conditions in the existing housing of older people. The scheme may assist with works that can improve the energy efficiency of homes, such as insulation, provision of central heating and repair or replacement of windows and doors. Application is through local authorities.

ESB Dividend Policy.

222. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the dividend policy agreed between the ESB, his Department and the Department of Finance; the freedom the ESB has in individual years; the proportions of profits to pay in dividends; if his Department or the Department of Finance can demand particular amounts in individual years; and if he will make a statement on the matter. [13692/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Decisions on annual dividend payments to shareholders are a matter in the first instance for the board of ESB.

The Electricity (Supply) (Amendment) Act 2001, while providing for the establishment of an Employee Share Ownership Plan, also repealed the company's break-even mandate which had existed since 1927. This, in essence, means that the ESB may declare and pay dividends in a manner akin to a commercial public limited company.

However, any decision by the Board regarding declaration of a dividend is made in the context of policy agreed jointly between my Department, the Department of Finance and the company. This agreement saw an increase in Dividends declared from 25% of profits in 2002 to 30% in more recent years.

Preliminary consideration is being given to the review of dividend policy for the ESB. The matter is to be more fully addressed in the broader context of ESB's commitments in light of the Programme for Government and the Government's Energy Policy Framework 2007–2020 and as reflected in the company's new corporate directions in support of sustainable energy and climate change goals.

As ESB is a commercial body operating in an increasingly competitive energy market, the outcome agreed with the shareholding Departments is commercially sensitive and will not be for public release. However, the amounts of dividends paid by ESB to the Exchequer are available in the company's published Annual Reports and Accounts.

Question No. 223 answered with Question No. 221.

Appointments to State Boards.

224. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the people who sit on the board of the ESB; the members of the board who have been appointed by himself and their relevant qualifications; and if he will make a statement on the matter. [13742/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Board of ESB comprises 12 members, eight of whom are appointed by Government and 4 of whom are elected employee members, appointed by the Minister for Communications, Energy and Natural Resources.

The following table sets out the relevant details.

Board Members	Appointing Authority	Relevant Qualifications
Lochlan Quinn (Chairman with effect from 22/01/08)	Government	Chairman of AIB Bank (1997-2003)
Padraig McManus (Chief Executive)	Government	Chief Executive
Georgina Kenny	Government	Business Woman/Solicitor
Eoin Fahy	Government	Chief Economist
Brendan Byrne	Government	Chartered Accountant
Garry Keegan	Government	Businessman
Seán Conlan	Government	Businessman
Seamus Mallon	Government	Politician
<i>Elected Employee Members</i>		
John Coleman	Minister for Communications, Energy & Natural Resources	ESB Employee
Tony Merriman	Minister for Communications, Energy & Natural Resources	ESB Employee
John Nugent	Minister for Communications, Energy & Natural Resources	ESB Employee
Bob Yeates	Minister for Communications, Energy & Natural Resources	ESB Employee